NSW GOVERNMENT | Planning & Infrastructure

MAJOR PROJECT ASSESSMENT:
Residential Development Buildings 6, 9 & 10
61 Mobbs Lane, Epping- Former Channel 7 site
MP11_0048

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

May 2012

ABBREVIATIONS

BCA	Building Code of Australia
CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment dated July 2011
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the Environmental Planning and Assessment Act 1979
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report dated January 2012
Proponent	Meriton Apartments Pty Ltd

Cover Photograph: Aerial photograph of the site

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EXECUTIVE SUMMARY

This is an assessment report for a project application lodged by Meriton Apartments Pty Ltd (the proponent) which seeks approval for the construction of three residential flat buildings pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act).

The development is located at 61 Mobbs Lane, Epping and is located within the Parramatta local government area. This project has a Capital Investment Value of $68,860,995 and will create 250 full time equivalent construction jobs and 5 operational jobs.

The proposal seeks approval for the construction of 'Stage 2' residential development at the site, being residential flat buildings 6, 9 & 10 of the approved concept plan (MP05_0086, as modified). The buildings are a maximum of six storeys in height and will provide a total of 187 units, including 20 adaptable units. The proposal also includes the construction of a retail shop, community room, an enclosed pool and gymnasium room, the refurbishment of a tennis court, and associated basement parking and landscaping.

Stage 1 of the residential development, which comprises Buildings 4 & 5 (MP08_0257), Buildings 1, 2 & 3 (MP10_0107) and Buildings 7 & 8 (MP10_0158), was the subject of three separate project applications. These applications have already been approved by the Planning Assessment Commission (PAC).

State Environmental Planning Policy (Major Development) 2005 lists the site as a State significant site under Schedule 3, Part 4 – Channel 7 site. The proposal is permissible and is consistent with the objectives of the zone.

The Environmental Assessment (EA) was exhibited for 30 days from Wednesday 10 August 2011 to Friday 9 September 2011. The department received 7 submissions from public authorities and 6 submissions from the public. Parramatta City Council raised concerns that the building heights proposed are excessive (6-storeys maximum). Key issues raised in submissions include:

- compliance with the approved concept plan and state significant site controls
- residential amenity
- car parking
- construction impacts.

The proponent submitted a Preferred Project Report (PPR) on 12 January 2012 and PPR Addendum on 4 April 2012, which made the following notable amendments:

- the removal of Building 17. Stage 2 will include residential Buildings 6, 9 and 10 only
- the removal of 92 car spaces for a total car space provision of 240 spaces.

The department considers that the proposed residential development is generally consistent with the approved concept plan (as modified) and is suitable for the subject site. The department has assessed the merits of the proposal and is generally satisfied that the impacts of the proposed development have been satisfactorily addressed within the EA, PPR, PPR Addendum, Statement of Commitments and the department's recommended conditions of approval, subject to the following design amendments:

- the provision of an additional 23 basement car spaces (to comply with approved car parking rates)
- the modification of east facing apartments of Building 9 facing Building 8 (to comply with RFDC amenity requirements).

The proposal demonstrates appropriate urban design providing high quality amenity for residents, while satisfactorily maintaining the amenity of existing surrounding residents within the locality. The proposal assists with the orderly redevelopment of the former Channel 7 site and will contribute towards the long term dwelling targets within the Draft West Central Subregional Strategy.

For the reasons outlined above, the proposal is recommended for **approval**, subject to conditions.

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1. BACKGROUND

1.1. Site Description

The site is located in Epping, approximately 24km north-west of the Sydney CBD within the Parramatta local government area (refer Figure 1). The site lies in the southern end of Epping, Carlingford lies to the west, while Eastwood lies to the south and east. The site is described as the former Channel 7 site, having previously been used by Channel 7 for their television studios and associated facilities.

The site has a total area of 8.9 hectares, with a frontage of approximately 500m to Mobbs Lane. Access to the site is from the eastern end of Mobbs Lane. The site is equidistant from Epping and Eastwood train stations, which are both located approximately 1.5km away.

The site lies in a residential area, which is predominantly characterised by detached residential dwellings. Sydney Institute of TAFE is located to the north, and the former Eastwood Brickpit (currently being redeveloped for residential development) is located to the south. Mobbs Lane Reserve is located to the west of the site.

Figure 1: Site Location (Source: Google)

1.2. Previous Applications

Concept plan

On 22 August 2006, concept plan approval was granted for the redevelopment of the site (MP05_0086) by the then Minister of Planning. The approval included provisions for the maximum number of units (650 units), maximum building heights (6-storeys), building layout, gross floor area, floor space ratio and requirements relating to dwelling mix and minimum public open space provisions. Refer to Figure 2 for the original concept plan layout.

On 23 December 2008, approval was granted for modifications to the concept plan (MP05_0086 MOD1) by the then Minister for Planning. Modifications were made relating to contamination, landscaping (temporary marketing suite), archaeology and geotechnical matters.

On 21 February 2011, approval was granted for modifications to the concept plan (MP05_0086 MOD2) by the then Minister for Planning which included an increase in the maximum number of permissible dwellings (from 650 to 800), an amendment of the definition of gross floor area, deletion of references to 'total envelope area' and '73 dwellings per hectare' and an increasing of open space (from 8,700m^2 to 12,965m^2). Refer to Figure 3 for the approved concept plan layout.

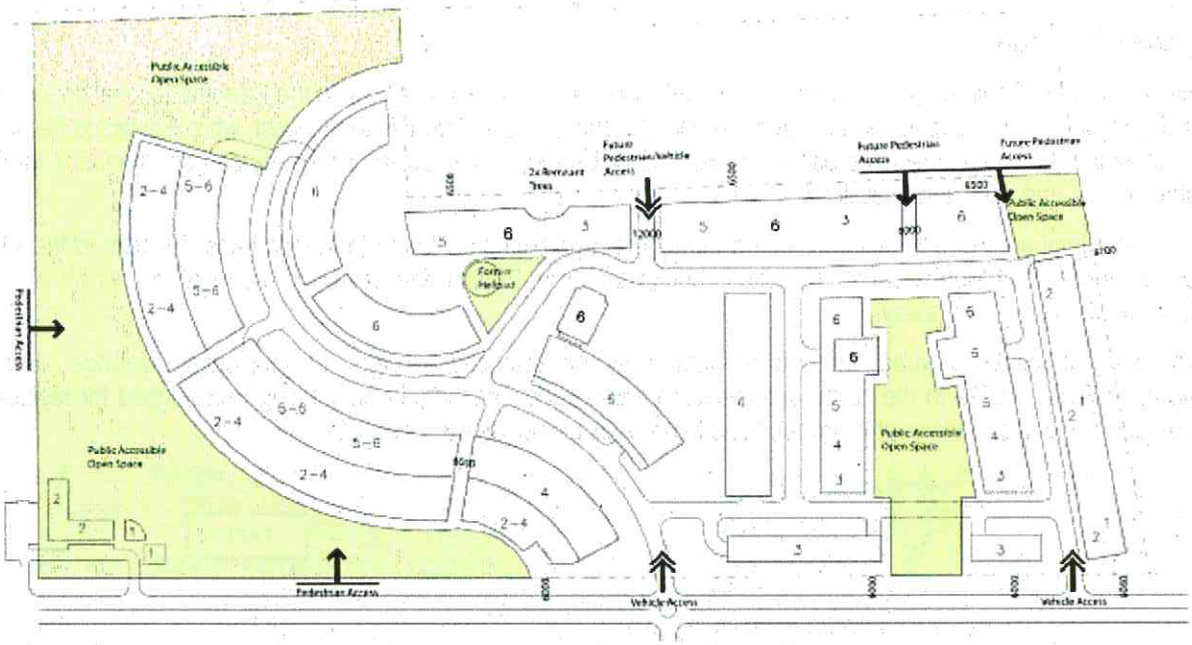

Figure 2: Original concept plan layout (Source: Concept plan Modification Proposal, PPR)

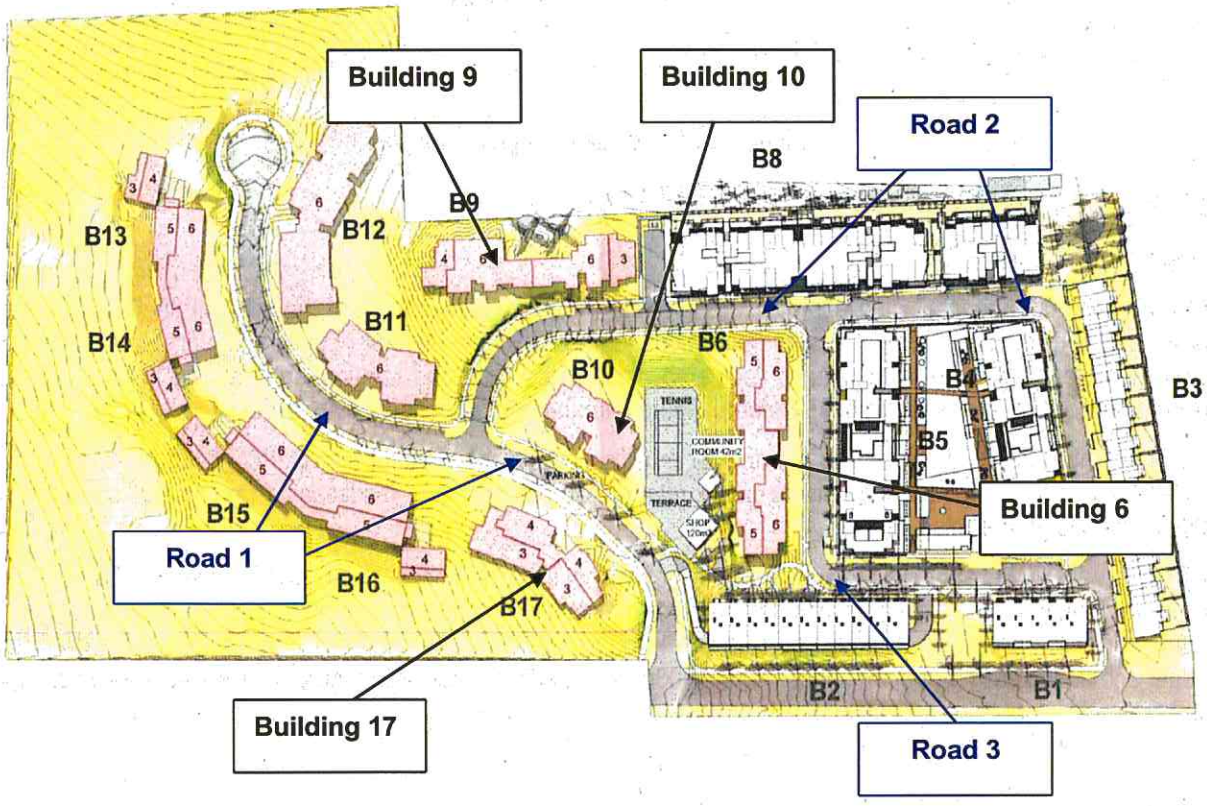

Figure 3: Approved concept plan layout, as modified (Source: Concept plan Modification 2 Proposal, PPR)

Early Works

On 14 July 2010, approval was granted for the Early Works Package (MP08_0258) by the Planning Assessment Commission (PAC). This approval related to the demolition of existing structures, the construction of internal and external roads, utilities, stormwater management works, tree removal, the provision of a child care centre and tennis court to south-west of corner of site, and private residential facilities in the centre of the site.

On 22 November 2010, approval was granted for modifications to the early works approval (MP08_0258 MOD1) by the PAC. Modifications related to tree removal, stormwater, roadworks, the wetlands to the west of the site and the relocation of the tennis court to the centre of the site.

On 25 August 2011, approval was granted for further modifications to the early works approval (MP08_0258 MOD2 and MP08_0258 MOD3) by the PAC. Modifications related to tree removal and subdivision amendments to clarify staged community titling of residential development.

Stage 1 Residential Development

Buildings 4 & 5 (MP08_0257)

On 15 September 2010, approval was granted for the construction of Buildings 4 and 5 by the PAC. These are located in the central eastern part of the site coloured blue in Figure 4, providing a total of 134 units, basement parking and landscaping.

Four modifications to Buildings 4 & 5 have been approved. MP08_0257 MOD1 which varied the timing of execution of the Voluntary Planning Agreement was approved on 27 January 2011 by the PAC. MP08_0257 MOD2 contained various elevational amendments and was approved on 20 June 2011 by the PAC. MP08_0257 MOD3 and MP08_0257 MOD4 were approved on 28 November 2011 and 24 January 2012 respectively by the Deputy Director-General, Development Assessment and Systems Performance under delegation. These modifications allow for the strata subdivision of the buildings and include the deletion of various conditions relating to the timing of the subdivision certificate, street numbering and the post construction dilapidation report.

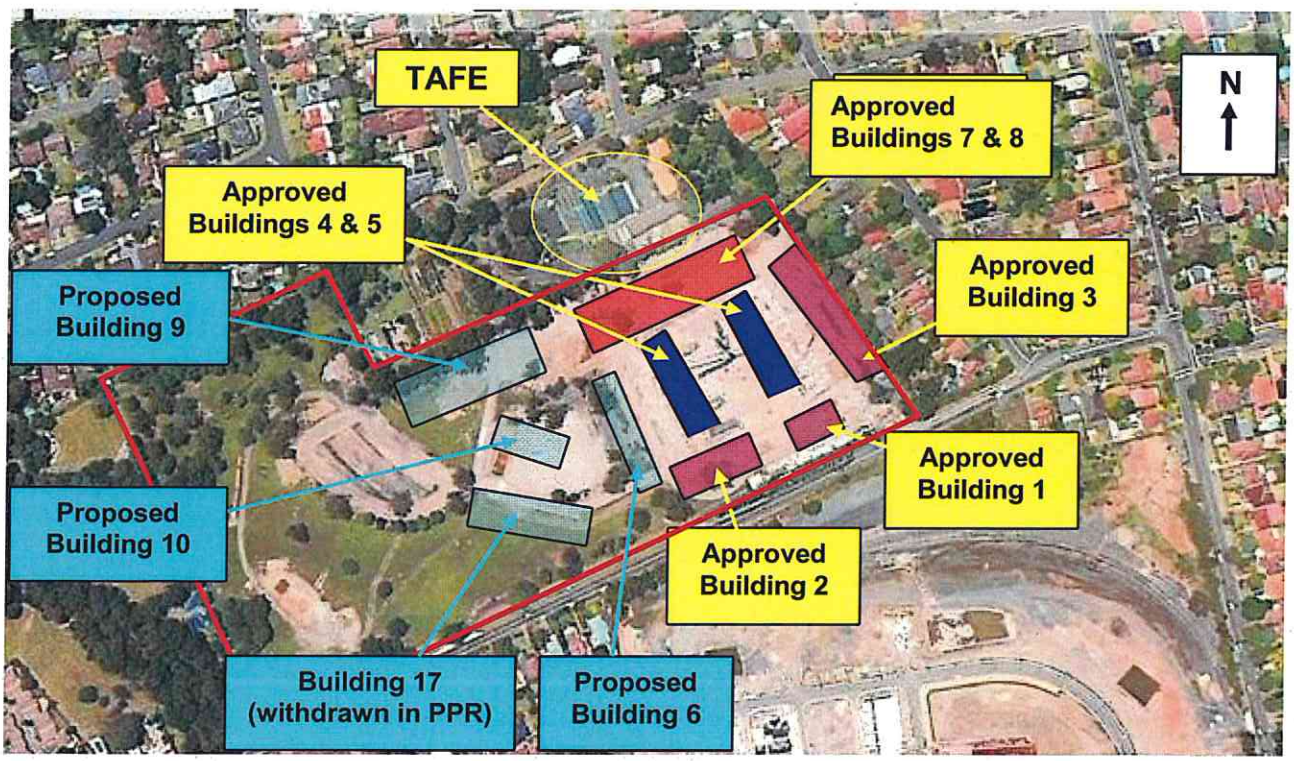

Figure 4: Approximate locations of residential buildings (Source: Stage 1 Project Application)

Buildings 1, 2 & 3 (MP10_0107)

On 17 January 2011, approval was granted for the construction of Buildings 1, 2 and 3 by the PAC. These are located along the southern and eastern boundaries of the site coloured purple in Figure 4, providing a total of 28 dwellings, basement parking and landscaping.

Buildings 7 & 8 (MP10_0158)

On 12 July 2011, approval was granted for the construction of Buildings 7 & 8 by the PAC. These are located along the north-eastern boundary of the site coloured red in Figure 4, providing a total of 127 dwellings, basement parking and landscaping. Collectively, Buildings 4 & 5, Buildings 1, 2 & 3 and Buildings 7 & 8 comprise 'Stage 1' residential development.

A first modification to Buildings 7 & 8 was approved on 28 November 2011, allowing strata subdivision of the subject buildings. This was approved by the Deputy Director-General, Development Assessment and Systems Performance under delegation. A second modification was approved on 12 March 2012 for minor elevational details. This was also approved by the Deputy Director-General under delegation.

1.3. Construction progress

At the time of writing, construction works for Buildings 4 & 5 were completed in February 2012. Buildings 1, 2 & 3, and Buildings 7 & 8 were under construction. The construction of internal road works had commenced in the eastern part of the site, and selective tree felling had commenced in accordance with the early works modification approval.

2. PROPOSED PROJECT

2.1. Project Description (Original EA)

The Environmental Assessment (EA) proposal sought Project Approval for the construction of 'Stage 2' residential development which comprised the following:

- Construction of four (4) residential flat buildings, Buildings 6, 9, 10 & 17, including separate basement levels, ranging in height between 3 and 6 storeys
- 221 apartments, including 14 x 1-bedroom apartments, 203 x 2-bed apartments and 4 x 3-bedroom apartments
- 24 adaptable apartments (included within the 221 apartments)
- 326 basement car parking spaces, including 24 adaptable spaces
- 17 off-street visitor car spaces
- a 110m^2 retail shop
- refurbishment of tennis court
- associated landscaping around buildings.

2.2. Project Amendments

Following the public exhibition of the EA, the department advised the proponent of a number of issues which required further consideration. The proponent subsequently prepared a Preferred Project Report (PPR) received by the department on 12 January 2012.

These outstanding issues were not considered to be satisfactorily addressed and further amendments were requested by the department. Accordingly, on 4 April 2012, a PPR Addendum was submitted by the proponent. The submission of the PPR and PPR Addendum resulted in a number of modifications to the EA proposal. The final development is summarised as follows:

- the removal of Building 17 from 'Stage 2' residential development. Stage 2 will comprise three buildings only, being Buildings 6, 9 & 10
- removal of 34 apartments for a total provision of 187 apartments, comprising 15 x 1-bedroom apartments, 170 x 2-bed apartments and 2 x 3-bedroom apartments
- removal of 4 adaptable apartments for a total provision of 20 adaptable apartments (included within 187 apartments)
- removal of 92 car spaces for a total provision of 240 car spaces, including 52 visitor parking spaces (including 13 on-street spaces), 13 adaptable spaces and 3 car wash bays
- 62 bicycle spaces
- 120m^2 retail shop
- 42m^2 community room
- refurbishment of tennis court
- construction of an enclosed swimming pool and gymnasium room
- associated landscaping around buildings.

Further detail of the proposal is detailed in Table 1 below. Images of the final proposal are illustrated in Figures 5, 6, 7 and 8.

Table 1: Key Components of the Project

Building	Description
Building 6	5 and 6-storey building fronting 'Road 3' and overlooking the tennis court/shop with vehicular access via 'Road 2' (see Figure 2 & 5). Comprises 74 x 2-bed apartments, 2 x 3-bed apartments plus 10 adaptable apartments. Basement parking over 2 underground levels for 98 spaces including 19 visitor parking spaces, 4 adaptable spaces and one car wash bay. Bicycle parking for 25 spaces in basement. Total GFA: 7,253m².
Building 9	3, 4, 5 and 6-storey building fronting 'Road 2' with northerly views to neighbouring TAFE site with car parking access via 'Road 2' (see Figure 2 & 6). Comprises 9 x 1-bed apartments, 63 x 2-bed apartments plus 6 adaptable apartments. Basement parking over two underground levels for 86 car spaces including 14 visitor parking spaces, 4 adaptable spaces and one car wash bay. Bicycle parking for 24 spaces in basement. Provision of 3 on-street visitor car parking spaces. Total GFA: 7,088m².
Building 10	6-storey building fronting 'Road 1' adjacent the tennis court with vehicular access via 'Road 1' (see Figure 2 & 7). Comprises 6 x 1-bed apartments, 33 x 2-bed apartments plus 4 adaptable apartments. Basement parking over one underground level for 50 car spaces, including 6 visitor parking spaces, 2 adaptable spaces and one car wash bay. Bicycle parking for 13 spaces in basement. Provision of 4 on-street visitor car parking spaces. Total GFA: 3,648m².
Shop and Recreational Facilities	2-storey building fronting 'Road 1' with access via 'Road 1' (see Figure 8). Comprises 120m² retail shop, 42m² 'community room', outdoor tennis court, indoor pool and gymnasium room. Provision of 6 on-street visitor car parking spaces. Total GFA: 162m².

Figure 5: Building 6 photomontage as viewed from the west (Source: Additional Information Report)

Figure 6: Building 9 photomontage as viewed from the south (Source: Additional Information Report)

Figure 7: Building 10 photomontage as viewed from the south (Source: Additional Information Report)

Figure 8: Retail shop and enclosed swimming pool photomontage as viewed from the south (Source: Additional Information Report)

2.3. Project Need and Justification

NSW 2021

The NSW 2021 document seeks to deliver attractive and sustainable development through increasing the supply of affordable housing within existing urban areas, with access to existing centres, services and public transport. The proposal supports the objectives of NSW 2021, through the provision of greater housing supply and choice as well as utilising existing public transport and other physical infrastructure. This proposal therefore provides an important opportunity to redevelop a site which supports these aims, which is currently underutilised.

Sydney Metropolitan Plan for Sydney 2036

The Sydney Metropolitan Plan was released on 16 December 2010. It is a strategic document which guides the development of the Sydney metropolitan area towards 2036. The Plan establishes housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs by 2036. The Plan identifies targets for the west central subregion for an additional 96,000 dwellings and an additional 98,000 jobs by 2036. The Plan seeks at least 70% of new dwellings to be located within existing urban areas.

The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting the targets for new dwellings and jobs through its delivery.

Draft West Central Subregional Strategy

The site falls within the area defined as the Draft West Central Subregional Strategy. The Subregional Strategy currently targets the provision of an additional 61,000 jobs and 95,500 dwellings for the region by 2031. Parramatta LGA has a total employment capacity target of 27,000 jobs and 21,000 additional dwellings. Epping is the nearest centre, located 1.4 kilometres from the site and is identified as a town centre within the strategy, and is also identified as being a centre likely to experience both significant employment and housing growth. The proposal will assist in contributing towards the identified dwelling capacity targets for Parramatta LGA.

3. STATUTORY CONTEXT

3.1. Major Project

The project is one to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies because it is development of a kind that is described in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) as was in force at the time namely 'Part 4 – Channel 7 site' and has a Capital Investment Value (CIV) of more than $5 million (proposed CIV is $68,860,995). Therefore the Minister for Planning and Infrastructure or delegate is the approval authority.

Despite its repeal on 1 October 2011, Part 3A continues to apply to certain projects, described as transitional Part 3A projects, pursuant to Schedule 6A of the Act. The subject project application is such a project as the Director-General's Requirements were issued before 8 April 2011.

The Minister for Planning and Infrastructure has delegated his functions under section 75J of the Act to the Deputy Director-General if the local council has not objected to the application, or the proponent has not made a political donation, or if there are no more than 25 public submissions in the nature of objections.

As Parramatta City Council does not object to the proposal, the proponent has not made a political donation on this application, and less than 25 public submissions were received, the application can be determined under delegation by the Deputy Director-General.

3.2. Permissibility

The Major Development SEPP lists the site as a State Significant Site (SSS) under Schedule 3, Part 4 – Channel 7 site. Clause 7 of Part 4 zones the land the subject of this application, General Residential (R1) and Public Recreation (RE1), see *Figure 9*.

The proposal is permissible and consistent with the zone objectives.

Figure 9: Zoning plan for the former Channel 7 site (Source: Major Development SEPP)

3.3. Environmental Planning Instruments

In accordance with sections 75(2)(d) and 75(2)(e) of the EP&A Act, the proposal has been assessed in relation to all relevant State Environmental Planning Policies (SEPPs) and the relevant environmental planning instruments (EPIs) that would (except for the application of Part 3A), substantially govern the carrying out of the project. The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D.**

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 of the Act. The relevant objects are:

(a) to encourage:
- *(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- *(ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- *(iii) the protection, provision and co-ordination of communication and utility services,*
- *(iv) the provision of land for public purposes,*
- *(v) the provision and co-ordination of community services and facilities, and*
- *(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- *(vii) ecologically sustainable development, and*
- *(viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal complies with the objectives of the EP&A Act as it will facilitate the orderly development of the site. The residential development will provide social and economic benefits through the provision of additional housing opportunities and short term and ongoing employment opportunities. The proposal also has an acceptable performance in relation to ESD principles and complies with BASIX requirements. The proposal does not raise any issues with regards to the objects under the Act.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

(a) the precautionary principle,
(b) inter-generational equity,
(c) conservation of biological diversity and ecological integrity,
(d) improved valuation, pricing and incentive mechanisms.

The project is consistent with the key principles of the ESD. A further detailed assessment against ESD Principles is at **Appendix D**.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment publicly available for at least 30 days. The department publicly exhibited the Environmental Assessment from Wednesday 10 August 2011 until Friday 9 September 2011 (30 days) on the department's website and at the following exhibition locations:

- Department of Planning and Infrastructure Head Office, 23-33 Bridge Street, Sydney
- Parramatta City Council, 30 Darcy Street, Parramatta
- Epping Library, Chambers Court (off Pembroke Street), Epping.

The department advertised the public exhibition in the *Daily Telegraph*, *Sydney Morning Herald*, *Parramatta Advertiser*, *Northern District Times* and the *Parramatta Sun* on 10 August 2011. Landholders and relevant state and local government authorities were notified by the department in writing including the following:

- Parramatta City Council
- Transport NSW
- Roads and Traffic Authority
- State Transit Authority
- Railcorp Property
- Endeavour Energy
- Sydney Water
- Office of Environment and Heritage.

This satisfies the public consultation requirements listed under section 75H(3) of the EP&A Act.

Following the receipt of the PPR from the proponent, the department advised those agencies and members of the public from whom submissions were received. A summary of the issues raised in submission is provided below. The Additional Information Report was also forwarded to Parramatta City Council for final comment.

4.2. Public Authority Submissions

Submissions were received from six public authorities/agencies following public exhibition. Summaries of submissions are included below.

Parramatta City Council

Parramatta City Council prepared submissions relating to the EA, PPR and PPR Addendum. Council confirmed that the proposal as described in the EA was generally consistent with the approved concept plan (MP05_0086) however raised specific issues relating to:

- concern with building heights
- inconsistency with approved building envelopes
- inconsistency with approved building setbacks
- insufficient car parking
- insufficient disabled car parking
- inconsistency with SEPP 65

Comment

The above issues are discussed in Section 5. The department considers that the proposal is generally consistent with the concept approval, and that the proposal outlined in the PPR Addendum satisfactorily addresses council's concerns.

Roads and Martime Services (RMS) (formerly Roads and Traffic Authority)

The RMS indicated that the proposed car parking spaces for buildings 6, 9 & 10 (240 spaces) are above the minimum 200 car parking spaces specified by the RTA's *Guide to Traffic Generating Developments Version 2.2* (2002). Accordingly, the RMS confirmed that the department should be satisfied with the proposed number of car spaces.

The RMS confirmed that the PPR satisfactorily addressed the issues previously raised by the RTA including traffic engineering requirements and standards relating to car parking areas, circulation ramps, basement turning paths, internal aisle marking, basement headroom clearance and signage, waste collection and sight lines.

Comment

There are no outstanding issues of concern to the RMS.

State Transit Authority (STA)

The STA reiterated the issues previously raised by the authority relating to the Early Works proposal. The issues related to road and bus stop improvement proposals on Mobbs Lane, the requirement for a 'Bus Servicing Report', construction timing for road improvement works and the construction traffic management plan.

Comment

There are no outstanding issues of concern to the STA.

Department of Transport (DoT)

The DoT notes the provision of bicycle parking within the basement levels, however requires the inclusion of at-grade bicycle spaces for visitors. Such facilities should be weather protected, near building entrances and subject to high casual surveillance. Travel Access Guides for residents to encourage public and active transport use are required by DoT and it was requested that this requirement be imposed in the granting of any project approval.

Comment

This matter has been addressed by the department via a planning condition.

Office of Environment and Heritage (OEH)

The OE&H raised no comments regarding this project application.

Sydney Water

Sydney Water advised that the existing drinking water system has sufficient capacity for the proposal. The existing waste water system, however does not have capacity to service the proposal, and it was advised that a new access chamber and 300mm waste water main will need to be constructed. Sydney Water will further assess the impact of any subsequent development on the water infrastructure when the proponent applies for a Section 73 Certificate.

Comment

Subject to the imposition of appropriate planning conditions, there are no outstanding issues of concern to Sydney Water.

Endeavour Energy

Endeavour Energy advised that apartments in Stage 2 may be supplied with electricity from the existing high voltage network. The supply will need to be of underground construction and will require the provision of a substation on the Stage 2 site to allow low voltage supplies to the apartments. The proponent will be required to submit an 'Application for Connection of Load' to facilitate the development.

Stage 3 residential development will require a number of new substations to ensure low voltage supplies may be provided for apartments.

Comment

There are no outstanding issues of concern to Endeavour Energy.

4.3. Public Submissions

Six submissions were received from the general public, including one late submission. The key issues raised in the public submissions are listed in Table 2. Several concerns raised in public submissions related to issues already dealt with in the approved concept plan approval and Early Works approval including traffic and congestion, over-development and parking. As these issues have already been considered and were satisfactorily resolved, further consideration of these issues is not warranted. As such, only the key issues that are directly related to the current application are considered relevant in the department's assessment of the application.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions
Increased traffic/congestion	100%
Out of character for area/overdevelopment	100%
Inadequate public transport	40%
Inadequate parking at Epping/Eastwood stations	60%
Lack of infrastructure, including stormwater drainage and schools	40%
Impact to residential amenity	40%
Inadequate visitor parking	20%
Road safety	20%
Air pollution	20%
Loss of biodiversity	20%

5. ASSESSMENT

The department considers the key issues for the project as:

- Compliance with concept plan approval
- Compliance with State significant site controls
- Residential amenity
- Car parking
- Construction Impacts

5.1. Compliance with concept plan approval

The department has reviewed the Stage 2 proposal with respect to the existing concept plan approval (MP 05_0086 MOD 2) and is satisfied that the proposal generally demonstrates compliance with this approval (refer Figure 3 for concept plan layout). The proposal was assessed with respect to building height, building envelope and landscaping. Compliance with other matters approved under the concept plan including gross floor area, unit mix, open space requirements and the requirement for a neighbourhood shop were also considered.

Building Height

The Stage 2 proposal is compliant with the concept plan with regards to building height. The concept plan specifies an overall limit of 6-storeys across all three buildings, dropping down to 5-storeys on Building 6 and broken up with 3-storey and 4-storey elements on Building 9. The proposal accords to the maximum height limit of 6-storeys and generally complies with the building height variations required by the concept approval.

Consistency with building height limits was achieved following amendments contained within the 'Additional Information Report', which reduced the height of Building 9 from that originally proposed in the EA and PPR. Due to the topography of the land, the western section of Building 9 appeared as a 7-storey element and the basement level protruded above ground level, which raised concerns from the department and council.

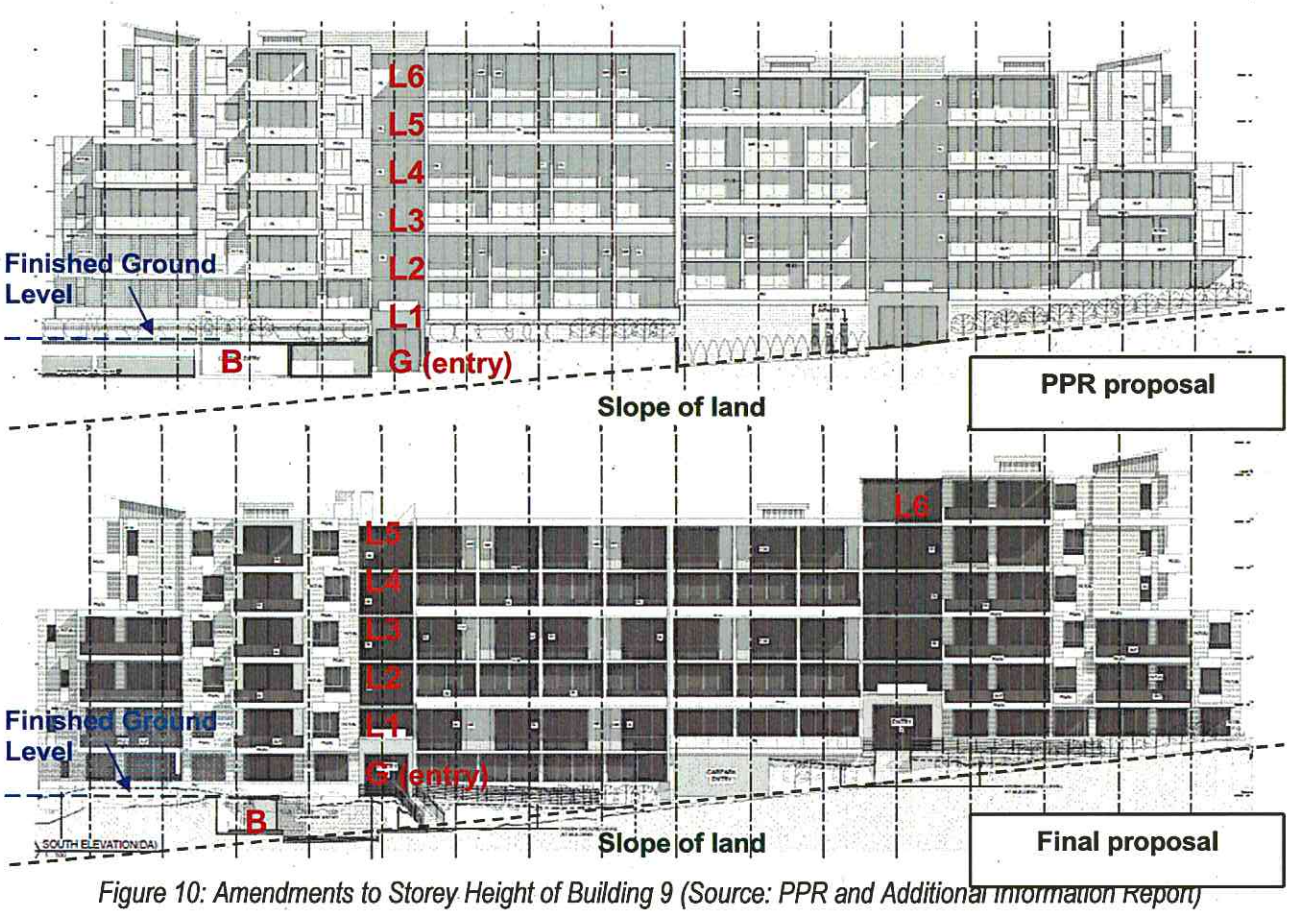

Figure 10: Amendments to Storey Height of Building 9 (Source: PPR and Additional Information Report)

Accordingly, amendments were made to Building 9 to ensure basement levels were consistent with the concept plan requirements (to be no higher than 1.2m above ground level) thereby reducing the overall storey height of the building (Refer Figure 10 above). The resulting elevational changes include separate car parking entrances split over two levels and stairs and ramp access to the main pedestrian entrances. The finished floor levels at the western end of the building will be above the natural/average slope of the land to ensure the building appears as a 6-storey building as the land slopes downward and westward along Mobbs Lane. The height of plant equipment at the roof level of Building 6 was also amended by the proponent to reduce the visual impact of the proposal at roof level.

It is noted that council does not consider the 6-storey height limit to be appropriate for the site, being a 'distinct contrast' to existing development. The department considers that council's commentary relates to the building height limits already approved in the concept plan, rather than the subject proposal. Accordingly, the department is satisfied that the final Stage 2 scheme is consistent with the building height requirements of the concept plan and the proposal is therefore acceptable.

Building Envelope

The proposal is generally consistent with the building envelopes and road layout approved under the concept plan. MP05_0086 MOD2 provided both building footprints and 3-dimensional building envelopes to guide future project applications, and on the whole, the proposal is in accordance with the building envelope controls.

As would be expected at the project application stage, there are minor departures from the building envelopes identified in the concept approval as a result of refinements in the internal building layout. For Buildings 6 and 10, the proposed building lies within or just outside the approved envelope and where discrepancies exist, the proposal lies a maximum 2-3m outside the building envelope. Such departures from the approved concept plan are considered insignificant and would not impact on the bulk and scale of the buildings nor would it result in an unacceptable visual impact when viewed from Mobbs Lane. It is noted that the building envelopes previously approved by the department in MP05_0086 MOD2 excludes balconies.

The most significant departure from the concept plan can be seen in Building 9 where the proposal exceeds the approved building envelope by 10m in the central area of the building. Figure 11 illustrates the 3D building envelope approved under the concept plan (MOD2) while Figure 12 illustrates the outline of the approved building envelope (dotted) overlayed on top of the building proposal. It can be seen that the proposal exceeds the master plan envelope in the centre of the building where the depth of the building narrows to approximately 11m.

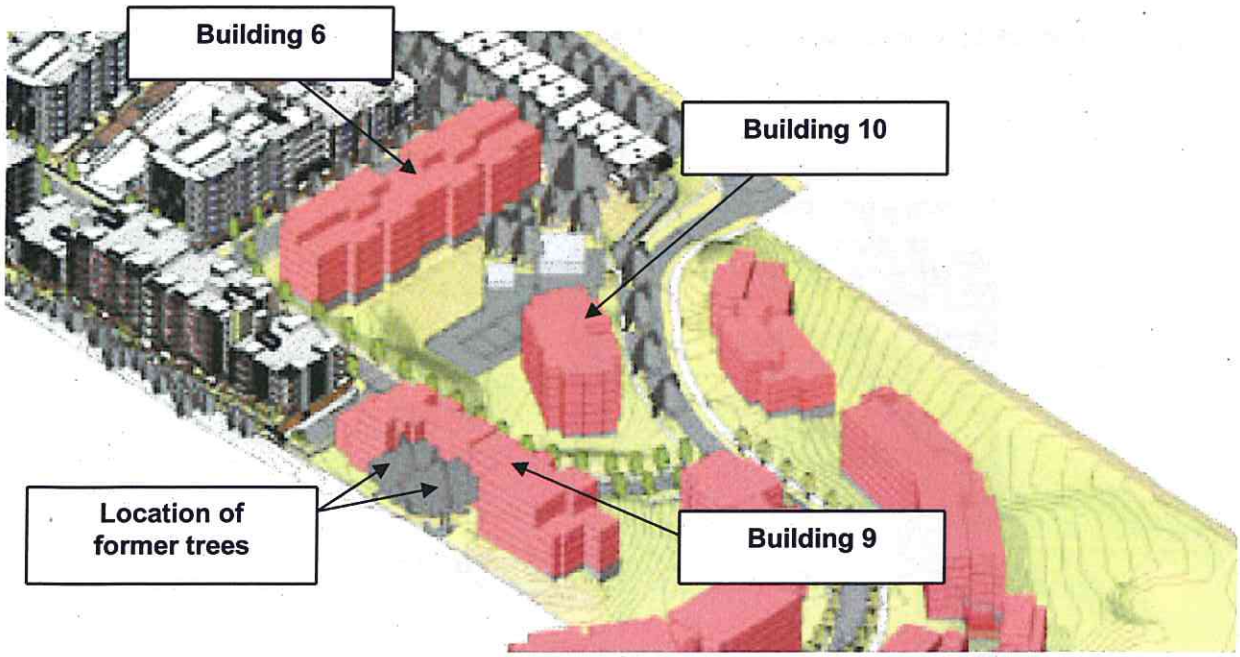

Figure 11: Approved Building Envelopes (Source: Concept plan Modification Proposal, PPR)

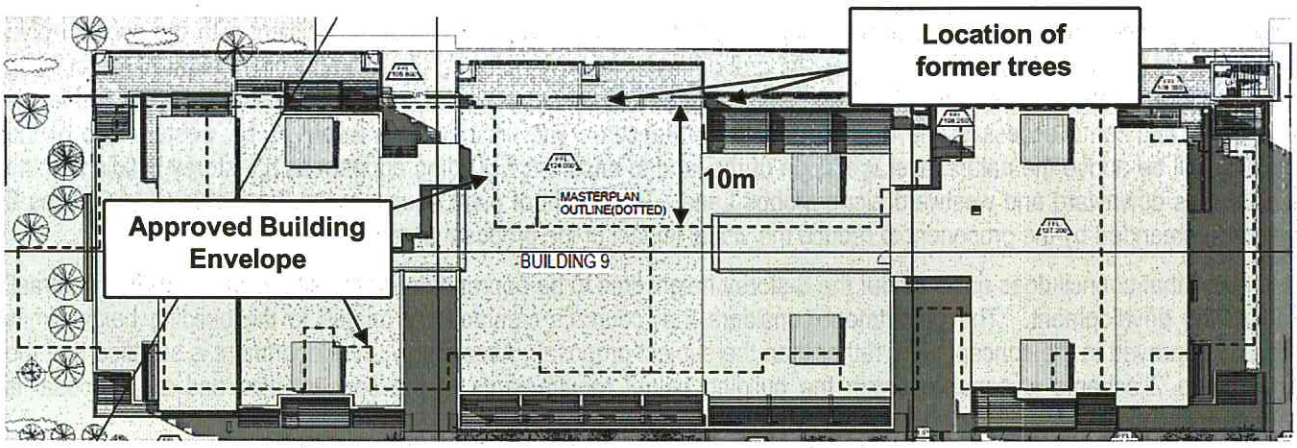

Figure 12: Building Envelope (Source: Additional Information Report)

In this instance, the infill of this envelope area is considered acceptable by the department. The building envelope was originally designed to accommodate two mature trees along the northern boundary of the site, however the removal of these trees was approved by the department in the Early Works approval. As the proposal does not exceed the established building line facing the northern boundary, it is considered that the infill development would have little impact on the site as a whole and little visual impact along the northern boundary. The adjoining site is occupied by the horticultural campus of Ryde TAFE. Landscaping provided will ensure visual amenity is retained along the northern boundary.

Building Setbacks

The concept plan approval does not clearly specify a setback distance for any residential buildings although a setback distance of 6.5m to the northern boundary was established by the adjacent Building 8 in the Stage 1 project approval.

Building 9 is sited to be generally consistent with the 6.5m setback and is therefore considered acceptable by the department. It is noted that the 6.5m setback is encroached by northern facing balconies and pergolas by 1.2m in two locations, however the overall impact of this encroachment is not considered to be significant. The visual impact of the balconies is likely to be minimal and given that the nearest TAFE or residential building is located some 80m away this encroachment is considered acceptable. At ground level, private spaces of ground floor dwellings also encroach the 6.5m setback, however this is consistent with Building 8 which has already been approved, and there would be no resultant impact on neighbour amenity.

Buildings 6 and 10 are centrally located within the site and therefore building setbacks are not relevant in this case.

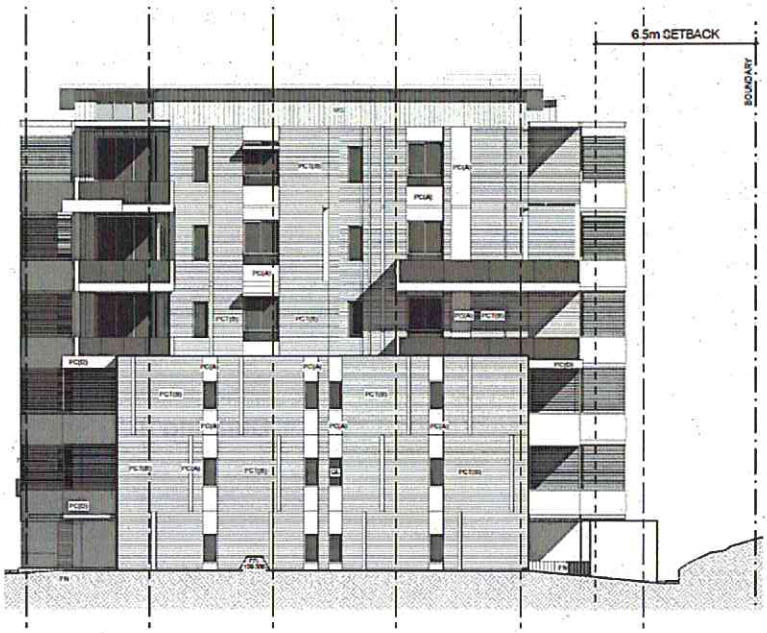

Figure 13: Building 9 setback to northern boundary (Source: Additional Information Report)

Landscaping

The landscaping of the private and public domain was previously approved in connection with the Early Works approval (MP08_0258). The Stage 2 proposal now proposes landscaping works for those areas immediately surrounding each building and includes more detailed plans for planting and landscaping.

The department raises no concerns to the inclusion of landscaping proposals in Stage 2 as it is appropriate that the landscaping works are associated with the residential buildings. Completion of the landscaping works will be tied to the occupation of the Stage 2 buildings. The landscaping proposals are consistent with the overall concept plan approval and as such the department raises no issues in this respect.

Neighbourhood Shop

The concept plan MOD 2 approval requires the provision of neighbourhood shop with a maximum GFA of 120m² in association with the residential buildings. The Stage 2 proposal provides for a 120m² retail shop, this is located between Buildings 6 and 10 in accordance with the approved concept plan layout. The Stage 2 proposal also provides for a 42m² community room, tennis court and indoor swimming pool for the future occupiers of the development. Accordingly, the GFA of the proposed community room has been considered in the overall GFA uptake for the Stage 2 proposal and therefore complies with the concept plan.

Gross Floor Area, Unit Mix, Public Open Space

Table 4 (over) illustrates figures for gross floor area (GFA), dwelling mix, public open space, building heights, parking and dwelling numbers for Stage 2. Column 5 illustrates the cumulative figures for development already approved under Stage 1, comprising approvals for Buildings 1, 2, 3, 4, 5, 7 & 8. Column 6 illustrates the subject Stage 2 proposal, while Column 7 illustrates the total cumulative figures for the overall site including Stage 2.

As can be seen in Table 3, the Stage 2 proposal complies with all the concept plan requirements. However, increasing the GFA by locating floor space in the area of the previous trees (as discussed on page 18), means that GFA available to Stage 3 is reduced. Stage 3 of the project is yet to be lodged, but is imminent; and the proposed GFA in Stage 3 will be required to comply with the maximum permissible GFA for the site.

5.2. Compliance with State Significant Site controls

The site is the former Channel 7 site which is listed as a State significant site (SSS) under Schedule 3, Part 4 of *State Environmental Planning Policy (Major Development) 2005*. The listing contains development controls which applies to all development on site. Table 3 below illustrates the proposal's compliance with the SSS controls below. Accordingly, the proposal is considered acceptable with respect to the relevant SSS controls.

Table 3: Compliance with State Significant Site (SSS) Controls (as modified)

SSS Requirements	Proposal	Compliance
Zoning R1 General Residential	Residential development	Yes
Zoning RE1 Public Recreation	Landscaping and access road	Yes
Maximum Building Height 6 storeys	Maximum height 6-storeys	Yes
Density no more than 73 dwellings per hectare	No more than 73 dwellings per hectare	Yes
Maximum 800 units	476 (324 units remaining) Stage 1 – 289 Stage 2 – 187	Yes
Maximum GFA 80,000m²	49,926m² (30,074m² remaining)	Yes

Table 4: Compliance Table for Approved concept plan (as modified)

Concept plan (MP05_0086) as modified)	Stage 1			Stage 1 Sub-total	Stage 2 Buildings 6, 9 & 10	Accumulative Total
	Buildings 4 & 5 (MP08_0257)	Buildings 1, 2 & 3 (MP10_0107)	Buildings 7 & 8 (MP10_0158)			
Maximum Building Height- 6 storeys	3-6 storeys	1-3 storeys	3-6 storeys	**3-6 storeys**	3-6 storeys	**YES**
Maximum 800 apartments	134	28	127	**289**	187	**476 (324 units remaining)**
Maximum GFA 80,000m²	14,204m²	5,292m²	12,279m²	**31,775m²**	18,151m²	**49,926m² (30,074m² remaining)**
FSR (max 0.89:1)	0.89:1 over whole site	0.89:1 over whole site	0.89:1 over whole site	**0.89:1 over whole site**	0.89:1 over whole site	**0.89:1 over whole site**
Unit mix 1 bedroom (minimum 5%)	24	0	10	**34**	15	**49 (10%)**
3 bedroom (maximum 15%)	54	28	0	**82**	2	**84 (18%)***
Landscaped Public Open Space (min)= 3.1ha	3.1ha over whole site	3.1ha over whole site	3.1ha over whole site	**3.1ha over whole site**	3.1ha over whole site	**3.1ha over whole site**
Maximum Car Parking 1145 spaces	201 basement 23 on-street	56 off-street 4 on-street	173 basement 11 on-street	**430 basement 38 on-street**	227 basement 13 on street	**657 basement/off-street 51 on street (437 spaces remaining)**

*Stage 3 of the development will need a reduced relative proportion of 3 bedroom units to ensure overall concept plan compliance.

5.3. Residential Amenity

Amenity impacts of the proposal have been considered against the requirements of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying Residential Flat Design Code (RFDC). Generally, Buildings 6, 9 & 10 comply with the relevant requirements, except in relation to building depth, building separation, internal circulation and natural ventilation. A detailed analysis of all RFDC requirements is contained within Appendix D. Areas of non-compliance are discussed below.

Building Depth

The RFDC recommends a maximum building depth of 18 metres, measured from the front to the back of any building, excluding any balconies or shading devices within the building envelope. Buildings 6, 9 and 10 do not strictly comply with the RFDC recommendation. A detailed analysis of each building with regard to compliance with the 18m building depth requirement is shown in Table 5.

Table 5: Building depth analysis

Building	Minimum building depth	Maximum building depths	No. of apartments per floor affected by non-compliance	Non-compliance (measured as a ratio to building length)
Building 6	15m	19m-21m	12 of 16 or 75%	16%
Building 9	16.5m	20.5m-22m	4 of 15 or 27%	22%
Building 10	13m	19m-22m	4 of 7 or 43%	22%

As shown in the above table, all three buildings feature varying building depths and generally range from between 15m to 22m. Columns 4 and 5 have been included to illustrate and quantify the degree of non-compliance with the 18m depth requirement. Where building depths reach 22m, this equates to a building depth 22% greater than the RFDC recommendation. Further illustration of building depths is seen in Figure 14 below:

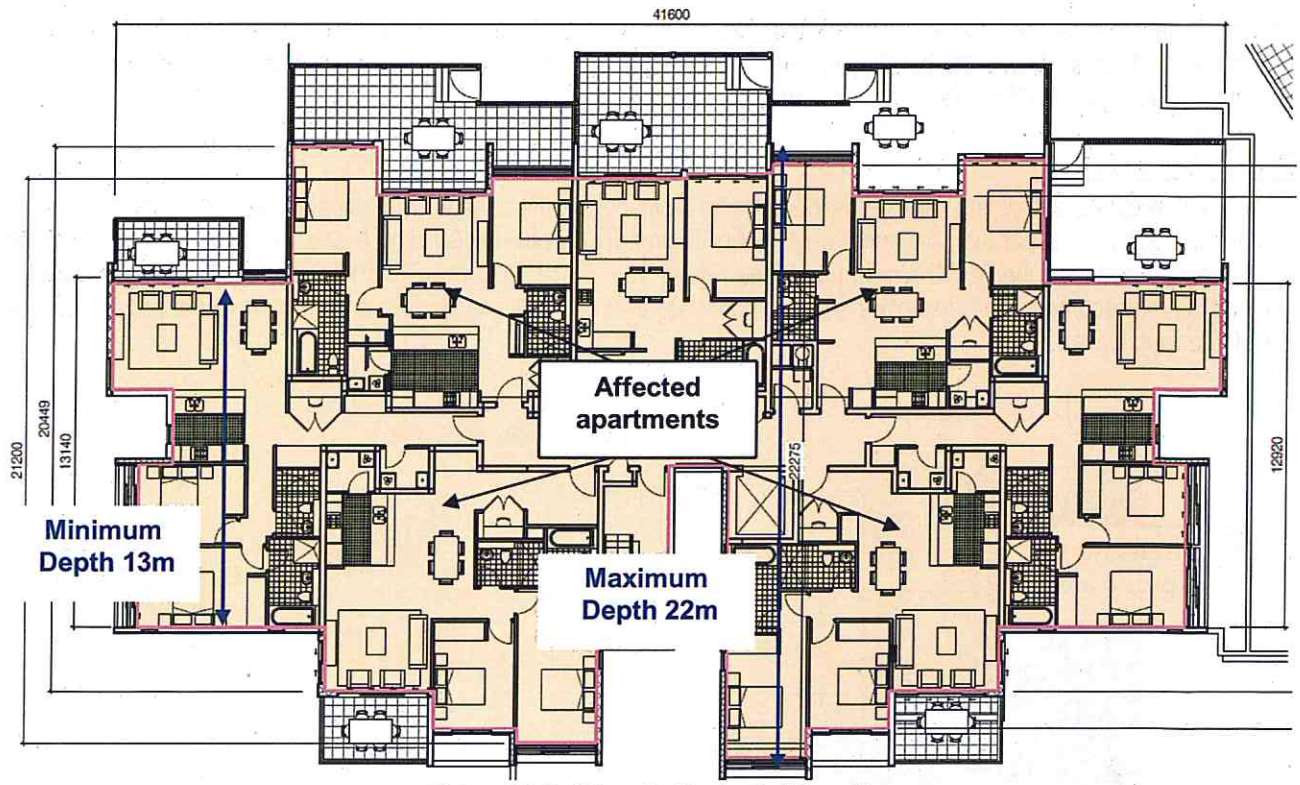

Figure 14: Building depths for Building 10

In justifying the proposed building depths, the proponent stated that greater depths were required to accommodate adaptable units and to comply with fire egress requirements under the BCA. However, a review of building depths found no significant differences resulting from the inclusion of adaptable units, while the maximum BCA distance required from an apartment to a fire exit is not responsible for the proposed building depths, which exceed the 18m guideline by up to 4m. Accordingly, the department does not consider the proponent's justification to be adequate.

Notwithstanding, the objective of the building depth control is to ensure adequate residential amenity is provided. Provided these objectives are achieved, particularly to the amenity requirements of daylight and natural ventilation, the RFDC 18m requirement can be exceeded. It is noted that building depths of up to 21.5m were approved for Buildings 7 & 8 and up to 20.5m for Buildings 4 & 5 by the PAC which sets a site precedent with regards to overall building form. For these project approvals, the department supported the exceedances in building depth as the amenity requirements of daylight and natural ventilation were considered to be satisfactory.

On this basis, the department considers the proposal to be acceptable as the amenity requirements for natural ventilation and daylight access are duly satisfied. These requirements are discussed below.

Natural Ventilation

The RFDC contains two 'rule of thumb' guidelines for natural ventilation: 60% of apartments should be naturally cross ventilated; while 25% of kitchens should have direct access to natural ventilation. Sixty-five per cent of apartments in Building 6, 72% of apartments in Building 9 and 83% of apartments in Building 10 achieve satisfactory cross ventilation, exceeding the 60% recommendation set by the RFDC. Only 10% of kitchens have direct access to natural ventilation however, which is less than half the required figure.

The department considers that non-compliance with the RFDC kitchen requirement is acceptable given that all apartments feature an open plan kitchen and living areas that would benefit ventilation to kitchen areas. The majority of apartments all have direct living room and bedroom access to balconies and the key objective of direct access to fresh air for habitable rooms is achieved. Therefore, given that the RFDC cross ventilation requirement is achieved, non-compliance with the kitchen ventilation requirement is considered acceptable.

Daylight Access

The RFDC's guidance for daylight access requires that 70% of apartments receive a minimum of 3 hours direct sunlight between 9am and 3pm in winter.

The submitted solar access statement states that 72% of apartments comply with this requirement, satisfying the RFDC requirement. This is despite the building layout for Stage 2 being fixed in accordance with the approved concept plan layout. Accordingly this RFDC requirement is duly satisfied.

Building Separation

The RFDC requires a building separation distance of 18m between habitable rooms/balconies for buildings over 5-storeys in height. A separation distance of only 16m is proposed between Building 9 and Building 8 (Stage 1) at the higher levels, less than the RFDC requirement (see Figure 15). The RFDC allows for flexibility with building separation so long as the recommended distances shall demonstrate that daylight access, urban form and visual privacy can be satisfactorily achieved.

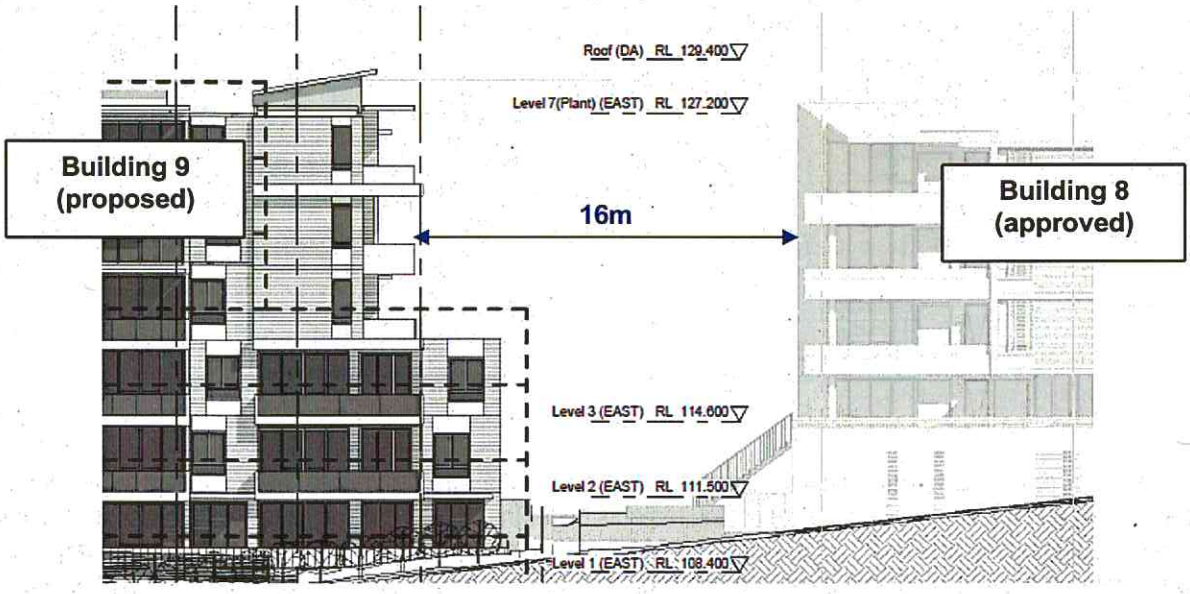

Figure 15: Building separation between Buildings 9 & 8 (Source: Additional Information Report)

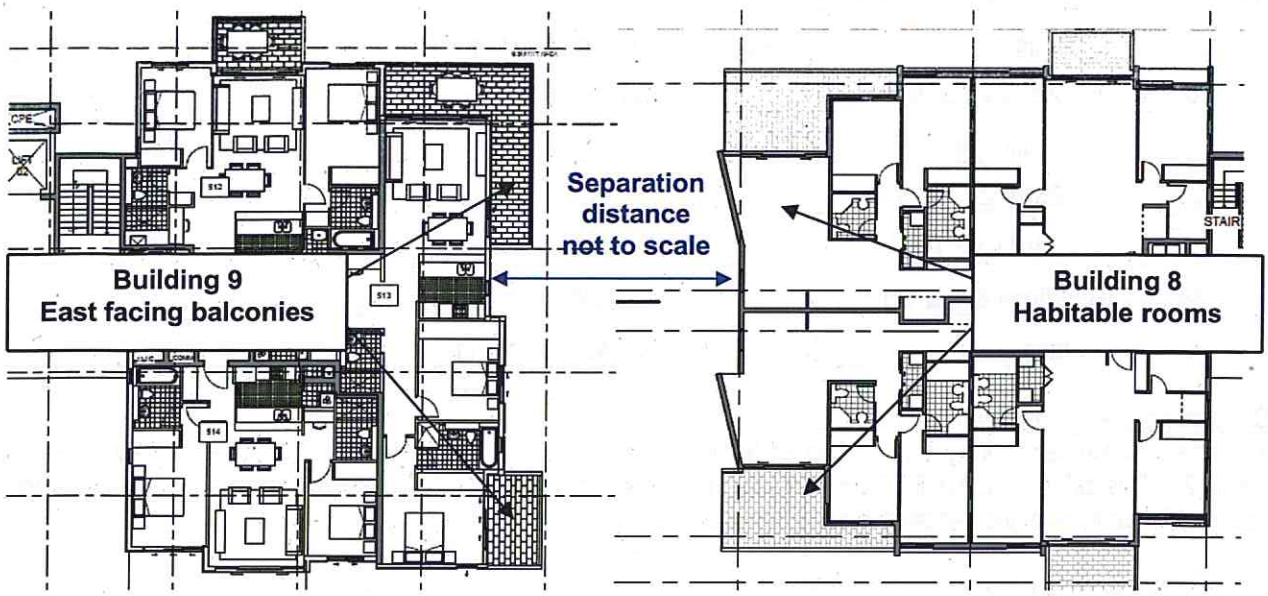

Figure 16: Typical floor layouts for Building 9 and Building 8 at four storey level

An inspection of the approved internal floor plans for Building 8 reveals that habitable rooms exist on the western elevation (see Figure 16). Building 9 proposes east facing balconies, directly facing the habitable rooms in Building 8. As a result, the department requested the proponent address the RFDC requirement and the department's concerns regarding amenity. Upon further consideration from the proponent, it was stated by the proponent that the RFDC requirements were complied with, however this is not reflected in the submitted plans. Therefore, given the clear non-compliance with the RFDC and the absence of any mitigation measures to ensure visual privacy, the department recommends design modifications to Building 9 to ensure the 18m distance is complied with.

Internal Circulation

The RFDC seeks to limit the number of apartments accessed off a single internal corridor to 8 apartments. Building 6 and Building 10 are compliant with this requirement. Building 9 is is not wholly compliant as 10 apartments are accessed off the ground floor, 10 apartments are accessed off the Level 2 corridor, while 9 apartments are accessed off the Level 4 corridor. A similar issue arose in Building 8 during Stage 1 residential development.

The department considers that non-compliance with the RFDC recommendation is acceptable. The additional apartments accessed off the abovementioned corridors are all split level apartments, such that only 3-4 apartments are accessed off the same lift cores for Level 1, Level 3 and Level 5. The split level apartments provide variety in the housing types, and on balance the department considers that the overall proposal is acceptable.

Residential Amenity – Concluding Remarks

On balance, the department considers that the proposal satisfactorily achieves the objectives and intent of SEPP 65 and the RFDC that ensures adequate residential amenity for future occupiers of the development. Of a total of 33 objectives or 'rule of thumb' design guidelines, the development is non-compliant with only 4 requirements as discussed above. Where compliance with the RFDC has not been demonstrated, the proposal is either compliant with the approved concept plan or the proposal has been modified, so amenity impacts can be adequately mitigated.

5.4. Car Parking

Concept plan rate (total)

The concept plan allows for a maximum of 1,145 car parking spaces across the entire Mobbs Lane site, inclusive of basement parking and on-street parking on Roads 1, 2 and 3. Four hundred and sixty eight (468) car spaces have been previously approved in Stage 1. Stage 2 proposes 240 car spaces, leaving a maximum of 437 spaces for the Stage 3 development (yet to be lodged). Compliance with overall car parking provision is summarised in Table 6 below.

Table 6: Car parking provision at Mobbs Lane

Stage		Approved/Proposed car spaces	Remaining car spaces
Concept Approval (as modified)		Maximum 1,145	1,145
Stage 1	Buildings 4 & 5	224	921
	Buildings 1, 2 & 3	60	861
	Buildings 7 & 8	184	677
Stage 2 (Buildings 6, 9 & 10)		**240**	**437**
Stage 3		Maximum 437 remaining	0

Car parking rate (breakdown)

The rate at which car parking is to be applied (ie. for the apartments and for visitors) is contained in the concept plan (MOD 2). This differs to Council's DCP in respect to visitor car parking but complies with RTA requirements for visitor spaces. An analysis of the car parking breakdown for Stage 2 is provided below in Table 7:

Table 7: Car parking rates

Unit Type	Parramatta Council DCP car parking rates	Concept plan (MOD 2) rates as outlined in DG report
1-bedroom apartment	1 space per unit	1 space per unit
2-bedroom apartment	1.25 space per unit	1.25 space per unit
3-bedroom apartment	1.5 spaces per unit	1.5 spaces per unit
Visitor spaces	1 space per 4 units	1 space per 7 units

A total of 240 car spaces are proposed in Stage 2. Using the above table there appears to be a shortfall of car spaces within Stage 2. By applying the car parking rates, the department calculates a shortfall of 46 spaces (231 – 185) for Stage 2 dwellings. Conversely, excessive parking is provided for visitors (47 spaces). This is illustrated in Table 8.

Table 8: Car parking rates

Unit Type	Council DCP (2005) standard	Concept plan (MOD 2) rates	Number of Units	Stage 2 requirement (concept plan rates)	Stage 2 proposal
1-bedroom apartment	1 space per unit	1 space per unit	15	15	185
2-bedroom apartment	1.25 space per unit	1.25 spaces per unit	170	213	
3-bedroom apartment	1.5 spaces per unit	1.5 spaces per unit	2	3	
Sub-total			**187**	**231**	**185**
Visitor spaces	1 space per 4 units	1 space per 7 units	187	27	47
Car wash bay	No requirement, can be used as visitor parking	–	–	3	3
Retail Shop	1 space per 30m² 1 loading bay per 400 m²	–	120m² shop	4	4
Community Room	1 space per 50m² 1 loading bay per 400 m²	–	42m² shop	1	1
TOTAL				**263**	**240**

A total of 185 car spaces is proposed for a total of 187 apartments, a ratio of approximately 1 car space per dwelling. This shortfall is significant and is not considered to be acceptable to the department. Even with a re-allocation of visitor spaces consistent with RTA requirements at 1 space per 7 dwellings, a net shortfall of 23 spaces (263 – 240) remains for Stage 2.

Meriton were advised of the shortfall, however disputed the shortfall, stating that different car parking rates were approved in the concept approval. Meriton stated that reduced car parking rates were approved, being those rates contained within the proponent's EA and PPR for the MOD2 proposal. As the MOD2 instrument of approval includes the proponent's EA and PPR as 'approved documents', Meriton consider that the car parking rates contained within these documents are the approved car parking rates. The key difference in the car parking rates was the allocation of 1 space for every 2-bedroom apartment, rather than 1.25 spaces for every 2-bedroom apartment.

The department does not accept this for three reasons. Firstly, the rate at which parking would be calculated for Stage 2 would be different to Stage 1. Secondly, the number of parking spaces and the rates of car parking outlined in the PPR (1135) is not the number and rates amended by Meriton in an addendum to the PPR for MOD 2 to the concept plan. And thirdly, the Director-General's report for MOD 2 to the concept plan contained a table (in Appendix 3 of that report) which outlined the car parking numbers and the rate at which parking was to be provided. This was identical to the rate proposed by Meriton in the addendum to the PPR dated 17 December 2010, and was consistent with the rates applied for Stage 1 dwellings.

Accordingly, the department maintains that the car parking rate considered and approved under the Director-General's MOD2 EA Report is the appropriate car parking rate, and recommends that Stage 2 comply with this rate.

The RMS raised no objection to Stage 2 as the proposal satisfies the minimum requirement of 200 car spaces when calculated in accordance with the RTA's *Guide to Traffic Generating Developments* (2002) document, Parramatta City Council raised no objections to the overall car parking provision, provided that parking is provided in accordance with its minimum DCP car parking standards. Therefore, as the proposed car parking is significantly deficient with respect to the DCP requirements, car parking provision remains an outstanding Council concern.

To address the shortfall of parking spaces for Stage 2, the department has recommended two conditions in the project approval. The first condition requires Stage 2 car parking to be provided in accordance with car parking rates as follows:

Unit Type/Use	**Car parking rate**	**Car parking spaces required**
1-bedroom apartment	1 space per unit (15 units)	15 spaces
2-bedroom apartment	1.25 space per unit (170 units)	213 spaces
3-bedroom apartment	1.5 spaces per unit (2 units)	3 spaces
(Adaptable apartments)	1 space per unit (20 units)	(20 spaces)*
Visitor spaces	1 space per 7 units	27 spaces
Retail shop	1 space per 30m^2	4 spaces
Community room	1 space per 50m^2	1 spaces
Total		**263 spaces**

*included within 263 spaces total

The second recommended condition is a design modification which requires amendments to the proposal to reflect the above car parking provision, of which plans must be received and approved by the Director-General prior to the issue of the relevant Construction Certificate. An additional 23 spaces will be required.

The proponent has been informed of these planning conditions and the rationale for applying the above car parking rate. While the proponent does not concur with the department's position, they did not object to the recommended conditions above.

5.5. Construction Impacts

Environmental and Construction Management Plans accompany the Stage 2 proposal to address environmental issues associated with the construction of the residential buildings including construction noise and vibration, traffic management and site management. The department has reviewed the management plans and is satisfied that it provides a suitable framework for managing the construction works on site.

Construction Noise and Vibration

The predicted impacts of noise and vibration were considered for the closest sensitive receivers being the TAFE to the north and residences to the south opposite Mobbs Lane. Potential noise emissions reaching both receivers were considered against DECCW's *Interim Construction Noise Guideline* and it is predicted by the proponent's noise consultants that the construction activities will generally comply with the relevant noise limits. There will be periods where the noise limits will be exceeded during the use of particularly noise equipment, including the excavator, angle grinder, electric saw and concrete pump, however the noise limits are predicted only to be exceed for shorter periods. Any vibration impacts will be associated with the 30-tonne excavator with hammer, or during piling works.

To mitigate the impacts of noise and vibration, the proponent will adopt best practice construction work practices to minimise noise and this is considered acceptable by the department. A noise complaints procedure has been provided by the proponent and forms part of the noise management plan. The department has included the relevant planning conditions in the project approval to ensure compliance with acceptable noise and vibration limits.

Traffic Management

Construction traffic will be prevented from travelling along Mobbs Lane to the west of the site consistent with existing traffic management arrangements to minimise traffic and noise impacts to existing residents along Mobbs Lane. Access to the site via the Marsden Road/Mobbs Lane is not permitted under these arrangements.

Site Management

The department notes that the early works approval provides for earth and stormwater works across the whole site. Nevertheless, an erosion and sediment control plan was submitted with the Stage 2 proposal, however requires updating to reflect the completed constructed activity to date. Stormwater management and sediment control during construction is particularly important given the hilly topography of the site and due to the need for stockpiling of materials within the site. An updated sediment and erosion control plan is therefore required to include the existing construction activity to accurately reflect the site conditions. Accordingly, the department has included a planning condition that requires a review of the erosion and sediment control plan prior to the issue of construction certificate for Stage 2 works.

5. CONCLUSION

The proposal is for the construction of 'Stage 2' residential development, being the second of three stages of residential development approved under concept plan (MOD 2). The proposal comprises the construction of Building 6, Building 9 and Building 10, associated car parking and landscaping, the provision of a retail shop, community room and recreational facilities.

The department has assessed the EA, as modified by the PPR and the PPR Addendum, and has considered the public and authority submissions in response to the proposal. The key issues raised in the submissions relate to compliance with the concept plan approval, SSS controls, the RFDC, SEPP 65 and car parking. The EA, PPR and PPR Addendum demonstrate general compliance with the relevant environmental planning instruments.

The project is considered to provide the following public benefits:

- Contribution to the supply of housing within existing urban areas, with access to existing centres, services and public transport
- Contribution to the housing supply within the Sydney metropolitan area and Sydney's West Central Subregion being an area likely to experience significant employment growth
- Contribution to the orderly development of the former Channel 7 site providing a range of unit types and sizes and catering to a variety of household types.

The department has prepared recommended conditions of approval in respect to the project approval which is set out in Appendix F. The reason for the imposition of the conditions is to ensure the timely and orderly development of the site in conjunction with existing approvals, and to manage the construction impacts of development. The recommended project approval includes the following design modifications:

- Amendment of east facing apartments of Building 9 facing the habitable rooms/balconies on Building 8 to ensure satisfactory residential amenity and compliance with the RFDC
- Amendment of basement car parking layout to ensure sufficient car parking in accordance with the approved concept plan.

On these grounds, and subject to recommended conditions being imposed, the department considers the site to be suitable for the proposed development and that the proposal is in the public interest. Subject to the recommended conditions, the department is also satisfied that all impacts of the proposal have been satisfactorily addressed within the proponent's EA, PPR, PPR Addendum and the proponent's Statement of Commitments.

Consequently, the department recommends that the Deputy Director-General **approve** the project under delegation, subject to the recommended planning conditions contained within the project approval and the proponent's Statement of Commitments.

6. RECOMMENDATION

It is recommended that the Deputy Director-General:

(A) consider the findings and recommendations provided in this report;
(B) **approve** the Project Application for the project, under section 75J of the *Environmental Planning and Assessment Act 1979*, subject to recommended planning conditions, and
(C) **sign** the attached project approval (**Tag A**).

Enguang Lee 23/5/12
Planner
Metropolitan and Regional Projects North

Heather Warton 23/5/12
Director
Metropolitan and Regional Projects North

23.5.12
Chris Wilson
Executive Director
Major Projects Assessment

28/5/12
Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A ENVIRONMENTAL ASSESSMENT

Provided on the attached compact disk and at www.majorprojects.planning.nsw.gov.au.

APPENDIX B SUBMISSIONS

Provided on the attached compact disk and at www.majorprojects.planning.nsw.gov.au.

APPENDIX C PREFERED PROJECT REPORT, PPR ADDENDUM

Provided on the attached compact disk and at www.majorprojects.planning.nsw.gov.au.

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

There are four accepted ESD principles:

(a) *the precautionary principle,*
(b) *inter-generational equity,*
(c) *conservation of biological diversity and ecological integrity,*
(d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

Precautionary Principle – the proposal is located in the centre of the site and will not have any impact on the existing Turpentine-Ironbark Forest, including approximately 14 Apple Box *Angophora floribunda* trees located in the north-west part of the site.

Inter-Generational Principle – the proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts.

Biodiversity Principle – following an assessment of the Proponent's EA and PPR it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The development site has been developed for some time and has a low level of environmental sensitivity. The endangered ecological community is located in the far north-west of the former Channel 7 site and would not be impacted upon by the proposal.

Valuation Principle – the development has been designed in accordance with BASIX targets utilising energy and water efficient fittings. The above measures will be included in the total cost of the project and considering greenhouse gas emissions linked to environmental performance, accessibility and travel the proposal is considered to be acceptable.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA, PPR and Additional Information Report are located on the Department's website **www.planning.nsw.gov.au**.
Any advice provided by public authorities on the project;	A summary of the advice provided by public authorities on the project is set out in Section 4 of the report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	All relevant SEPPs which substantially govern the carrying out of the project are identified below, including an assessment of the proposal in relation to the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is provided in Section 5 of this report and also later in this Appendix.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the Project Application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the Project Application is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest/public benefits are discussed in Section 5 of this report.
The suitability of the site for the project	The site is considered to be suitable for the proposed residential development in accordance with the approved concept plan (as modified).
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above a EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project have been considered in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy (Major Development) 2005

The Major Development SEPP applies to the project as discussed in Section 3.1 of this report. The former Channel 7 site is of state significance under Schedule 3, Part 4 of the Major Development SEPP, which sets out provisions relating to the redevelopment of the site including, zoning, height, density and number of dwellings and total gross floor area.

The proposal has been assessed against the numeric controls of the State Significant Site (SSS) listing within the Major Development SEPP and the concept plan (MP05_0086 as modified), in detail in Section 5.1 of this report. The proposal was considered cumulatively with the previously approved residential development on the site.

The Department is satisfied that the proposal generally conforms with the SSS controls and the approved concept plan.

State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings

SEPP 65 seeks to improve the design quality of residential flat buildings through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

A Design Verification Statement has been provided by PTW Architects, stating that the subject development has been designed having respect to the design quality principles.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The proposal is consistent with the requirements of the approved concept plan (MP05_0086 as modified). The proposal would not have any detrimental impacts on the amenity of surrounding development and or future stages of the development on the site.
Principle 2: Scale	The proposed buildings comply with the maximum height controls within the approved concept plan (MP05_0086 as modified). The buildings are consistent with the numeric controls of the State Significant Site listing within the Major Development SEPP.
Principle 3: Built Form	The proposed buildings have been designed to be consistent and compatible with the overall appearance and character of the redevelopment site. The building elevations in Stage 2 provide variation in design to ensure visual interest across the redevelopment site.
Principle 4: Density	The proposal contributes towards the cumulative total of dwellings on the site. The units are of an appropriate size and scale to facilitate a range of living arrangements. The proposed density complies with the approved concept plan (as modified) and the State Significant Site listing.
Principle 5: Resource, Energy and Water Efficiency	A valid BASIX certificate has been included within the application. It indicates that the proposal complies with the established water and energy efficiency targets.
Principle 6: Landscape	The proposal includes planting along internal roads 'Road 1', 'Road 2' and 'Road 3' and between the proposed buildings. The plantings along the internal road are consistent with the 'Tree Master Plan' prepared by Aspect Studios approved under the Early Works Package approval (MP08_0258 as modified).
Principle 7: Amenity	The proposal generally complies with the requirements of SEPP 65 and the recommended standards of the RDFC in terms of achieving satisfactory residential amenity. Non-compliances with RFDC rule of thumb controls are discussed in Section 5.3.
Principle 8: Safety and Security	The buildings have been designed to provide passive surveillance to internal roads 'Road 1', 'Road 2' and 'Road 3' and along the northern boundary of the site. All units have been provided with areas of secure storage and private open space. There is a clear distinction between public and private space within the development site.
Principle 9: Social Dimensions and Housing Affordability	The development provides a range of accommodation types, including 1-bedroom apartments and 3-bedroom apartments. Variation within 2-bedroom apartments is provided with a mix of smaller 2-bedroom apartments. A total of 20 adaptable units are provided. The unit mix complies with the requirements of the concept plan (MP05_0086 as modified) and facilitates the creation of a mixed community.
Principle 10: Aesthetics	The building facades are articulated and include a variety of materials, textures and colours to provide an interesting streetscape appeal. Subtle variation is provided to ensure that the buildings may contribute towards a desirable streetscape character.

An assessment of the proposal against the Residential Flat Design Code is set out below:

Table 5: Residential Flat Design Code Compliance Table

	RFDC requirement	Stage 2 Proposal	Compliance
Part 1 Local Context			
Building height	No specific requirement	3 – 6 storeys	N/A
Building depth	Maximum 18m depth	Building 6 – 23m Building 9 – 22.5m Building 10 – 23m	Non-compliance for Buildings 6, 9 & 10. See Section 5.1, 5.3
Building separation	Up to 4-storeys: 12m between habitable rooms/balconies.	Building 9: 12.2m between habitable room/balconies of Building 8 at 4-storey level	Non compliance at 5 and 6 storey level See Section 5.3

	Over 5-storeys: 18m between habitable rooms/balconies.	16m between habitable room/balconies of Building 8 at 5-storey level	
Street setbacks	5m – 9m	Building 6 – 5m Building 9 – 5m Building 10 – 5m	Yes
Side and rear setbacks	No specific requirement: must be consistent with other requirements such as building separation, open space, deep soil zones	Side and rear setbacks set by concept plan	N/A
Floor space ratio	No specific requirement	FSR set by concept plan	N/A
Part 2 Site Design			
Deep soil zones	Min 25% of the open space of a site should be a deep soil zone	The majority of open space is provided at Stage 3	Yes
Fences and walls	Objectives: To define the boundaries between areas; To provide privacy and security; To contribute to public domain.	Fences and walls provide privacy and security without detracting from streetscence amenity	Yes
Landscape Design	Objectives: To add value to quality of life of residents in the forms of privacy, outlook and views; To provide habitat for native plants and animals; To improve stormwater quality and reduce quantity	Landscaping proposals for Stage 2 are proposed and will contribute to the amenity of the area and over time will provide habitat for native animals. A key feature is the landscaping around the tennis court which shall provide a pleasant space for future residents to enjoy. Future landscaping in Stage 3 in the western part of the site will assist in improving stormwater quality	Yes
Open space	30% of total site area for larger and brownfield sites	The majority of open space is provided at Stage 3 under the concept plan and this will equate to 34% of the total site area	Yes
Communal Open Space	Larger and brownfield sites potential for >30%	The majority of open space is provided at Stage 3 under the concept plan and this will equate to 34% of the total site area	Yes
Private Open Space (ground floor)	25m² with minimum width of 4m	Building 6 – minimum 27m² Building 9 – minimum 30m² Building 10 – minimum 27m²	Yes
Orientation	Objectives: To optimise solar access to residential apartments; To contribute positively to desired streetscape character; To protect amenity of existing development; To improve the thermal efficiency of buildings	The orientation of Stage 2 buildings is determined by the concept plan	Yes
Planting on Structures	Objective: To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards	Lawn will be laid above the carpark podium for Building 10 which will provide greater amenity for occupiers of Building 10 and for users of the tennis court	Yes
Stormwater Management	Objectives: To minimise the impacts of development on the health and amenity of natural waterways;	Stormwater management proposals are addressed in the Early Works approval and apply for the whole site	Yes

	To minimise discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity		
Safety	Objective: To ensure developments are safe and secure for residents and visitors	Building entrances are located in highly visible locations and casual surveillance of the street is maximised in the concept plan layout	Yes
Visual privacy	Objectives: To provide reasonable levels of visual privacy externally and internally, day and night; To maximise outlook and views from principle rooms and private open space without compromising visual privacy.	Visual privacy for occupants in Building 9 has been satisfactorily demonstrated where the building is closest to Building 8. Suffcient measures have been implemented to ensure visual privacy for future occupiers	Yes
Building entry	Objectives: To create entrances which provide a desirable residential identity; To orientate the visitor; To contribute positively to the streetscape and building façade.	All buildings in Stage 2 feature awnings at the main pedestrian entrances. Building entries satisfactorily integrate with facades to ensure consistency in architectural themes	Yes
Parking	Objectives: To minimise car dependancy; To provide adequate car parking for the building's users and visitors; To integrate the location and design of car parking with the design of the site and building	Car parking is provided at basement level in all buildings, while a small number of on street visitor parking is provided	Yes
Pedestrian access	Objectives: To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain; To ensure that residents are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access ways or lifts	Pedestrian access into the site and individual buildings is provided including for those using strollers and wheelchairs.	Yes
Vehicle access	Objective: To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity or safety	Vehicle access is provided via Road 1 and Road 2 and will not compromise street character, amenity or pedestrian safety	Yes
Part 3 Building Design			
Apartment layout	Single aspect apartments should be limited in depth to 8m from a window; Kitchens should be no more than 8m from a window	Building 6 > 8m in depth Building 9 > 8m in depth Building 10 > 8m in depth	Yes
Apartment mix	Objectives: To provide a diversity of apartment types, which cater for different household requirements	A mix of dwelling types were approved under the concept plan	Yes

	now and in the future; To maintain equitable access to new housing by cultural and socio-economic groups		
Balconies	Primary balconies to have minimum depth of 2m	Building 6 – minimum 2m in depth Building 9 – minimum 2m in depth Building 10 – minimum 2m in depth	Yes
Ceiling heights	2.7m minimum height	Building 6 – 2.7m in height Building 9 – 2.7m in height Building 10 – 2.7m in height	Yes
Flexibility	Objectives: To encourage housing designs which meet the broadest range of the occupant's needs as possible; To promote 'long life loose fit' buildings which can accommodate whole or partical changes of use	Apartments are considered flexible and adequate provision of adaptable housing is demonstrated	Yes
Ground floor apartments	Provide ground floor apartments with access to private open space	Building 6 – eastern elevation Building 9 – northern elevation Building 10 – western elevation	Yes
Internal circulation	The number of units accessible from a single core/corridor should be limited to 8	Building 6 – less than 8 Building 9 – 10 units off western core Building 10 – less than 8	Building 9 non compliant See Section 5.3
Mixed use	Objective: To support the integration of appropriate retail and commercial uses with housing	n/a	n/a
Storage	$6m^3$ for 1-bedroom apartments $8m^3$ for 2-bedroom apartments $10m^3$ for 3-bedroom apartments	Internal storage provided to all units	Yes
Acoustic privacy	Objective: To ensure a high level of amenity by protecting the privacy of residents both within the apartments and in private open spaces	Acoustic privacy provided by building and apartment layout	Yes
Daylight access	70% of apartments to have minimum of 3 hours of sunlight in living rooms between 9am and 3pm in the winter; Maximum 10% of single-aspect apartments shall have a southerly aspect	Building 6 – 70% of apartments have minimum access to sunlight Building 9 – 76% of apartments have minimum access to sunlight Building 10 – 71% of apartments have minimum access to sunlight Approx 12% of single-aspect apartments have southerly aspect	Yes
Natural ventilation			Partial non-compliance

	60% of residential units should be naturally ventilated; 25% of kitchens should have access to natural ventilation	50% of residential units are naturally cross-ventilated; Less than 10% of kitchens have access to natural ventilation	See Section 5.3
Awnings	Objective: To provide shelter for public streets	Buildings 6, 9 & 10 all provide awnings at the main pedestrian entrances	Yes
Signage	Objective: To ensure signage is in keeping with desired streetscape character	n/a	n/a
Facades	Objectives: To promote high architectural quality; To ensure new developments have facades which define and enhance the public domain and desired street character; To ensure that building elements are integrated into the overall building form and façade design	Buildings 6, 9 & 10 feature high quality facades. See Section 5.5	Yes
Roof design	Objectives: To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; To integrate the design of the roof into the overall façade, building composition and desired contextual response	Buildings 6, 9 & 10 feature high quality roof designs.	Yes
Energy efficiency	Objectives: To reduce the necessity for mechanical heating and cooling; To reduce reliance on fossil fuels and minimise greenhouse gas emissions; To support and promote renewable energy initiatives	BASIX certificates for Buildings 6,9 & 10 are included in the Environmental Assessment	Yes
Waste management	Supply Waste Management Plans as part of development application submission	Waste management plans are provided for Stage 2	Yes
Water conservation	Objective: To reduce the quantity of urban stormwater runoff	Water management plans are provided for Stage 2	Yes

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP – BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current BASIX targets for Residential Flat Buildings, commenced on 1 July 2006 and requires all new residential dwellings in NSW to meet targets of a 20% reduction in energy use and 40% reduction in potable water.

A BASIX certificate has been submitted for the proposal which indicate that both buildings will satisfactorily meet the BASIX targets with a 22% reduction in energy use and a 40% reduction in potable water.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the RMS for concurrence. The proposed works are not defined as traffic generating development however the proposed road works require the RMS to be consulted under the Roads Act 1993.

A detailed discussion on comments received from the RTA is provided in Section 4 of this report.

State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land

A *'Soil and Groundwater Risk Assessment'* was submitted with MP08_0258 Early Works Package. The Department was satisfied that subject to conditions requiring the works to be carried out in accordance with the recommendations of that report, the site is capable of being utilised for residential development.

APPENDIX E POLITICAL DONATION DISCLOSURES

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL