

***TRANSITIONAL PART 3A ASSESSMENT
Concept Plan Modification MP05_0086 MOD 4
and
Project Application MP11_0046
for
Stage 3 Residential Development, Buildings
11 to 17 at 61 Mobbs Lane, Epping
(Former Channel 7 Site)***



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

May 2013

ABBREVIATIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
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 September 2012
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
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 26 March 2013
Proponent	Meriton Property Services Pty Ltd, or any entity entitled to act on the approval

Cover Photograph: Aerial photograph of the site

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EXECUTIVE SUMMARY

This report is an assessment of a section 75W modification to the Concept Plan (MP06_0086 MOD 4) and a project application for Stage 3 of the redevelopment of 61 Mobbs Lane, Epping (MP11_0046) lodged by Meriton Property Services Pty Ltd (the proponent). The section 75W application seeks approval to modify the building envelopes for buildings 11 to 17 and delete the portion of 'Road 1' located within 'Stage 3'. The project application comprises the construction of five residential flat buildings ranging in height between three and six storeys and comprising a total of 324 apartments.

The capital investment value (CIV) of the project is \$94.2 million. The projects would create 300 construction jobs and 10 operational jobs once complete.

As Director-General's Requirements (DGRs) were issued for the project prior to 1 October 2011, Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the Act, continues to apply to these projects. The Concept Plan amendment and project application are therefore transitional Part 3A projects.

The site is listed as a State Significant Site under Part 4 of Schedule 3 of the Major Development SEPP. The development is permissible in the zones. The site is also subject to a Concept Plan, approved in August 2006. The proposal is consistent with the Concept Plan, except for elements for which modifications to the Concept Plan have now been conversely sought.

The section 75W modification and the environmental assessment (EA) for the project were exhibited for a 30-day period from 10 October 2012 until 9 November 2012. The department received six submissions from public agencies, including the Parramatta City Council. In addition, seven public submissions, including four submissions of objection were received. The key issues raised in the submissions included:

- Amenity and safety impacts associated with the creation of two basement car parks and associated podium in lieu of constructing 'Road 1';
- Traffic and parking;
- Bulk, scale and amenity;
- Provision of infrastructure to support the project; and
- Environmental impacts/compliance and construction management issues.

On 26 March 2013, the proponent submitted a Preferred Project Report (PPR) to address the issues raised by government authorities and the public during the exhibition period.

The department has assessed the merits of the project and considers the key issues to be compliance with the Major Development SEPP and Concept Plan, residential amenity, provision of appropriate landscaping, urban design and construction impacts. The department has recommended conditions to address the concerns raised by the council in relation to potential safety and amenity impacts associated with the removal of 'Road 1'. In addition, the department has recommended conditions to ensure the bulk and scale of the building is appropriate to the context of the site, and suitable landscaping is incorporated at the podium level to provide an appropriate level of amenity. The department is also satisfied that the impacts associated with the construction of the residential buildings have been adequately addressed in the EA, PPR and Statement of Commitments (SOCs), and can be satisfactorily managed through the recommended conditions of approval.

The department is also satisfied that the project is generally consistent with the requirements of the Major Development SEPP, the approved Concept Plan (as amended), and strategic planning objectives, including the Draft Metropolitan Plan for Sydney 2031 and draft West Central Subregional Strategy.

Accordingly, the department considers that the project application and the related Concept Plan modifications are in the public interest and recommends approval of the project, subject to conditions

1. BACKGROUND

1.1. Site Description

The site is located at 61 Mobbs Lane, Epping and is approximately 24 kilometres from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The site was previously utilised by Channel 7 as television studios and associated facilities.

The site has an area of 8.9 ha, with approximately 500 metres frontage to Mobbs Lane. The surrounding development is predominantly low density detached residential dwellings. A TAFE campus adjoins the site on the north eastern boundary.

The eastern portion of the site is generally flat, while the western portion is undulating. The site has a change in elevation of approximately 30 metres from east to west. A drainage line flows into Terry's Creek along the north western section of the site.



Figure 1: Site Location

1.2. Previous Applications

State Significant Site Listing

On 16 August 2006, *State Environmental Planning Policy (Major Projects) 2005 (MP SEPP) (Amendment No. 6)* was gazetted. This listed the site as a State Significant Site in Schedule 3 of the SEPP. The MP SEPP was later renamed as *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*.

Concept Plan

The Concept Plan (MP05_0086) was approved by the then Minister for Planning on 22 August 2006, for a residential and open space redevelopment. The approval permitted:

- A maximum of 650 dwellings with a maximum gross floor area of 80,000 m², and maximum floor space ratio of 0.89:1;
- No more than 73 dwellings/ha;
- Development to a maximum of 6 storeys; and
- 3.1 ha of public open space and a child care centre.

A modification to the Concept Plan was approved by the then Executive Director, Strategic Sites and Urban Renewal on 23 November 2008 (MOD 1). This modification permitted amendments to revise the timing for the submission of contamination, Aboriginal archaeological and historic archaeological investigations, and geotechnical investigations. In addition, the application amended the timing for the submission of the landscaping plan and public domain plans.

On 21 February 2011, the then Minister for Planning approved a second modification (MOD 2) that permitted an increase in the number of dwellings from 650 to 800 and removed the 73 dwelling per hectare cap on residential development. The modification also revised the definition of gross floor area so that it was consistent with the definition provided in the Standard Instrument.

On 28 February 2013, the Executive Director, Development Assessment Systems and Approvals approved a third modification to re-word Modification B4.4 of the Concept Plan to require the construction of the Marsden Road/Mobbs Lane intersection prior to the issue of an Occupation Certificate for the 289th dwelling on site without a child care centre being operational, or the 207th dwelling if a child care centre is operational.

Project Applications

Early Works Approval (MP08_0258)

The early works package was approved by the Planning Assessment Commission (PAC) on 14 July 2010. The early works approval permitted the following:

- Demolition of existing structures and tree removal;
- Construction of final landforms including internal and external roads;
- Reticulation of services and stormwater management works;
- Landscaping of the public and private domain;
- Construction of a child care centre;
- Construction of private communal facilities; and
- Consolidation of existing lots, subdivision into a community title allotment, and the Torrens title subdivision of the land associated with the child care centre.

The early works approval has been modified on five occasions. A summary of the approved modifications is provided at **Appendix E**.

MP10_0107 Buildings 1, 2 and 3

On 17 January 2011, the PAC approved a project application (MP10_0107) for the construction of 28 townhouses, known as buildings 1, 2 and 3, and associated car parking and landscaping works. This approval has been modified on seven occasions. A summary of the approved modifications is provided at **Appendix E**.

MP10_0158 Buildings 7 and 8

On 12 July 2011, the PAC approved a project application permitting the construction of Buildings 7 and 8 (MP10_0158). The approved development included 127 residential apartments, 173 basement car parking spaces, 11 on-street parking spaces, excavation and landscaping works.

This project approval has been modified on four occasions. A summary of the approved modifications is provided at **Appendix E**.

1.3. Voluntary Planning Agreement

The proponent has entered into a voluntary planning agreement (VPA) with Parramatta City Council (council) pursuant to the requirements of Condition B2 of the project approval for MP10_0107. In this regard, the VPA requires:

- Monetary contributions for community and cultural facilities; and
- Works-in-kind including:
 - The signalisation of the Mobbs Lane/Marsden Road intersection prior to the occupation of the 225th dwelling in accordance with the drawings and specifications approved by the RMS;
 - Restoration of the conservation area within Stage 3;
 - Embellishment of the open space areas within Stages 1 to 3; and
 - Registration of a positive covenant providing public access over the land depicted as 'public open space' on the maps provided within Schedule 2 of the VPA.

In order to provide consistency between the VPA and the requirements of MP05_0086 MOD 3, MP08_0258 MOD 6, and MP10_107 MOD 9, which require the construction of the Mobbs Lane/Marden Road traffic signals prior to the occupation of the 289th apartment, the proponent lodged a separate request with the council seeking approval to alter the provisions of the VPA to reflect the revised timing for the upgrade of the intersection. In this regard, the council resolved to revise the VPA to provide consistency with the current project approvals at its meeting of 11 February 2013.

It should be noted that an amendment to Schedule 2 of the VPA to alter the configuration of the publicly accessible and common open space within Stage 3 will also be required.

1.4. Construction Progress

At the time of writing this report, construction works for Stage 1 were completed (289 apartments) and Buildings 6, 9 and 10 were under construction. Stage 2 (187 apartments) is anticipated to be complete by March 2014. In addition, the road works along Mobbs Lane and the upgrade of the Mobbs Lane/Marsden Road intersection had commenced. It is anticipated that the road works along Mobbs Lane will be complete within eight weeks and the intersection upgrade will be completed by July 2013.

2. PROPOSED PROJECT

2.1. Project Description (Original EA)

The Environmental Assessment (EA) sought project approval for the construction of 'Stage 3' of the residential development, being the final stage within the approved Concept Plan for the subject site, which comprised the following:

- Construction of five residential flat buildings, known as buildings 11 to 17 ranging between three and six storeys in height, comprised of 324 apartments being:
 - 26 x one-bedroom apartments;
 - 284 x two-bed apartments; and
 - 14 x three-bedroom apartments.
- A two level basement car park servicing Buildings 11 to 16 comprised of 447 car parking spaces (inclusive of visitor spaces and car wash bays) and 94 bicycle parking spaces, and a separate basement car park servicing Building 17 comprised of 49 car parking spaces and 14 bicycle parking spaces;
- Construction of resident recreation facilities including a swimming pool, spa and sauna; and
- Associated landscaping surrounding each building.

In addition, the EA sought approval to concurrently modify the Concept Plan to:

- Delete the internal road within in Stage 3 and replace with podium open space;
- Relocate the building envelope of Building 15/16 further to the north;
- Provide a common underground car park for Buildings 11,12, 13/14 and 15/16 (in lieu of constructing the internal road); and
- Adjust the building footprint of Building 17 to allow for underground services.

2.2. Project Amendments

The proponent lodged a Preferred Project Report (PPR) on 26 March 2013, to address the issues raised during the exhibition period. The project, as amended by the PPR, seeks approval to:

- Construct five residential flat buildings, known as Buildings 11 to 17, ranging in height between three and six-storeys and comprised of 324 apartments including:
 - 26 x one-bedroom apartments;
 - 285 x two-bedroom apartments; and
 - 13 x three-bedroom apartments;

- Construction of a two level basement car park under buildings 11 to 16 accommodating 380 car parking spaces, 167 bicycle spaces and five loading spaces, and a separate basement car park under Building 17 accommodating 49 car parking spaces and 14 bicycle spaces;
- Construction of resident recreation facilities including a swimming pool, spa and sauna within the podium/basement car park of Buildings 11 to 16; and
- Associated landscaping around the buildings.

The main changes between the project as proposed under the EA and the PPR relate to changes to:

- The footprint and envelopes of Building 11/12, Building 13/14 and Building 17; and
- The configuration of the basement car park servicing buildings 11 to 16.

These changes were proposed to ensure that all buildings and their basement car parks are located within the 'General Residential' zone.

In addition, the PPR sought approval to further amend the Concept Plan to modify the envelopes of the 'wings' adjacent to the southern façade of Building 13/14 to increase the height of the 'wings' from part three, part four-storey to wholly four-storey.

Further details of the proposal are provided in **Table 1**. The final site layout showing the proposed buildings in Stage 3 can be seen in **Figure 2**. Montages of the original proposal as contained in the EA are illustrated in **Figures 3 to 7**. It is noted that the height, bulk and scale remain the same for the most part, however some changes have occurred to the building footprint and the building heights as well as the architectural detailing as a result of the PPR. The changes are illustrated in the architectural plans appended to the PPR, however no new montages were submitted with the PPR.

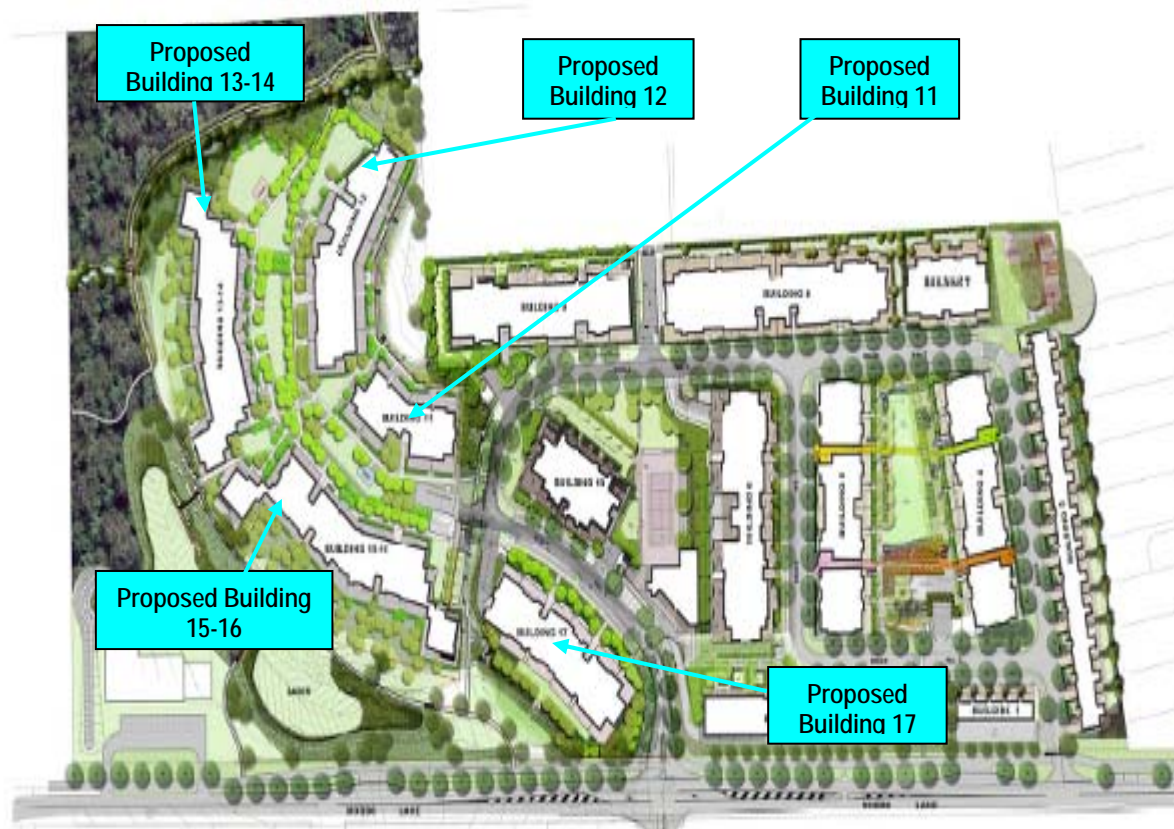


Figure 2: Location of Proposed Buildings in Stage 3 and Approved Buildings in Stages 1 and 2

Table 1: Key Components of the Project

Building	Description	Dwelling Mix	Parking	GFA
Building 11	Six-storey building with frontage to a landscaped podium. Vehicular access is proposed via a common basement car park accessed off 'Road 1' near its intersection with 'Road 2.'	<ul style="list-style-type: none"> • 7 x one-bedroom; • 38 x two-bedroom; and • 2 x three-bedroom, including six adaptable apartments. 	<ul style="list-style-type: none"> • 62 spaces provided in the basement car park servicing buildings 11 to 16, 2 of which are visitor spaces; • 1 on-street visitor space; and • 16 bicycle spaces within the common basement car park. 	4,298.81 m ²
Building 12	Six-storey building with frontage to a landscaped podium. Vehicular access is proposed via a common basement car park accessed off 'Road 1' near its intersection with 'Road 2.'	<ul style="list-style-type: none"> • 6 x one-bedroom; and • 72 x two-bedroom, including 10 adaptable apartments. 	<ul style="list-style-type: none"> • 101 spaces provided in the basement car park servicing buildings 11 to 16, 10 of which are visitor spaces; • 2 on-street visitor spaces; and • 26 bicycle spaces within common basement car park. 	7,514.57 m ²
Building 13/14	Six-storey building with frontage to a landscaped podium. Vehicular access is proposed via a common basement car park accessed off 'Road 1' near its intersection with 'Road 2.'	<ul style="list-style-type: none"> • 65 x two-bedroom; and • 7 x three-bedroom, including seven adaptable apartments. 	<ul style="list-style-type: none"> • 99 spaces provided in the basement car park servicing buildings 11 to 16, 9 of which are visitor spaces; • 1 on-street visitor space; and • 24 bicycle spaces within the common basement car park. 	7,504.04 m ²
Building 15/16	Six-storey building with frontage to a landscaped podium. Vehicular access is proposed via a common basement car park accessed off 'Road 1' near its intersection with 'Road 2.'	<ul style="list-style-type: none"> • 6 x one-bedroom; • 76 x two-bedroom; and • 4 x three-bedroom, including nine adaptable apartments. 	<ul style="list-style-type: none"> • 115 spaces provided in the basement car park servicing building 11 to 16; 10 of which are visitor spaces • 2 on-street visitor spaces; and • 29 bicycle spaces within common basement car park. 	7,777.75 m ²
Building 17	Three storey building fronting 'Road 1' with vehicular access via a basement car park accessed off 'Road 1' near its intersection with 'Road 2.'	<ul style="list-style-type: none"> • 7 one-bedroom; and • 34 two-bedroom, including four adaptable apartments. 	<ul style="list-style-type: none"> • 55 spaces provided in the basement car park; 5 of which are visitor spaces • 2 on-street visitor spaces; and • 14 bicycle spaces within the basement car park. 	3,810.55 m ²
Total Stage 3	Buildings 11-17	<ul style="list-style-type: none"> • 26 x one-bedroom; • 285 x two-bedroom; and • 13 x 3-bedroom. 	<ul style="list-style-type: none"> • 427 car parking spaces within the basement car parks, 39 of which are visitor parking spaces; • 8 on-street visitor parking spaces; • 5 loading spaces; and 108 bicycle parking spaces. 	30,455.72m ²
Total All Stages	Stages 1 and 2 Stage 3 (Buildings 1 – 17)	<ul style="list-style-type: none"> • 476 apartments; and • 324 apartments. <p>TOTAL: 800 apartments</p>	<ul style="list-style-type: none"> • 1168 spaces, of which 116 are visitor spaces located off-street, and 52 are on-street visitor spaces; and • 268 bicycle parking spaces. <p>TOTAL: 1168 car parking spaces</p>	<ul style="list-style-type: none"> • 31,329.88 m² • 18,138.31 m² • 30,455.72 m² <p>TOTAL: 79,923.91 m²</p>



Figure 3: Building 11 as Viewed Near Road 2 Looking South-West



Figure 4: Building 12 (southern half only) as viewed from the Centre of the Lower Level of the Podium Looking North-East



Figure 5: Building 13/14 as Viewed from the Centre of the Lower Level of the Podium Looking North-West



Figure 6: Building 15/16 as Viewed from the Centre of the Lower Level of the Podium Looking South-East



Figure 7: Building 17 as viewed from 'Road 1' Looking North-West

2.3. Project Need and Justification

NSW 2021

NSW 2021 seeks to deliver attractive and sustainable development through increasing the supply of affordable housing in 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.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney was released in March 2013. It is a strategic document that guides the development of the Sydney metropolitan areas to 2031. In terms of the north-west sub-region, the plan seeks to create 148,000 additional dwellings and 142,000 additional jobs by 2031. In addition, the plan seeks to diversify housing opportunities by providing greenfield housing in the North West Growth Centre and on other major sites. The proposal is consistent with the Draft Metropolitan Strategy as it will assist in the delivery of diversified housing options on a major site within close proximity to the boundary of the Epping Town Centre Urban Activation Precinct.

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 targets for Parramatta LGA.

3. STATUTORY CONTEXT

3.1. Major Project

Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. DGRs were issued in respect of MP10_0171 prior to 1 October 2011, therefore the project is a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J; and may approve the modification to the approved concept plan under section 75W of the Act.

3.2. Delegated Authority

The Minister delegated his powers and functions to determine project applications under section 75J of the Act, and modification applications under section 75W of the Act to the Executive Director, Development Assessment Systems and Approvals where:

- The relevant local council has not made an objection;
- A political disclosure statement has not been made; and
- There are less than 25 public submissions in the nature of objections commenting on the proposal.

The relevant local council did not object to the applications, no political donation disclosures have been made in relation to the project application or section 75W modification, and less than 25 submissions of objection were received in relation to both applications. As such, the project application and section 75W modification can be determined under delegation by the Executive Director, Development Assessment Systems and Approvals.

3.3. Permissibility

The subject site is listed as a State Significant Site within Schedule 3, Part 4 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). Clause 7 of Part 4 zones the subject site 'General Residential (R1)' and 'Public Recreation (RE1)' (see **Figure 8**). The objectives of the 'R1' and 'RE1' zone are to provide for a variety of housing types and densities, and to provide for a range of recreational and community uses whilst at the same time protecting and enhancing the natural environment. The proposed development is consistent with the zone objectives because it will provide medium density housing options within the site and will integrate the final stage of residential development on-site with land in the adjoining 'RE1' zone. Furthermore, the proposed uses are permissible within the zones subject to development approval.

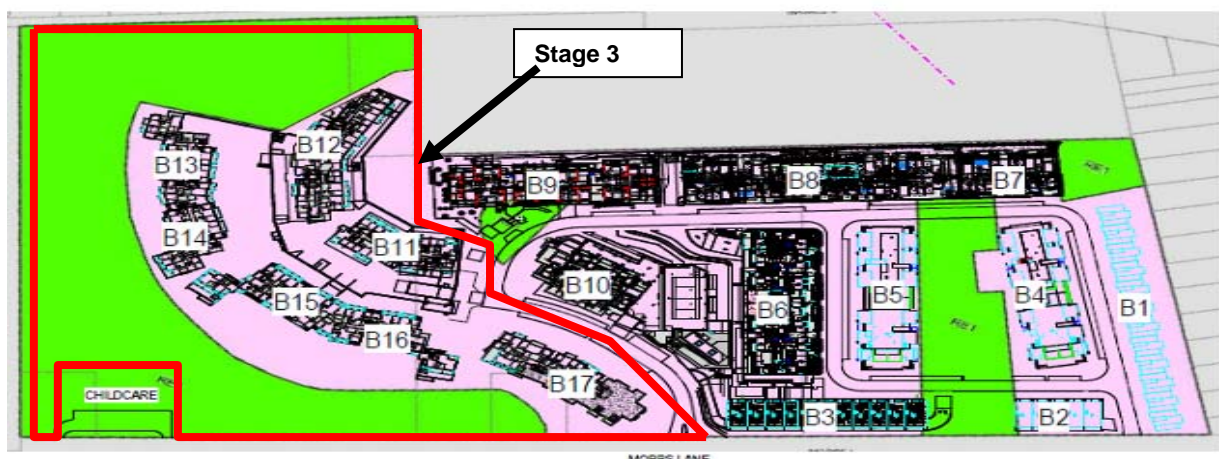


Figure 8: MD SEPP Zoning Plan

Environmental Planning Instruments

In accordance with sections 75(2)(d) and 75(2)(e) of the 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. These are:

- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy 55 – Remediation of Land*

The department's consideration of the MD SEPP is provided in section 5. An assessment of compliance with the other EPIs is provided at **Appendix D**. The proposal complies with the requirements of the relevant SEPPs.

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 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 does not raise any issues with regards to the objects under the Act.

3.5. Ecologically Sustainable Development

The Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of that POEA 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 department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Precautionary Principle: The EA and PPR identified and assessed the environmental impacts associated with the project. Furthermore, the department considers that the proponent's Statement of Commitments and the recommended conditions of approval will manage the potential environmental impacts associated with the construction of the project.

Inter-Generational Principle: The project will provide high density housing within close proximity to existing transport and infrastructure.

Biodiversity Principle: The project will not disturb any significant flora or fauna.

Valuation Principle: The cost of infrastructure and measures to ensure an appropriate level of environmental performance have been incorporated into the cost of development on the site.

The proponent has addressed the ESD principles as they relate to the project development and the DGRs. The proposed buildings will incorporate such principles in the design, construction and ongoing operation phases of the development. The department has fully considered the objects of the Act, including the encouragement of ESD in its assessment of the application. On the basis of this assessment, the department is satisfied that the proposal encourages ESD, in accordance with the objects of the Act.

3.6. Statement of Compliance

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 Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it from Wednesday 10 October 2012 until Friday 9 November 2012 (30 days) on the department's website and at the department's Bridge Street office, Parramatta City Council's offices and the Epping Library. The s75W modification to the Concept Plan was included in the EA.

The department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 10 October 2012. In addition, the department notified landholders and the relevant State and local government authorities in writing.

Six submissions were received from public agencies, none of which objected to the application. In addition, seven submissions were received from the general public, four of which objected to the applications and three of which raised concerns.

4.2. Public Authority Submissions

A summary of the public authority submissions is provided below.

Parramatta City Council (Council)

The council advised that it holds ongoing concerns with the building envelopes approved under the Concept Plan, particularly with the six-storey buildings. Notwithstanding, the council notes that the proposal is generally compliant with the approved Concept Plan, despite the council's view that the proponent provided limited justification to support the modification of the approved building envelopes and the deletion of the portion of 'Road 1' that runs through Stage 3.

In addition, the council advised that it holds residual concerns in relation to crime prevention, the design of the basement car park, the proposed landscaping, the location of Building 17, compliance with SEPP 65, traffic and car parking, and compliance with the VPA for the site. A summary of the council's concerns is provided overleaf:

Crime Prevention

- The conversion of 'Road 1' (as depicted in the Concept Plan) to a landscaped podium will reduce passive surveillance of the public domain, which is of particular concern in the evening period when residents are travelling long distances through Stage 3 to access their apartments; and
- The ground floor apartments should be redesigned to provide street level entrances to activate the podium and improve passive surveillance.

Car Parking Design

- The design of the car park should incorporate natural surveillance and adequate sight lines, as well as direct access from pedestrian paths to each building; and
- Access control systems should be implemented to restrict the general public from accessing the basement car parks for Buildings 11 to 17. In addition, the basement car park for Buildings 11 to 16 should be compartmentalised to group the parking areas associated with each building so that travel distances are kept to a minimum to provide improved safety for residents.

Landscaping

- The proposed modifications to the Concept Plan (deletion of 'Road 1'), coupled with the podium design proposed under the Stage 3 would result in planting that is not appropriate to the scale of the proposed buildings.

Building 17

- The EA does not provide adequate justification to support the modification of the footprint of Building 17, compared to that approved in the Concept Plan (the footprint has been moved further towards Mobbs Lane).

Compliance with SEPP 65

- The department should confirm whether the design verification statement has been signed by a qualified designer in accordance with Part 4 of SEPP 65;
- Fencing to ground floor apartments should not exceed 1.2 metres;
- The balconies do not achieve the minimum depth specified in the Parramatta DCP 2011 (2.5 metres required, 2 metres proposed); and
- Buildings 11 and 17 marginally exceed the maximum number of south facing apartments recommended under the *Residential Flat Design Code*.

Car Parking

- The number of car parking spaces should comply with the requirements of the Concept Plan;
- The number of stacked parking spaces should be reduced; and
- The basement car parks should be designed in accordance with AS2890.6-2009.

Voluntary Planning Agreement (VPA)

- The council does not support any changes to the VPA for the site, including the proposed changes to the open space provisions in Schedule 1.

The department has reviewed the council's concerns and considers that:

- Subject to recommended conditions requiring appropriate lighting at podium level and the installation of a security management system, the project is capable of complying with the department's crime prevention guidelines;
- Based on advice from the department's independent traffic consultant, the basement car park is capable of complying with the relevant Australian Standards;
- Appropriate planting should be provided at podium level to soften the appearance of the proposed buildings. The department has recommended a condition requiring the proponent to amend its podium design to accommodate the planting of trees that will grow to 15 metres in height at maturity;

- The proponent's PPR confirms that the design of the project has been directed by a qualified designer as per the definition provided in SEPP 65;
- The department has recommended conditions to ensure that car parking within Stage 3 complies with the rates specified in the Concept Plan (as modified), and that the requirements of AS2890.6-2009; and
- The department considers it necessary to impose a condition requiring the proponent to alter the terms of the VPA within six months of the date of the project approval to ensure that the VPA reflects the public open space configuration approved under Stage 3.

Roads and Maritime Services (RMS)

The RMS requested that the department consider reducing the number of car parking spaces proposed on site to encourage the use of public transport. In addition, the RMS queried whether the ramps, car park layout and turning paths were compliant with the relevant Australian standards, and requested clarification regarding the location of the waste collection points.

The department has reviewed the revised car park layout and design and considers that:

- There is a 14 space shortfall in the number of car parking spaces required to service the site (448 spaces required, and 434 proposed) when car parking is calculated in accordance with the rates approved under the Concept Plan (as modified). The department does not consider it appropriate to vary the number of car parking spaces below that required under the Concept Plan approval, and has recommended conditions to ensure car parking is provided in accordance with the rates specified in the Concept Plan;
- Subject to the imposition of conditions recommended by the department's independent traffic consultant, the department is satisfied that the basement car parks will comply with the relevant Australian Standards; and
- The PPR confirms that rubbish collection will occur on-street. In order to ensure there are no traffic conflicts associated with garbage collection, the department's independent traffic consultant has recommended the imposition of a condition restricting waste collection vehicles to medium rigid vehicles or smaller. This condition has been included in the Instrument of Approval.

Transport NSW

Transport NSW generally supports the applications and advised that satisfactory pedestrian access paths are proposed to allow pedestrian access to bus stops on Mobbs Lane.

Office of Environment and Heritage (OE&H)

The OE&H advised that it had no comments on the application.

Sydney Water

Sydney Water advised that Stage 3 will be serviced by an extension of the 200 mm water main and the 225 mm wastewater main in accordance with MP05_0086.

Endeavour Energy

Endeavour Energy advised that apartments in Stage 3 can be supplied with electricity from the existing high voltage network, or via the installation of additional substations on site.

4.3. Public Submissions

Seven submissions were received from the general public, four of which were objections. The key issues raised in the public submissions related to:

- Traffic and parking;
- Bulk and scale;
- Amenity;
- Provision of infrastructure to support the project;
- Environmental impacts;
- Compliance issues; and

- Construction management.

The department's response to these issues is summarised in **Table 2** below.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Comment	Proportion of Submissions
1. Increased traffic/congestion	These issues are objections that relate to the approved Concept Plan.	100%
2. Bulk and scale	The proposed buildings are either within the envelopes as approved under the Concept Plan, or where there is a non-compliance, the proponent is seeking to justify the changes and modify the Concept Plan. It should be noted that the applications do not seek approval to increase the height of any envelopes, and the most significant change relates to Building 17, where the proponent is seeking to move the building envelope closer to Mobbs Lane. The department does not support this modification, and has recommended conditions of approval to ensure Building 17 achieves an appropriate setback from Mobbs Lane. In addition, the proposed car parking is generally consistent with the rates approved in the Concept Plan, and where there are non-compliances the department has recommended conditions of approval to resolve this issue.	57%
3. Inadequate public transport		14%
4. Lack of infrastructure		43%
5. Environmental Impacts		14%
6. Inadequate parking at Epping Station		14%
7. Loss of privacy	The separation distances between the proposed buildings and surrounding dwellings comply with the requirements of the <i>Residential Flat Design Code</i> .	29%
8. Existing construction impacts	The department has been liaising with the proponent to address compliance issues associated with: <ul style="list-style-type: none"> • Light spill from the illuminated signage on the on-site cranes; and • Non-compliances with the requirements of the construction traffic management plan. In addition, the department has undertaken a number of site inspections between January and April and has not observed any adverse dust impacts.	57%
9. Construction stormwater management	The department has imposed conditions of approval to ensure stormwater is managed in accordance with best practice for the duration of construction works.	29%
10. Overshadowing	The proposed buildings will not cast shadows upon any residential properties off site.	14%
11. Lack of public open space	The application complies with the public open space rates specified in the MD SEPP and the Concept Plan.	14%
12. Buildings 11 and 12 exceed six-storeys due to reshaping of land to give the illusion of development being at ground level and structures on roof	A review of the levels across the podium and the entry levels proposed for buildings 11 and 12 confirm that the application is consistent with the site levels established under the Early Works Approval, and as such the proposed buildings will not exceed the six-storey height limit.	14%
13. Insufficient visitor parking	Visitor parking is provided in accordance with the rates specified in the Concept Plan (as modified).	14%
14. Clarification sought of building materials	The plans clearly identify the materials proposed (generally precast concrete and glass) and compliance with the BCA will be required to ensure structural integrity and fire safety.	14%
15. If works for Stage 3 are not to commence until Stage 2 is approved why are cranes in place?	Stage 2 was approved on 28 May 2012, and these buildings are currently under construction. It is likely that cranes will remain on-site between the completion of Stage 2 and the commencement of construction works in Stage 3.	14%
16. Construction workers should park on site	A condition to this affect is recommended.	14%

4.4. Preferred Project Report (PPR)

As previously outlined, the proponent provided a PPR to address the issues raised during the exhibition period. As the PPR primarily addressed the issues raised by the council and the department, the PPR was only referred to the council for comment. In this regard, the council advised that:

- The council has residual concerns in relation to safety and security within the basement car park and at podium level;
- The revised landscaping will provide an acceptable level of internal amenity; and
- The revised traffic report addresses the council's previous concerns in relation to compliance with the relevant Australian Standards.

The department has reviewed the council's submission and has recommended the imposition of the following conditions to address the council's residual concerns:

- Prepare a security management strategy for the basement area prior to the issue of a Construction Certificate, and implement all security management measures prior to occupation; and
- Install podium level lighting in accordance with the requirements of *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

5. ASSESSMENT

The department considers the key issues for the project are:

- Compliance with the MD SEPP;
- Compliance with the Concept Plan;
- Residential amenity;
- Provision of appropriate landscaping;
- Urban design; and
- Construction impacts.

5.1. Compliance with the MD SEPP

The site is listed as a State significant site (SSS) under Schedule 3, Part 4 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). The listing specifies the zoning, height and density controls applicable to the site. The department has reviewed the application against the requirements of the SEPP and is satisfied that it is consistent with the applicable controls. A summary of compliance is provided in **Table 3** below.

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

MD SEPP Requirements	Proposal	Compliance
Zoning R1 General Residential	All residential development is contained within the R1 zone	Yes
Zoning RE1 Public Recreation	Landscaping is proposed within the 'RE1' zone	Yes
Maximum Building Height 3 to 6 storeys	Maximum height 3-6-storeys*	Yes
Maximum 800 units	Stage 1 – 289; Stage 2 – 187; Stage 3 – 324 Total – 800	Yes
Maximum GFA 80,000 m ²	30,455 m ² for Stage 3, resulting in a cumulative total of 79,966 m ² across the whole site	Yes

*See **Figure 9** overleaf

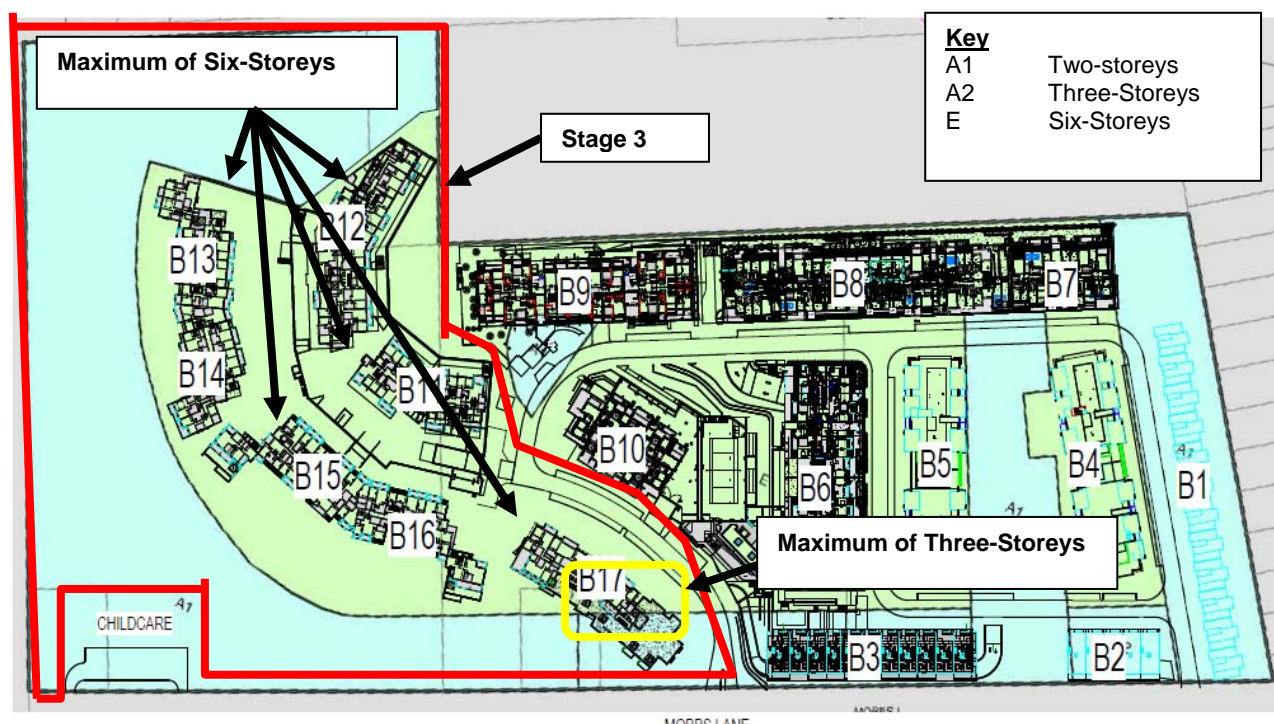


Figure 9: MD Height of Buildings Map

5.2. Compliance with the Concept Plan

The department has assessed the application against the requirements of the Concept Plan and is satisfied that with the exception of the number of car parking spaces proposed on site, the application complies with the numeric controls outlined in the Concept Plan and Modification B16 (see **Table 4**). Notwithstanding, the department notes that the application requires variations to the following aspects of the Concept Plan:

- The construction of 'Road 1' though Stage 3;
- The location and configuration of the building envelopes for buildings 11 to 17; and
- The distribution of publicly accessible and common open space within Stage 3.

Table 4: Compliance with the Approved Concept Plan (as modified)

Concept Plan (as modified)	Stage 1 Buildings 1-5, 7-8	Stage 2 Buildings 6, 9 & 10	Stage 3 Buildings 11-17	Cumulative Total	Compliance
Maximum Building Height 6 storeys	3-6 storeys	3-6 storeys	3-6 storeys	N/A	Yes
Maximum 800 apartments	289	187	324	800	Yes
Maximum GFA 80,000 m ²	31,329.88 m ²	18,180.31 m ²	30,455.72 m ²	79,965.91 m ²	Yes
Unit mix One- bedroom (minimum 5%) Three- bedroom (maximum 15%)	34 82	15 2	26 13	75 (9.4%) 97 (12.1%)	Yes
3.1 Hectares of Landscaped Public Open Space	3.1 ha	3.1 ha	3.125 ha	3.125	Yes

The department's assessment of the proposed variations to the Concept Plan is provided below.

Deletion of the Portion of 'Road 1' within Stage 3

The application seeks approval to delete the portion of 'Road 1' that is located within Stage 3 in order to provide more communal open space at podium level.

The department notes that the council raised concern with this component of the proposed modification on the basis that it had the potential to result in the following adverse impacts:

- Security impacts associated with reducing natural surveillance associated with buildings fronting a public road;
- Security impacts associated with managing persons accessing the basement car park servicing buildings 11 to 16; and
- Amenity impacts associated with the loss of substantial trees approved under the early works project approval due to buildings 11 to 16 being constructed over a common basement car park.

The department has reviewed the council's concerns and considers that:

- The extent of passive surveillance across the landscaped podium would be similar to that of the design approved under the Concept Plan, as all apartments that would have fronted 'Road 1' now front the landscaped podium. Notwithstanding, the department notes that the landscaped podium may provide places for concealment if it is not well lit at night. In order to address this issue the department has recommended a condition requiring the proponent to install podium level lighting in accordance with the requirements of *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*;
- The layout of the basement car park servicing buildings 11 to 16 precludes compartmentalisation. Notwithstanding, the department considers that appropriate security measures, such as the implementation of a keyed access and intercom system would be appropriate to manage visitor and resident access within Stage 3. In order to address this issue the department has recommended conditions requiring the proponent to prepare a security management strategy prior to the issue of a Construction Certificate, and implementation of all measures outlined in the strategy prior to the release of an Occupation Certificate; and
- The department notes that the early works project approval (MP08_0258, as modified) included a landscape scheme for Stage 3, which required the planting of 20 metre to 40 metre high trees within the verge area to 'Road 1'. The department agrees that proposed podium design would only support the growth of trees ranging between 5 metres and 15 metres at maturity due to the depth of the proposed soil mounds (0.8 to 1.0 metres). The department considers that additional planting of at least 15 metre high native trees should be accommodated by providing increased soil depths at podium level. This could be achieved by either increasing the depth of the planter boxes, or a combination of planter boxes and 'slots' into the roof of the car park below. In order to ensure appropriate landscaping is provided within Stage 3, the department has recommended a condition requiring the proponent to revise its landscape plan to incorporate additional native trees that are capable of reaching a minimum height of 15 metres at podium level.

Location and Configuration of Building Envelopes within Stage 3

The application seeks approval to modify the location and configuration of the building envelopes for buildings 11 to 17 as follows:

- Reconfiguration of the southern and western elevations of Building 12;
- Increasing the height of the wings adjacent to the south-western and south-eastern corners of Building 13/14 from part three, part four-storey to wholly four-storey;
- Relocation of Building 15/16 to the north of its approved location; and
- Elongation of Building 17, and a reduction in its setback to Mobbs Lane;

Figure 10 provides a comparison of the approved and proposed building envelopes and **Figure 11** depicts the height requirements outlined in the Concept Plan.

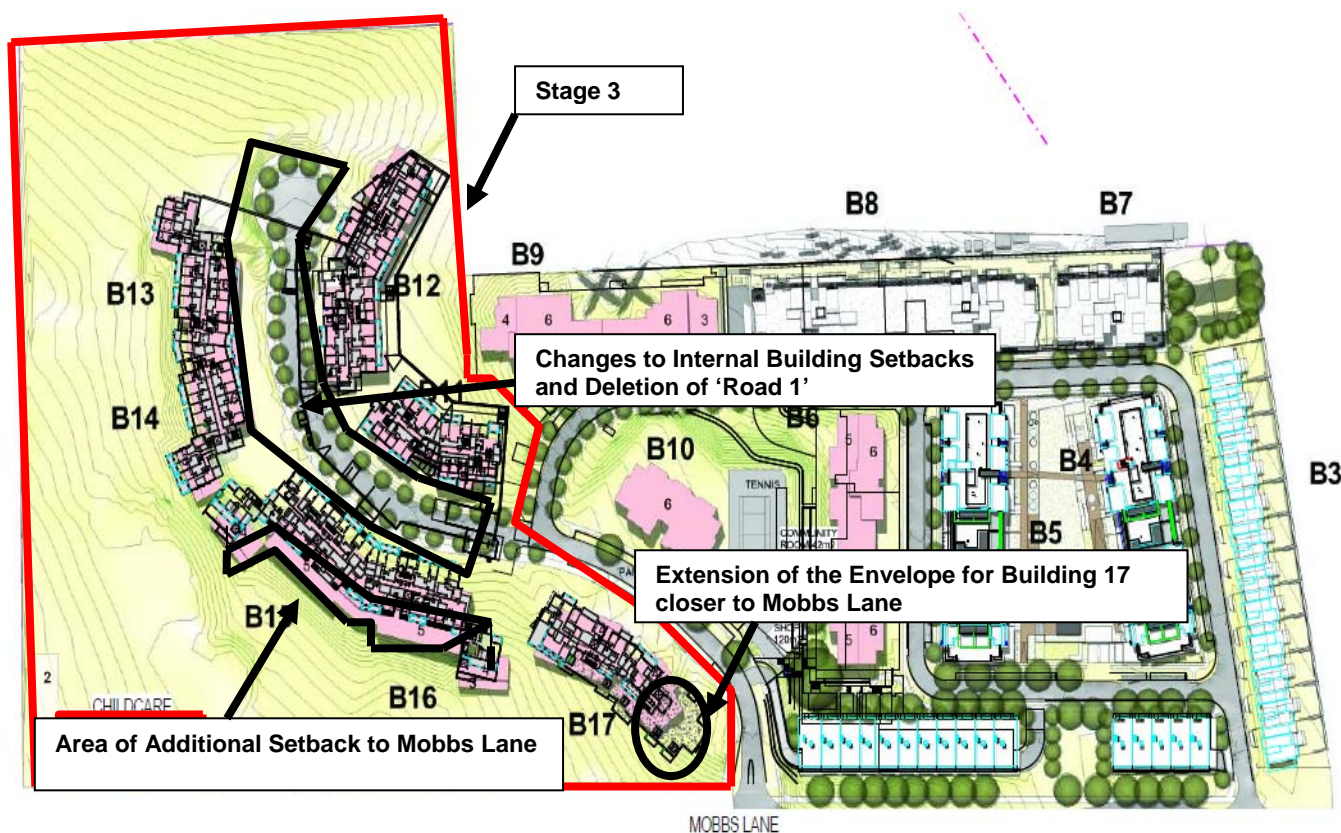


Figure 10: Comparison of Approved and Proposed Building Envelopes
(pink envelopes depict the envelopes approved under MP05_0086 MOD 2)

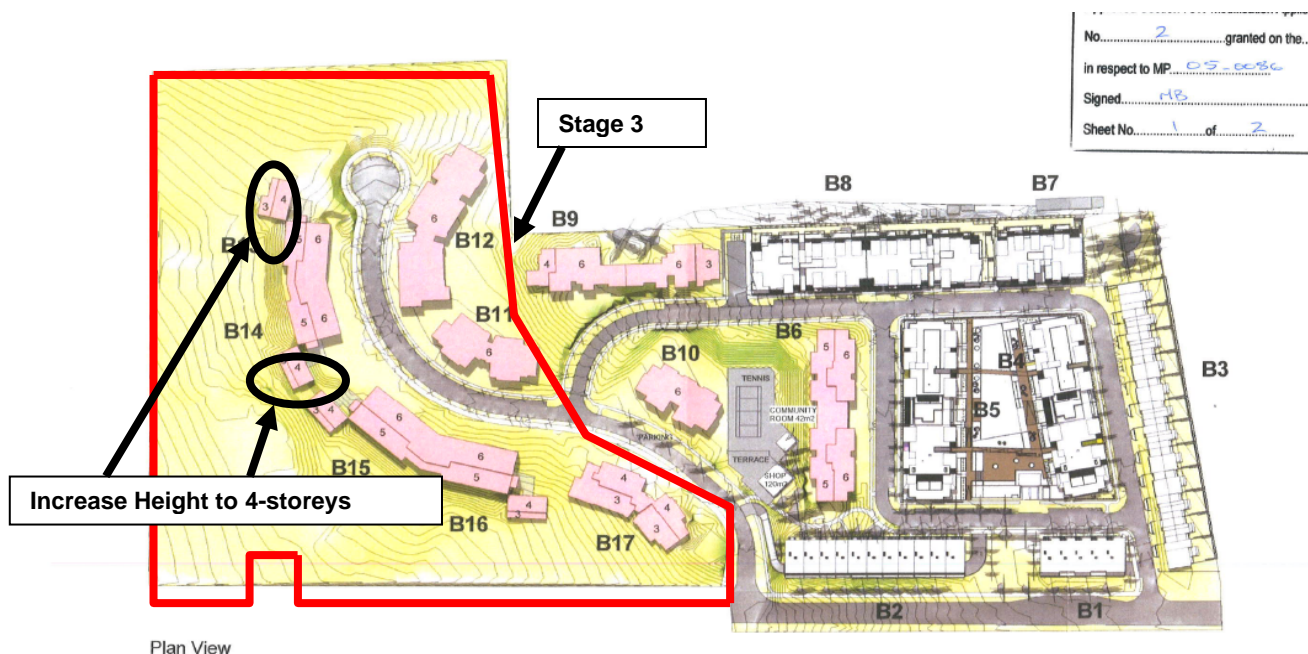


Figure 11: Approved Building Heights

Changes to Buildings 13 and 14

The department has reviewed the impact of increasing the height of the 'wings' adjacent to the south-eastern and south-western corners of Building 13/14 from part three, part four-storey to wholly four storeys in height, and has concluded that increasing the height of the 'wings' would not result in any adverse amenity impacts on the basis that:

- The additional storeys would not be discernable when viewed from Mobbs Lane due to their location deep within the site; and
- Any views to the site from the residential areas to the north and north-west and the adjoining reserve to the west would be screened by dense vegetation.

Changes to Buildings 11 and 12, 13/14 and 15/16

The department has reviewed the proposed modifications to the building envelopes and supports the relocation of buildings 11 and 12 and 13/14 on the basis that the modified building envelopes would remain compliant with the minimum building separation distances recommended in the *Residential Flat Design Code* and would not result in any adverse amenity impacts when viewed from Mobbs Lane or the adjoining reserve. In addition, the department supports the proposed modifications to the envelope of Building 15/16 on the basis that the modifications will increase the separation between the six storey components of the building and Mobbs Lane by approximately 8 metres (creating a total setback of between 48 metres and 85 metres for the six storey component of the building).

Changes to Building 17

The department does not support the proposed modifications to the envelope of Building 17 on the basis that the above ground portion of the basement, the podium, and the north-eastern corner of the building are not sufficiently setback from Mobbs Lane to mitigate the bulk and scale of the development (setback of 15 metres to the eastern wall of Building 17 currently approved, 4.7 metres to the edge of the elevated podium and 7 metres to the balconies on the eastern elevation of Building 17 proposed).

In order to resolve this issue, the department has recommended conditions requiring the proponent to:

- Ensure the aboveground portion of the basement car park and the podium are setback 8 metres from Mobbs Lane. This will ensure appropriate landscaping can be installed to soften the bulk and scale of the building; and
- Redesign apartments UG84, UG85, U184, U185, U284 and U285 (adjacent to the eastern elevation) to remove the balconies and bedroom 1 of each apartment so that an appropriate setback is provided to Mobbs Lane (see **Figure 12**).

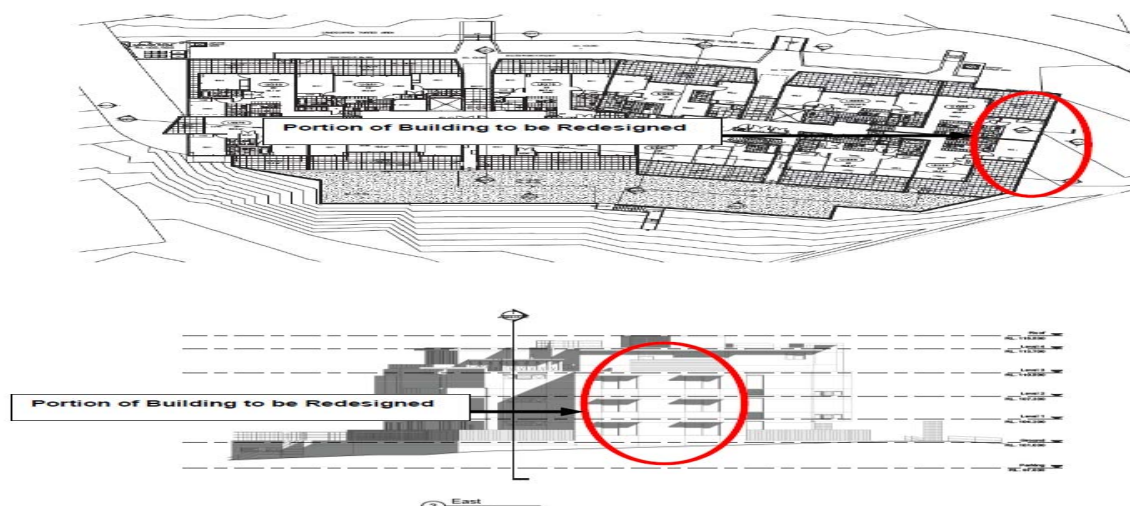


Figure 12: Portions of Building 17 to be Redesigned

The department notes that the redesign of apartments UG84, UG85, U184, U185, U284 and U285 would result in the loss of three apartments (one on each level). In this regard, the department considers that it would be possible to 'recover' these apartments by utilising the residual floor space available within the wings on the south-eastern and south-western ends of Building 15/16 (see **Figure 13** below). The department has recommended conditions to facilitate the recovery of these apartments whilst ensuring compliance with the unit mix and car parking rates specified in the Concept Plan and the requirements of SEPP 65.

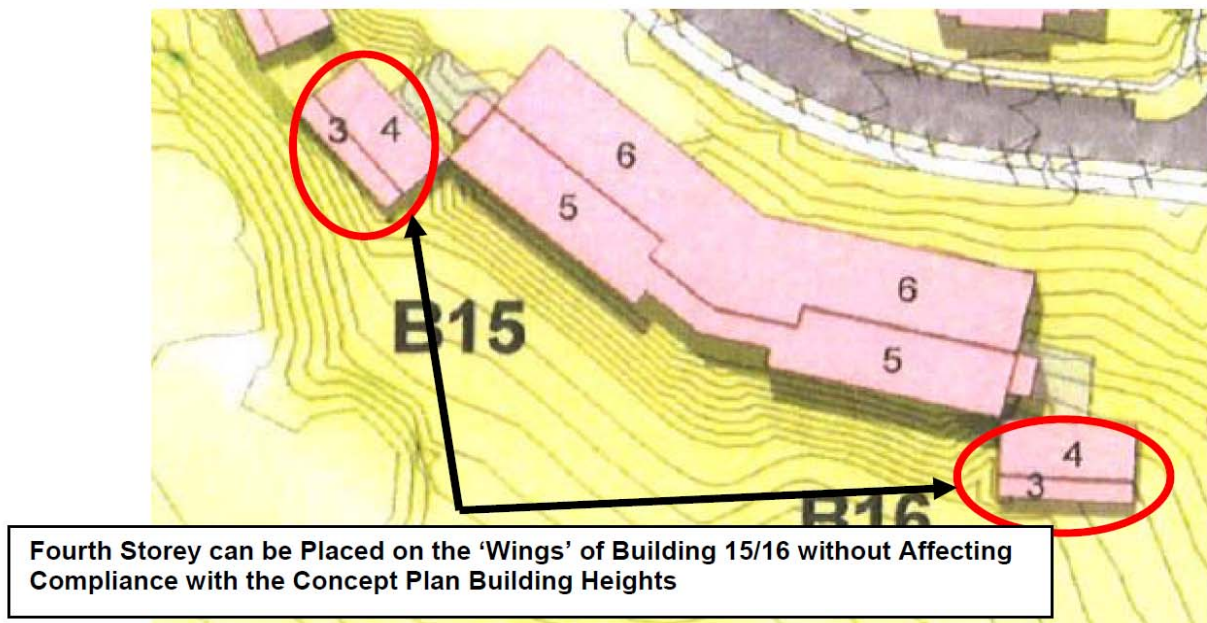


Figure 13: Portions of Building 15/16 with Potential to Accommodate Additional Height

Redistribution of Open Space

The application seeks approval to decrease the extent of publicly accessible open space within Stage 3 from 31,394 m² to 31,250 m², and increase the amount of common open space from 12,965 m² to 13,109 m².

The department has assessed the proposed distribution of publicly accessible and common open space on site and considers that the proposed variation is acceptable because:

- It is minor in nature (a reallocation of 144 m² of publicly accessible open space to common open space);
- It will provide a suitable level of amenity for residents within Stage 3; and
- The final amount of publicly accessible open space is consistent with the requirements of the Concept Plan (minimum of 3.1 hectares required, 3.125 hectares proposed).

As such, this modification is supported.

The department notes that the proposed changes to the distribution of open space within Stage 3 would require sheets 2 and 3 of Schedule 1 of the VPA for the site to be updated. The department has recommended a condition requiring the VPA to be updated within six months of the date of the project approval.

Car Parking

MP05_0086 MOD 2 amended the car parking rates applicable to the site. In this regard, the current car parking rates applied to the site are as follows:

- 1 space for every one-bedroom apartment;
- 1.25 spaces for every two-bedroom apartment;

- 1.5 spaces for every three bedroom apartment; and
- 1 space per seven apartments for visitors.

Table 5 below demonstrates that the application proposes a small shortfall in the number of car parking spaces required to service the site (448 required, 434 proposed). In order to address this issue the department has recommended a condition requiring the proponent to provide car parking in accordance with the abovementioned rates.

Table 5: Compliance with the Car Parking Rates of the Concept Plan

Apartment Type	Number	Car Spaces Required	Car Spaces Proposed	Compliance
One-bedroom	26	26	25	No
Two-bedroom	285	356.25	342	No
Three Bedroom	13	19.5	20	Yes
Visitors	N/A	46.28	47	Yes
TOTAL	324	448.03	434	No

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). The department notes that the application does not fully comply with the 'rules of thumb' for building depth, building separation, privacy, natural ventilation, solar access, safety, pedestrian access, apartment layout and ground floor apartments outlined in the RFDC. A detailed analysis of all RFDC requirements is contained within **Appendix D**, and areas of non-compliance are discussed below.

Natural Ventilation

The RFDC recommends that 60 per cent of apartments should be cross ventilated, and 25 per cent of kitchens should be naturally ventilated. The department considers that buildings 11, 15/16 and 17 comply with the guideline with 74.5, 62.8 and 61 per cent of apartments respectively being cross ventilated. However, buildings 12, and 13/14 do not comply, with only 57.7 of apartments within Building 12 and 55.6 per cent of apartments within Building 13/14 being cross ventilated.

Whilst the plans for buildings 12 and 13/14 do not achieve the minimum ventilation standards recommended in the RFDC, the department considers that the level of natural ventilation could be improved by:

- The provision of operable skylights to all top floor apartments within Building 12 to improve cross ventilation; and
- The installation of operable skylights or highlight windows within close proximity of the kitchens that rely on mechanical ventilation.

Subject to these minor design changes, buildings 12 and 13/14 would be capable of achieving compliance with the cross ventilation standards of the RFDC. Similarly, all buildings with the exception of Building 12, would be capable of achieving natural ventilation to 25 per cent of the kitchens. Accordingly, the department has recommended conditions of approval to ensure the abovementioned changes are implemented prior to the issue of a Construction Certificate for buildings 12 and 13/14.

Solar Access

The RFDC recommends that 70 per cent of apartments receive a minimum of three hours of direct sunlight to living rooms and private open space between 9 am and 3 pm at the winter solstice. The department has assessed the proponent's solar access report and notes that whilst it provides sun eye view diagrams, it does not provide a breakdown outlining whether the living areas and private open spaces of each apartment receive three hours of sunlight at the winter solstice. In addition, the department notes that Appendix B of the report has not been updated to reflect the architectural plans provided with the PPR.

The department has undertaken a review of the layout and orientation of each building and has concluded that subject to some minor internal reconfigurations, it would be possible for 70 per cent of the apartments within Stage 3 to achieve three hours of solar access to living rooms and private open space areas. Notwithstanding, the department notes that due to the orientation of the building envelopes approved under the Concept Plan, it may not be possible for each individual building to achieve compliance with this requirement. In order to ensure the application achieves compliance with the solar access requirements of the RFDC, the department has recommended a condition requiring the proponent to demonstrate that 70 per cent of apartments within Stage 3 achieve three hours of direct sunlight to living areas and private open spaces during the winter solstice, prior to the issue of a Construction Certificate.

Building Depth

The RFDC specifies that the optimal building depths for new flat buildings range between 10 metres and 18 metres unless it can be demonstrated that a variation to this requirement will not result in a non-compliance with the solar access and ventilation requirements of the Code. The proposed buildings range between 12.5 metres and 19 metres.

Whilst the proposed buildings exceed the maximum building depth recommended in the RFDC, the department considers that the extent of non-compliance is minor (a maximum of 1 metre). Furthermore, the department considers that subject to the implementation of the design changes recommended to achieve compliance with the solar access and ventilation requirements of the RFDC, the depth of the proposed buildings will not cause any adverse amenity impacts. As such, the department supports the depth of the proposed buildings.

Building Separation and Privacy

The RFDC recommends a minimum separation distance of 12 metres for buildings that are between three and four-storeys in height, and 18 metres between habitable rooms/balconies for buildings over five-storeys in height. The department has assessed the application against the separation distances recommended in the RFDC and has concluded that:

- There is sufficient separation between buildings 10 and 17, buildings 9 and 11, and buildings 13/14 and 15/16;
- The separation distance between buildings 17 and 15/16 is 10 metres. Although the proposed separation distance is below the 18 metres recommended in the RFDC, the department considers this distance is acceptable on the basis it would not result in any privacy impacts given that the portions of the building that are non-compliant are comprised of blank walls;
- The separation distance between buildings 11 and 12 varies between 9.5 and 11 metres where the areas of non-compliance relate to separations provided between balconies that face each other, and 8 and 10 metres where non-compliances relate to balconies and windows that face each other. These non-compliances will not result in any adverse solar access impacts, however they will result in privacy issues. In order to address this issue, the department has recommended conditions requiring the installation of a combination of 1.5 metre high privacy screens and obscure glazing on the southern elevation of Building 12.

Apartment Layout

The RFDC recommends that single aspect apartments should be limited in depth to 8 metres to ensure sufficient natural light is provided to habitable rooms. In addition, the RFDC recommends that kitchens are located no more than 8 metres from a window to ensure appropriate natural ventilation is provided. The department has reviewed the layout of apartments within buildings 11 to 17 and has concluded that:

- No apartments are greater than 8 metres in depth;
- All apartments within Building 11 contain kitchens that are located within 8 metres of a window; and
- There are a number of apartments within the remaining buildings that contain kitchens that are located in excess of 8 metres from a window.

The department notes that across Stage 3 as a whole, approximately 82 per cent of apartments achieve compliance with the kitchen ventilation requirements recommended in the RFDC. Furthermore, it would be possible for the majority of apartments to achieve compliance with this requirement subject to minor internal reconfigurations or the addition of operable skylights. The department has recommended conditions of approval to ensure the kitchens to all apartments within Stage 3 achieve compliance with the recommendations of the RFDC. In addition, where compliance can't be achieved, the proponent should provide evidence to demonstrate that it would be possible to naturally ventilate the kitchens of the non-compliant apartments.

Ground Floor Apartments

The RFDC recommends that the number of ground floor apartments with separate entries from the street (or in this case from the podium) should be maximised. Whilst 13 of the 17 apartments that front the podium have direct access to it via a courtyard, it would be possible to increase this number to ensure the four remaining apartments achieve direct access to the podium. The department has recommended a condition to facilitate an increase in the number of ground floor apartments with direct access to the podium.

Pedestrian Access

The RFDC, the BCA and the *Disability Discrimination Act, 1992* require the provision of accessible paths of travel across a development site. In this instance, this would include the provision of accessible paths of travel between each building, the areas of common and publicly accessible open space, as well as between the accessible parking spaces and the adaptable apartments. The department notes that the proponent has provided a statement from its BCA consultant advising that the proposal, as amended by the PPR, is capable of complying with the requirements of the BCA and AS 1428.1:2009.

As the department has recommended conditions requiring the proponent to provide a revised landscape plan which integrates the podium with the remaining open space areas within Stage 3 and the adjoining open space within Stage 2, it is not possible to determine if the application complies with the abovementioned access requirements at this time. As such, the department has recommended conditions requiring the proponent to:

- Ensure all accessible areas are designed and constructed to comply with the requirements of the BCA, AS1428.1: 2009 (*General Requirements for Access - New Building Works*), AS1735.12: 1999 (*Lifts, Escalators, & Moving Walks*), and the DDA *Access to Premises Standards 2010*; and
- Provide accessible paths of travel between:
 - Mobbs Lane and each building;
 - Each building within the development;
 - Each building and any communal facilities (including the swimming pool/gm and other community facilities and shops in Stages 1 and 2;
 - The buildings and the publicly accessible open space; and
 - The publicly accessible open space and Mobbs Lane.

5.4. Urban Design

The department has reviewed the design of buildings 11 to 17 and has concluded that:

- Each elevation of Building 11 is well resolved and no design modifications are required;
- The western elevation of Building 12 is well articulated, however the northern end of the western elevation has an awkward resolution as it has been designed to follow the unusual angle of the MD SEPP 'RE1' zone boundary. The department considers that this could be resolved by either regularising the northern end of the western elevation so that it appears more rectangular in shape, and/or the provision of increased articulation via the incorporation of additional architectural features. Further, the department considers that the eastern elevation would benefit from additional articulation to reduce the bulk and scale of the building. This could be achieved via the use of varied building materials and colours, and/or the incorporation of indented or projecting elements. The remaining elevations are considered to be well resolved and require no further amendments;

- The northern and southern elevations of Building 13/14 are well resolved and do not require any design modifications, however, the eastern and western elevations are comprised of blank walls and a single column of windows. The department considers that these elevations would benefit from additional articulation in the form of additional colours and/or materials and/or the inclusion of indented or projecting elements in the facade;
- The southern, eastern and western elevations of Building 15/16 are well resolved, however the northern elevation would benefit from additional articulation to reduce the bulk and scale of the building. This could be achieved via the incorporation of additional architectural features; and
- With the exception of the modifications required to set the eastern elevation of Building 17 back from Mobbs Lane, the department considers that the remaining elevations are well resolved and no design modifications are required.

The department has recommended conditions requiring the abovementioned design modifications to be implemented to the satisfaction of the Director General, prior to the issue of a Construction Certificate.

5.5. Construction Impacts

Environmental and Construction Management Plans accompany the Stage 3 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 they provide a suitable framework for managing the construction works on site.

6. CONCLUSION

The department has assessed the EA for the project and the section 75W modification application and considered advice from public authorities in accordance with section 75(2) of the EP&A Act. All the relevant environmental issues associated with the proposal have been assessed, including the outstanding issues raised by the council in its response to the PPR. In this regard, the department has recommended conditions to ensure that the council's residual concerns in relation to crime prevention within the basement car park and podium are addressed. The proponent has also received and accepted the recommended conditions.

The project is consistent with the relevant SEPPs and EPIs and would assist in achieving the housing targets specified in the Sydney Central West Subregional Strategy. Based on the above the department considers that the project is in the public interest. Consequently, the department recommends that the project be approved, subject to conditions.

6. RECOMMENDATION

It is recommended that the Executive Director, Development Assessments and Systems Approvals:

- (a) consider the findings and recommendations provided in this report;
- (b) **approve** the modification to the approved Concept Plan, under section 75W of the *Environmental Planning and Assessment Act 1979*;
- (c) **approve** the Project Application for MP11_0046, under section 75J of the *Environmental Planning and Assessment Act 1979*, subject to recommended conditions,
- (d) **sign** the attached Instrument of Modification (**Tag A**); and
- (e) **sign** the attached Project Approval (**Tag B**).


Kate MacDonald
Senior Planner
Metropolitan and Regional Projects North

17/5/13


Heather Warton
Director
Metropolitan and Regional Projects North

17/5/13


Chris Wilson
Executive Director
Development Assessment Systems and Approvals

30.5.13

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613

APPENDIX B SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613

APPENDIX C PREFERRED PROJECT REPORT

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

1.1 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. In addition to the SEPP, the Residential Flat Design Code (RFDC) sets broad parameters within which good design of residential flat buildings can occur by illustrating the use of development controls and consistent guidelines. The department's assessment of the application against the SEPP 65 design principles and the 'rules of thumb' outlined in the RFDC is provided in **Tables 1** and **2** below.

Table 1: Compliance with SEPP 65 Design Principles

Principle	Department's Response
Principle 1: Context	The proposal is not consistent with the requirements of the approved Concept Plan (MP05_0086 as modified). However, the application is accompanied by an application to modify the approved concept plan and subject to that being approved in conjunction with the application, the proposal would be consistent with the approved concept plan for the site. The proposal would not have any detrimental impacts on the amenity of surrounding development and or existing stages of the development on the site.
Principle 2: Scale	The proposed buildings do not comply with the maximum height controls within the approved concept plan (MP05_0086 as modified). However, subject to recommended conditions of approval the buildings would comply with the maximum height controls. 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 3 provide variation in design to ensure visual interest across the redevelopment site, however it is considered that additional articulation is required to a number of the facades to ensure the large buildings are not inappropriately bulky and a condition is recommended in this regard.
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 was lodged with the PPR. A condition has been recommended to ensure all BASIX commitments are implemented prior to the issue of an Occupation Certificate.
Principle 6: Landscape	The proposal includes planting along internal road 'Road 1' and the podium above the shared basement car park, however additional detail is required to ensure landscaping commensurate with the scale of the development is provided and a condition to this effect is recommended. The application relies on the approved landscaping of the publically accessible open space area shown in the Early Works Package approval (MP08_0258 as modified) however the changes to the Stage 3 buildings, including the deletion of Road 1 and the provision of basement car park with podium over means that the landscaping approved in the Early Works Package is no longer appropriate. Therefore a condition of approval requires detailed landscape plans to be provided to amend the landscaping approved under the early works project.
Principle 7: Amenity	The proposal generally complies with the requirements of SEPP 65 and the recommended standards of the RFDC in terms of achieving satisfactory residential amenity. Non-compliances with RFDC rule of thumb controls are discussed in Section 5.3, and where necessary, conditions of approval are recommended to address deficiencies in the design.
Principle 8: Safety and Security	The buildings have been designed to provide passive surveillance to the podium and 'Road 1'. 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 36 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 generally articulated and include a variety of materials, textures and colours to provide an interesting streetscape appeal. However a number of the facades provide an inadequate level of articulation, relying only on articulation by way of variations to balcony design. A condition is recommended to improve the level of articulation to these facades. Subtle variation is provided to ensure that the buildings may contribute towards a desirable streetscape character.

Table 2: Residential Flat Design Code Compliance Table

RFDC Requirement		Stage 3 Proposal	Compliance
Part 1 Local Context			
Building depth	Maximum depth if 18 metres	<ul style="list-style-type: none"> Building 11 – 14-19 metres Building 12 – 12.5-19 metres Building 13/14 – 18 metres-19 metres Building 15/16 – 18-19 metres Building 17 – 17-19 metres 	Non-compliance for all buildings. See Section 5.3
Building separation	<p>Up to 4-storeys:</p> <ul style="list-style-type: none"> 12 m between habitable rooms/balconies. <p>Over 5-storeys:</p> <ul style="list-style-type: none"> 18 m between habitable rooms/balconies. 	<p>Separation between buildings across podium all in excess of 18 metres balcony to balcony.</p> <ul style="list-style-type: none"> Building 10 to Building 17 in excess of 18 metres balcony to balcony; Building 17 to Building 15/16 – 10 metres blank wall to window and in excess of 18 metres balcony to balcony; Building 11 to Building 12 – 9.5 metres – 11 metres balcony to balcony, 8 metres -10 metres balcony to window; Building 13/14 to Building 15/16 – in excess of 18 metres blank wall to balcony, 5.5 metres -7.5 metres window to window on 4 storey element; Building 9 to Building 11 in excess of 18 metres balcony to balcony; and 16 metres between habitable room/balconies of Building 8 at 5-storey level. 	Non compliance Building 11 to Building 12, Building 13/14 to Building 15/16. See Section 5.3
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
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 equates 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 equates to 34% of the total site area	Yes
Private Open Space (ground floor)	25 m ² with minimum width of 4m	<ul style="list-style-type: none"> Building 6 – minimum 27 m² Building 9 – minimum 30 m² Building 10 – minimum 27 m² 	Yes
Planting on Structures	<p>Recommended soil provision:</p> <p>Large trees – 1.3 metres deep, soil area 10 metres x 10 metres, volume 150 m³</p> <p>Medium trees – 1 metre deep, soil area 6 metres x 6 metres, volume 35 m³</p> <p>Small trees – 0.8 metres</p>	Extensive planting is proposed on the podium between buildings 11-16, however the planting does not include large trees, which are necessary given the bulk and scale of the development.	A condition of approval requires the planting of additional trees that are capable of growing to a height of 15 metres at maturity

	deep, soil area 3.5 metres x 3.5 metres, volume 9 m ³		
Stormwater Management	Objectives: To minimise the impacts of development on the health and amenity of natural waterways; To minimise discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity	Stormwater management proposals are addressed in the Early Works approval and apply for the whole site	Yes
Safety	Objective: To ensure developments are safe and secure for residents and visitors	Concern is raised about safety due to the distance from the end of Road 1 to the entrances to Buildings 11-16.	Conditions are recommended requiring appropriate lighting levels to the podium and car park and requiring security controls over access to the car park. See Section 5.3
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.	In general visual privacy is reasonable	A condition is recommended to address the areas where visual privacy is not adequate. See Section 5.3
Pedestrian access	Comply with AS 1428 Provide barrier free access to 20% of apartments	Concerns are raised with the level of compliance with AS1428 between the buildings, between the podium and the publicly accessible open space and to the road 97.5% barrier free access	A condition is recommended to ensure the development is provided with accessible paths of travel in accordance with AS 1428. See Section 5.3
Part 3 Building Design			
Apartment layout	Single aspect apartments should be limited in depth to 8 metres from a window; Kitchens should be no more than 8 metres from a window	<u>Depth of Single Aspect Apartment</u> All compliant with the exception of Unit UG15 <u>Kitchen 8m from Window</u> <ul style="list-style-type: none"> Building 11 – 47/47 – 100% Building 12 – 60/78 – 77% Building 13/14 – 66/72 – 92% Building 15/16 – 60/86 – 70% Building 17 – 34/41 – 83% Total – 267/324- 82% 	Partially compliant. See Section 5.3. Non compliant Buildings 12-17. See Section 5.3
Balconies	Primary balconies to have minimum depth of 2 metres	All balconies have a minimum depth of 2 metres	Yes
Ceiling heights	2.7 metres minimum height	All buildings are identified as having 3.1 m floor to floor dimensions, which scales at 2.8 metres floor to ceiling (not dimensioned).	Yes
Ground floor apartments	Provide ground floor	All ground floor apartments have access to private open space. Many ground floor	Partial compliance. See Section 5.3.

	apartments with access to private open space Optimise number of ground floor apartments with separate entries	apartments facing the podium, Road 1 or Mobbs Lane have separate entries through their private open space, however, some apartments don't and could have.	
Internal circulation	The number of units accessible from a single core/corridor should be limited to 8 where arranged off a double loaded corridor	<ul style="list-style-type: none"> • Building 11 – double loaded - 8 • Building 12 – two cores – double loaded – 6 & 7 • Building 13/14 – two cores – double loaded – 7 & 7 • Building 15/16 – two cores – double loaded – 7 & 7 • Building 17 – two cores – double loaded – 6 & 6 	Yes
Storage	6 m ³ for 1-bedroom apartments 8 m ³ for 2-bedroom apartments 10 m ³ for 3-bedroom apartments	Internal storage provided to all units	Yes
Daylight access	70% of apartments to have minimum of 3 hours of sunlight in living rooms and private open space between 9 am and 3 pm in the winter; Maximum 10% of single-aspect apartments shall have a southerly aspect	<u>Living Rooms</u> <ul style="list-style-type: none"> • Building 11 – 32/47 – 68% • Building 12 – 48/78 – 62% • Building 13/14 – 45/72 – 63% • Building 15/16 – 59/86 – 69% • Building 17 – 27/41 – 66% • Total – 211/324- 65% <u>Private Open Space</u> <ul style="list-style-type: none"> • Building 11 – 24/47 – 51% • Building 12 – 42/78 – 54% • Building 13/14 – 41/72 – 57% • Building 15/16 – 45/86 – 50% • Building 17 – 23/41 – 56% • Total – 173/324- 53% 	Non-compliance for all buildings and the Stage 3 as a whole for solar access to living rooms and private open space. See Section 5.3
Natural ventilation	60% of residential units should be naturally ventilated; and 25% of kitchens should have access to natural ventilation	<u>Cross ventilation</u> <ul style="list-style-type: none"> • Building 11 – 35/47 – 74.5% • Building 12 – 45/78 – 57.7% • Building 13/14 – 40/72 – 55.6% • Building 15/16 – 54/86 – 62.8% • Building 17 – 25/41 – 61% • Total – 199/324- 61.4% <u>Kitchen ventilation</u> <ul style="list-style-type: none"> • Building 11 – 23/47 – 49% • Building 12 – 0/78 – 0% • Building 13/14 – 6/72 – 8% • Building 15/16 – 10/86 – 12% • Building 17 – 0/41 – 0% • Total – 39/324- 12% 	Buildings 12, 12/14, and 15/16 do not comply, however Stage 3 as a whole does comply with building cross ventilation. Only Building 11 complies with the kitchen ventilation requirement and Stage 3 as a whole does not comply. See Section 5.3
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	The building facades are generally articulated and include a variety of materials, textures and colours to provide an interesting streetscape appeal, however a number of the facades provide an inadequate level of articulation, relying only on articulation by way of variations to balcony design.	A condition is recommended to improve the level of articulation to these facades. Subtle variation is provided to ensure that the buildings may contribute towards a desirable streetscape character. See Section 5.6

1.2 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 per cent reduction in energy use and 40% reduction in potable water.

The PPR includes a valid BASIX Certificate. As such the application is consistent with the requirements of the SEPP.

1.3 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.

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

A *'Soil and Groundwater Risk Assessment'* was submitted to support the early works project application (MP08_0258). The department was satisfied that subject to conditions requiring the early works to be carried out in accordance with the recommendations of that report, the site would be capable of being utilised for residential development.

APPENDIX E SUMMARY OF APPROVALS

Table 1: Summary of Modifications to MP08_0258

Mod No.	Approval Date	Approved Modifications
1	22 November 2010	Amendments to the operational storm water management methods.
2	25 August 2011	Removal of 16 additional trees and modification of conditions A2 and C19 to reflect the revisions to the approved tree management plan.
3	25 August 2011	Modification of Schedule 1, Part A and Condition A2 to permit community title subdivision.
4	Withdrawn	N/A.
5	10 July 2012	Increase in the number of approved child care centre places from 59 to 70, internal and external design changes to the child care centre including increasing the outdoor play area to 550 m ² and reconfiguration of the car parking layout, increase in the number of approved car spaces from 15 to 18, insertion of hours of operation for the child care centre, and deletion of Condition A7(a).
6	28 February 2013	Amendment of Condition C4 to increase the number of apartments that can be subject to the issue of occupation certificates prior to the commencement works associated with upgrading the Mobbs Lane/Marsden Road intersection from 150 to 289 apartments.
7	18 December 2012	Amendments to the community title subdivision plan.

Table 2: Summary of Modifications to MP10_0107

Mod no.	Approval Date	Approved Modifications
1	21 October 2011	Conversion of 16 townhouses from three-bedroom to four-bedroom dwellings, minor design changes, and modification of Condition A2 to update the schedule of approved drawings.
2	9 January 2012	Modification of Condition A1 to permit strata subdivision, and modification of Condition A2 to insert five additional subdivision plans.
3	13 February 2012	Minor external design changes and modification of Condition A2 to update the schedule of approved drawings.
4	21 March 2012	Modification of the development description in Part A Schedule 2 to include the subdivision of land associated with Building 3 into 12 neighbourhood lots, and modification of Condition A2 to insert plans of subdivision.
5	16 April 2012	Minor design changes to Building 3, and modification of Condition A2 to update the schedule of approved drawings.
6	Withdrawn	N/A.
7.	22 May 2012	Modification of Condition E2 to ensure the road works to Mobbs Lane are completed prior to the release of the final Occupation Certificate.
8.	5 September 2012	Modification of Condition A1 to permit staged strata subdivision and staged development of Building 2, and the insertion of six additional staged strata subdivision plans in Condition A2.
9.	28 February 2013	Modification of Condition B2 to increase the number of occupation certificates that can be issued prior to the commencement works associated with upgrading the Mobbs Lane/Marsden Road intersection from 150 apartments to 289 apartments.

Table 3: Summary of Modifications to MP10_0158

Mod No.	Approval Date	Approved Modifications
1	29 November 2011	Modification of Schedule 2, Condition A1 to include subdivision in the development description, and modification of Condition A2 to include the subdivision plans in the schedule of approved drawings.
2	12 March 2012	Minor external design changes and internal reconfiguration of apartments, modification of Condition A2 to update the schedule of approved drawings, and re-wording of Condition B1(b) to ensure an appropriate amount of adaptable apartments are provided on site.
3	28 February 2013.	Amendment of Condition B2 to increase the number of occupation

		certificates that can be issued prior to the commencement of works associated with upgrading the Mobbs Lane/Marsden Road intersection from 150 apartments to 289 apartments.
4	30 June 2012	Minor external design changes and internal reconfiguration of apartments, modification of Condition A2 to update the schedule of approved drawings, and re-wording of Condition B1(b) to correct a typographical error.
5	19 November 2012	Revisions to the car parking layout, modification of Condition A2 to update the schedule of approved drawings, modification of Condition A10 to require the proponent to submit amended plans for the basement car park, and re-wording of Condition E2 to change the timing of road improvement works.
6.	28 February 2013	Relocation of the car park entrance to the car park of buildings 7 and 8.

APPENDIX F POLITICAL DONATION DISCLOSURES

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613

APPENDIX G RECOMMENDED CONDITIONS OF APPROVAL

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613

APPENDIX H RECOMMENDED CONDITIONS OF MODIFICATION OF CONCEPT PLAN

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4613