



**ASSESSMENT REPORT – Residential Flat Building Development
S79C – Environmental Planning & Assessment Act 1979**

SUMMARY

Application details

DA No:	DA/601/2013
Assessment Officer:	Stan Fitzroy-Mendis
Property:	Part Lot 1 & Lot 11 DP 270605 Midson Road, Eastwood
Proposal:	Tree removal, re-subdivision and construction of a residential flat building complex containing 167 apartments in 4 buildings sharing two common basement car parks with heights ranging from 14.5m to 16.4m.
Capital Investment Value:	\$51,548, 314
Date of receipt:	18 September-2013
Applicant:	DBL Property
Owner:	AVJBOS Eastwood Developments Pty Ltd
Submissions received:	205 (two notifications)
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts Disclosed:	None disclosed on the application form
Issues:	Consistency with Masterplan, Height, Views, Waste, Floor Space Ratio, Dwelling Mix, Traffic, Parking, Access, Tree Loss, Geotechnical stability, overshadowing, overuse of existing infrastructure, community consultation
Recommendation:	Approval

Legislative requirements

Zoning:	R2 Low Density Residential
Permissible under:	Parramatta Local Environmental Plan 2011

Relevant legislation/policies:	Parramatta Development Control Plan 2011 BASIX SEPP, Eastwood Brickpits Masterplan (Adopted By Council 06/06/2003 and is a Deemed DCP Under Parramatta Development Control Plan 2011, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65
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Variations:	Height, (LEP 2011), FSR (LEP 2011), (SEPP 65), Unit Mix
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Integrated development:	No
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Crown development:	No
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The site

Site Area:	20,044m ²
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Easements/rights of way:	No
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Heritage item:	No
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In the vicinity of heritage items:	Yes – Former Eastwood Brick Yards (37 Midson Road Local Item No. 52 in LEP 2011)
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Heritage conservation area:	No
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Site history

3 July 2013	Pre-DA meeting with Council
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17 July 2013	Pre-lodgment plans assessed by Council's Design Excellence Advisory Panel PL/68/2013
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DA history

18 September 2013	DA lodged with Council
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25 September 2013	Comment from Council's Civil Assets Branch
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25 September 2013	Landscape Comments
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30 September 2013	DA referred to the JRPP Panel Secretariat
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2 October to 23 July 2013	Notification and advertising period
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16 October 2013	DEAP meeting conducted of amendments from the pre-DA with endorsed recommendations forwarded to the applicant.
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23 October 2013	Roads and Maritime Services Comments
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30 October 2013	Council's Heritage Comments
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31 October 2013	Briefing to JRPP
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16 November 2013	Onsite meeting for residents and councillors
16 December 2013	Traffic Comments
16 December 2014	Draft amendments submitted to Council
23 January 2014	Applicant meets with Council to discuss amendments
10 March 2014	Further amended plans submitted to Council
11 April 2014	Further amended plans submitted to Council
8 to 22 May 2014	Amended plans renotified
5 June 2014	Waste Comments
11 June 2014	Tree and Landscape Comments on amendments
17 June 2014	Geotechnical Report submitted
11 June 2014	Traffic comments on amendments including land dedication and road widening
11 August 2014	Engineering Comments
26 August 2014	Social Impact Assessment Comments
1 September 2014	Amended engineering plans (shoring wall details)
3 September 2014	Engineering Comments
3 September 2014	Social Impact Assessment Comments

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is part of an old 14.7 ha brickworks estate. The area was masterplanned for residential uses at the cessation of brick manufacturing around 2001. The area is now known as the Cavanstone Estate, which is currently under staged residential development.

The subject site comprises lots 11 DP 270605 and part Lot 1 DP 270605 and has an irregular shape sloping down from north to south. The combined site area is 20,044 sqm. It is bounded on the northern side by Mobbs Lane and Carrington Crescent to the south, Midson Road to the east and Birchgrove Crescent to the west. There are 23 large trees located along the Mobbs Lane street frontage and a bus stop.

Surrounding development comprises low and medium density residential development. A large multistorey residential development has been approved and is currently under construction to the north-west of the site. That site was previously known as the Channel 7 TV site.



Figure 2: Aerial photo showing the subject site (Lot 11). Part lot 1 is not highlighted.

THE PROPOSAL

Initial Proposal

The original proposal was for tree removal, re-subdivision and construction of four residential flat buildings with a total of 175 apartments along the Mobbs Lane frontage of the site. Buildings were up to six storeys in height. Details are as follows:

- Removal of 19 trees fronting Mobbs Lane;
- Excavation for 239 basement car parking spaces;
- 18 adaptable units;
- Landscaping; and
- Boundary adjustments between the lots.

The proposal included a road realignment and bus stop on the Mobbs Lane Frontage. This was shown in limited detail on the plans.

Amended Plans

After receiving input from the JRPP, DEAP, and the relevant sections of Council the applicant amended the plans. These amendments included a consultative process the applicant undertook with Cavanstone Estate residents. The amendments are as follows:

- Revised architectural plans showing the deletion of some residential levels in buildings C and D with conversion of the car parking and screening with landscaping;
- Increased setbacks at the top most levels of all buildings;
- Reduction from 175 to 167 dwellings;
- Reduction of the rear southern elevation from 5 to 4 levels;
- Provision of 3 bedroom units;
- Revised car parking level layout and numbers for 239 car parking spaces, exceeding Council's requirements by 7 spaces;
- Boundary adjustment on Mobbs Lane to supplement visitor parking already in the basements;
- Provide 8 additional on street visitor car parking spaces on Mobbs Lane;
- Staging the development in two stages with Stage 1 works estimated at \$34, 336,707 and the second stage valued at \$17,211,606;
- A request that the s.94A contributions reflect the staging in any consent.

	Building A	Building B	Building C	Building D
1 bed	12	12	16	43
2 bed	16	16	20	22
3 bed	0	0	7	3
totals	28	28	43	68

Table 1: Dwelling mix proposed.

As a consequence of the reductions the cost of development was reduced as follows:

Cost of Development: \$51, 548, 314 (amended costs)

PERMISSIBILITY

The property is zoned R2 low density residential; which prohibits Residential Flat Buildings within the zone. However, under Schedule 1 Clause 3 of LEP 2011, Council has permitted Residential Flat Buildings and Multi Dwelling Housing Developments on this site. Therefore, Residential Flat Buildings are permissible with the consent of Council. The proposed development is defined as a “residential flat building” under Parramatta Local Environmental Plan 2011.

External Referrals

Roads and Maritime Services

Council wrote to the Roads and Maritime Services (RMS) on 25 September 2013 seeking comments. RMS reviewed the application and provided the following comments to Council:

- All vehicles are to enter and leave the site in a forward direction.
- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
- Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Mobbs Lane.
- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
- The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
- All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Planning Comment: Council’s Traffic section have confirmed that all vehicles will leave and enter the site in a forward direction. The car parking areas will comply with all relevant standards and ensure safe lines of sight along the vehicle access points subject to conditions. Construction management requirements have been incorporated into the recommended conditions of consent.

Internal Referrals

Development Engineer

The proposal was referred to the development engineer twice during assessment. Initial assessment required further information relating to the geotechnical the method of shoring

Mobbs Lane to accommodate the new residential flat buildings. Council's development engineer made the following final comments:

Grey Area

The subject site is in a grey-hatch area.

Stormwater Disposal

Council has approved the drawings for the stormwater drainage under the original DA for the master plan. Stormwater drainage from the stage 4.1 & 4.2 (stage 3.5 & 3.6 as noted in the stormwater management report) works will be eventually connected to the constructed wetland within the estate. The submitted concept stormwater management plan shows the proposed stormwater drainage network for the stage 4 construction & building works. It has been proposed to connect the stormwater drainage from stage 4 works to the existing pit constructed under the stage 3 works. DRAINS' modelling has been undertaken for the proposed stormwater works. Rainwater tanks of 60,000litres in total have been incorporated for irrigation of the landscape areas.

The long sections and the layout plan of the new drainage lines under have been submitted and are satisfactory.

Locations and extent of WSUD measures (rainwater tanks, bio-retention swales etc.) shall be noted on the detailed stormwater drainage plan.

The proposed roof top planting area will also assist in providing WSUD measures.

Basement car parking/access/driveway gradients/vehicle manoeuvring

Two driveways have been proposed. One of the driveways (6m wide combined entry and exit) will be off Mobbs lane and the other (6m wide combined entry and exit) will be from off Birchgrove Crescent (within the estate).

Earthworks (cut and fill)

There are some existing areas on the site that have been excavated. Earth stabilising methods have been provided by the applicant in the form of engineering plans. These plans show shotcrete walls and bulk earthwork stabilisation. This supports geotechnical investigations undertaken as part of the application.

Planning Comment: The information sought by council relating to geotechnical and shoring of Mobbs Lane were submitted during the course of assessment.

Civil Assets Team

The Civil Assets Team of Council reviewed the proposal and had no objections.

Planning Comment: During the course of assessment the applicant offered to realign the road, place a bus stop, visitor car parking spaces, and street trees on the Mobbs Lane frontage of the site. These plans were reviewed by the Civil Assets team in conjunction with the Traffic Section. Subject to recommended conditions the proposal is satisfactory.

Heritage

The Heritage advisor had the following comments:

The site subject to the current proposal is not of heritage interest in its own right; however, it is in the curtilage of the former Eastwood Brickyards. The site was developed in accordance with the Masterplan adopted by Council in 2007, and the conservation management plan for the remnant significant elements. In that regard, the current proposal is not deemed to have any notable adverse impact on the heritage values.

I therefore have no objection to the proposal from the heritage perspective.

Planning Comment: The proposal is satisfactory from a heritage perspective. The comments are noted.

Social Outcomes

The applicant was required to provide a Social Impact Assessment (SIA) in accordance with Council policy. The SIA was referred to the social outcomes team, who made the following comments:

- *neighbouring properties were notified of the proposed development and a number of submissions were sent to Council, many of which were form letters.*
- *Separate community consultation was undertaken as part of the preparation of the SIA.*
- *Key stakeholders such as Local Police, Ministry of Health and the Roads and Maritime service were consulted. A meeting was also held with existing residents of Cavanstone Estate.*
- *The demographic for the development is likely to be couples with children, single people, and couples without children. Similar characteristics are envisaged for the neighbouring population.*
- *Demographic details include that fact that 47.6% speak a language other than English;*
- *Of this cohort, the predominant origin is China and South Korea.*
- *Only 10% of the population does not own a car but that car ownership profiles for the local area are similar to the car ownership profile of the Local Government Area.*
- *93.1% of the labour force was employed and 6.9% unemployed, compared with 93% and 7% respectively for City of Parramatta with the data indicating that a high percentage of the population work in the Professional, Scientific and Technical Services, closely followed by those in the Health Care and Social Assistance fields and Education and Training. .*
- *Analysis of the household/family types in Epping in 2011 compared to the City of Parramatta shows that there was a higher proportion of couple families with child(ren) and a lower proportion of one-parent families. Overall, 40.8% of total families were couple families with child(ren), and 8.8% were one-parent families, compared with 35.2% and 10.6% respectively for the City of Parramatta.*
- *Analysis of the number of persons usually resident in a household in Epping compared with the City of Parramatta shows that there was a higher proportion of lone person households, and a higher proportion of larger households (those with 6 persons or more). Overall there were 21.3% of lone person households, and 30.8% of larger households, compared with 23.2% and 29.4% respectively for the City of Parramatta.*
- *The PCC data indicates a high demand for dwellings with 1 or 2 or more bedrooms suitable for lone person and couples households as well as demand for dwellings with 3+ bedrooms*
- *Overall, 31.4% of the households earned a high income and 15.7% were low income households, compared with 17.9% and 20.5% respectively for the City of Parramatta.*
- *Connection with existing suburb housing profile includes the observation that Epping is an established residential area containing mainly a mix of low density housing, medium*

density and some emerging high density dwellings. The site adjoins well established residential properties and is located on the southern corner of Mobbs Lane and Midson Rd. The site is currently occupied by newly erected residential dwellings and a playground area.

- *The development is relatively well located to Medical Facilities and Public transport:*
 - *1.5 kilometre walking distance to Epping Railway Station.*
 - *Bus stops along Mobbs Lane, Eastwood Rd and Terry Rd – 541, 545 and 521, approximately 300 metres to a bus stop in Mobbs Lane*
- *Open space, parks and sporting facilities*
- *Retail Facilities: 500 metre walking distance from a small block of shops in Mobbs Lane Epping.*

The information provided in the SIA report by Sarah George Consulting dated March 2014 is relatively thorough as a social impact assessment.

The potential positive benefits of the development include an increase in the amount and type of housing which will attract a diverse range of residents and an increase in the population of the local community which will reinforce the local economy.

Many of the concerns raised by residents (e.g. loss of residential amenity, parking, traffic) have or will be assessed in line with the relevant standards as outlined by urban design, engineering, traffic and transport teams etc.

Planning Comment: The SIA is satisfactory as the development meets demands for housing choice in the locality, is well placed relative to existing infrastructure, and meets future population trends in the area.

Design Excellence Advisory Panel

A pre-lodgement application (PL/68/2013) submitted for development of this site proposing 5 separate residential flat buildings with a maximum of 4 storeys and a total of 161 dwellings.

The application was considered by Council's Design Excellence Advisory Panel (DEAP) on 17 July 2013 with the following members: David Epstein, Tony Caro, and Jan McCredie. Comments made by the Panel are as follows:

The 10 design principles were considered by the panel in discussion of the development application. These are: Context, Scale, Built Form, Density, Resource, Energy and Water Efficiency, Landscape, Amenity, Safety and Security, Social dimensions and Aesthetics.

A summary of the pre-lodgement Design Excellence Advisory Panel findings follows:

- i. The Panel were appreciative of the architects presentation of their analysis of the site constraints and a range of planning options.
- ii. The Panel was not convinced that the applicants preferred option will result in a coherent urban footprint that optimises the potential for visual and physical connectivity between the developed lands to the north and south of the site.
- iii. The Panel recommend that the planning and layout of this site be revised to make connections between the surrounding precincts.
- iv. Is Mobbs Lane to be developed as a friendly pedestrian environment, or is it to remain as a traffic dominated environment?

- v. The Panel supports the activation of Mobbs Lane, with pedestrian entrances from this street.
- vi. An experienced urban design/landscape consultant must be engaged to review the current proposal and develop a co-ordinated Public Domain Plan for the site.
- vii. The Panel recommend that a Traffic Management Consultant be engaged to resolve access and modal movement requirements.
- viii. The emerging architectural proposition and character appears to have good potential.

The Panel advised that in the event that amended plans are submitted to Council the amended plans should be referred back to the Panel for comment.

The application was reported back to DEAP on 16 October, 2013. Panel members in attendance were David Epstein, Jan McCredie and, Brendan Randles. A summary of the relevant DEAP Endorsed Recommendations and the applicant's response is provided below:

DEAP 'Endorsed Recommendation'/Comment	Applicant Response
The applicant presented a series of photographs and montages showing how the proposal addresses the view corridors from surrounding areas as this was a critical issue raised by the Panel at the previous meeting on 17/07/2013.	The amended proposal is illustrated with a number of photomontages showing: 1) The development originally envisaged in the masterplan; 2) The proposal as amended; 3) Views from vantage points around the site. These show the effects of the view corridors and a comparison of the bulk and scale of the built form.
The Panel was generally of the view that the applicant could do more to address the issues raised in points 2, 3 and 6 of the previous Panel meeting particularly on the northern side and the relationship of the buildings to Mobbs Lane. The relationship between the housing and street layout in the quarry area still appears unresolved. Views from the "basin" section of the site up to the ridge are not spatially connected and the apartment buildings will appear very dominant. Improvements could include a better alignment of the path, especially where it meets the street so that a direct connection to the footpaths opposite is apparent. See below.	Amended plans were submitted that: Created larger breaks in the built form between building blocks; Deleting a level of the buildings; stepped the buildings to follow the contours of the land more effectively with the <i>apparent</i> height of the buildings when viewed from the south reduced from 5 to 3 levels; further connectivity between the upper portions of the site and the lower parts in the Cavenstone Estate through the amended landscape design.
The Panel recommended pulling back the eastern end of Block C to further open up and define the view from	An increased separation was provided between building B and building C of 13.15metres.

Ferntree Place looking south.	
The Panel recommend aligning pedestrian pathways with existing footpaths to connect and reinforce the existing pedestrian network in the precinct. For example moving the proposed path leading to Carrington Crescent, to align with King Walk and providing access from the space that aligns with Ferntree Place in the north to connect directly with Carrington Place in the south.	The revised landscape plan includes a pathway connected Mobbs Land with the existing cycle track adjoining Carrington Crescent. This is a logical position for this pedestrian connection due to it being roughly mid block of the development.
The Panel raised concerns about the centralised corridors in block C that are over 40m long and only 1.1m wide. The Panel acknowledge the central zone bringing south light into the corridor and suggested opening up the east and/or west ends as well to improve amenity within the corridors. Given their length especially, the corridors should be also be widened to be more generous and amenable.	Building C now has a depth of 18m in a straight line from one side of the external wall, which is at the maximum building depths for residential flat buildings under the rules of thumb in SEPP 65. It also has a maximum of 12 apartments which is 4 in excess of the desired loaded corridor requirements under the rules of thumb in SEPP 65. The western ends of the corridors in the building have been opened and there is a separate pedestrian entrance on the ground floor level to Mobbs Lane, breaking the loaded corridor arrangement.
Bathrooms with doors facing directly into living rooms are unacceptable and should be redesigned appropriately.	Internal reconfiguration of the apartments has addressed his issue.
The size and layout of the studies should be considered with regard to useability and whether they can be used as permanent internal bedrooms or are acceptable as a study and guest accommodation.	The study sizes are generally acceptable and due to their size and configuration could reasonably be used as studies only (generally the studies are only 2.2 metres wide.
The Panel observed that the resolution of the building aesthetically is more successful on the south side. Based on the material provided, this also relies on carefully detailed landscape design and documentation of the open space on the south side of the property. In this regard the applicant needs to ensure ongoing collaboration between the same architect and landscape architect throughout the project.	The amended landscape information included a series of detailed landscape architectural plans. These plans include extensive landscaping on the southern side of the development between the subject site and the town houses to the south of the site.
The street facade is not successful as currently proposed. Appearing more like a large corporate headquarters than a residential complex, it does not express entries or use balconies to engage and provide life to the street. The dominance of glass and mullion	Amended plans were received that resolved the previously commercial appearance of the proposal, particularly on the Mobbs Lane frontage of the proposal. This was achieved by increased horizontal and vertical modulation, so that the appearance of the proposal was more akin to a contemporary

<p>arrangements on the street facade appears particularly non-residential, at least as currently proposed. Unlike the southern side, whose modulation is complemented by landscape and a descending topography, on the street side, the same “modules” appear buried below street level and therefore unable to be read in dialogue with the landscape. Rather than reflect the vertically proportioned townhouse type intended by the architect, the overall impression is of a large commercial complex in an equally passive landscape. To create a successful integration with this new residential street, the language employed on the northern facade may need to differ from the south, allowing entries to be more clearly expressed and allowing balconies - rather than winter gardens - express openness and individuality, even while keeping the building’s plan layout and dimensional order. It may be that modules above entries need to be raised or given some special position in the arrangement to express their special inter active and identifying role. Otherwise the building will struggle to be legible and inviting to visitors and residents alike.</p>	<p>interpretation of a town house presentation to the northern elevation. This is reinforced by the pedestrian street access and on street visitor parking on that elevation.</p>
<p>This application does not need to be reviewed by the Panel again.</p>	<p>Noted</p>

Actions: The applicant was present at the DEAP meeting and received a copy of the recommendation. In response the applicant advised via email on 29 October, that amended plans would be submitted.

Planning Comment: The issues raised by DEAP are satisfactorily addressed in the amended scheme of March 2014, which is the subject of this assessment.

Traffic & Transport Investigations Engineer

Council’s Traffic and Transport Investigations Engineer gave the following advice on 19 June, 2013:

Background

1. Traffic and parking related comments for this Development Application initially provided on 6 January 2014 Comments were provided for the construction of a residential flat building complex containing 175 apartments with 278 car parking spaces on basement levels. The proposal also included road works at the

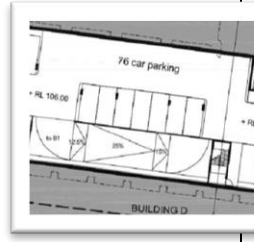
intersection of Mobbs Lane and Birchgrove Crescent in accordance with Drawing No. MMD-325596-C-DR-XX-GA-0020 – Rev PI 17/09/13.

2. According to the Traffic and parking related comments, the proposal was supported on traffic and parking grounds.

Revised Submission

3. However to address community responses received by Council and raised in the community consultation process, the following modifications have been made to the proposed development, in-part:
 - Building setbacks on Mobbs Lane frontage have been increased;
 - The number of apartments have been reduced from 175 to 167 (consisting of 82 x 1 bedroom, 75 x 2 bedroom and 10 x 3 bedroom units);
 - Basement car parking has been reduced from 278 to 239. Eight (8) car spaces are proposed on Mobbs Lane to supplement on-site visitor parking spaces.

Description/Development Control/Design Requirements	Proposal	Comments	Compliance
Parking Requirements - Parramatta DCP 2011 Table A – Minimum Car parking rates <i>“(not within 400 metres walking distance of railway station or transitway bus stop with a service frequency of an average of 10 minutes or less during the morning peak hour (7 am - 9 am) in either direction)”</i> <ul style="list-style-type: none"> ➤ 1 space per 1-bedroom units x 82 = 82 parking spaces ➤ 1.25 spaces per 2-bedroom units x 75 = 93.75 (94) parking spaces ➤ 1.5 spaces per 3-bedroom units x 10 = 15 parking spaces ➤ 0.25 spaces for visitors x 167 = 41.75 (42) parking spaces Total = 233 parking spaces (191 spaces for residents and 42 spaces for visitors)	<ul style="list-style-type: none"> - 239 parking spaces (including 234 spaces for residents and 42 visitors) on-site. Of the total parking provision, 16 disabled parking spaces are provided on site. - 8 indented parking spaces on Mobbs lane 	Total number of parking spaces required to be provided on-site exceed Council's minimum requirements.	Yes
Bicycle spaces = 1 space per 2 dwellings (for 167 dwellings) = 83.5 (84)	94 bicycle parking spaces with <ul style="list-style-type: none"> - 34 spaces on basement 	Total number of bicycle parking spaces required	Yes

bicycle spaces are required	<p>level of building A and B (Dwg No. 2.02; rev B) and</p> <ul style="list-style-type: none"> - 60 spaces on basement level of building C and D (Dwg No. 2.06; rev B) 	to be provided on-site exceed Council's minimum requirements.	
Parking Spaces – Layout and dimensions (Figures 2.2 and 2.5 of AS 2890.1-2004; AS 2890.6-2009; and AS 2890.3-1993)	The dimensions of the parking spaces and aisle width, as shown on the submitted DA plans are as follows:		
<p>Basement 1 for Building C and D (dwg No. 2.06B):</p> <ul style="list-style-type: none"> - 5.8m wide aisle - 2.4wide x 5.5m long parking spaces with 300mm clearance to the side adjacent to walls and 1m (min) aisle extension at blind aisles - 2.4wide x 5.5m long disabled parking spaces have been provided adjacent to 2.4wide x 5.5m long shared spaces; these spaces are located near lifts. - 1.2m wide x 1.7m long double sided and .0.9m wide x 1.7m long single sided spaces with 1.5m wide aisle 			
	<p><u>Basement 2 for Building C and D (dwg No. 2.05B):</u></p> <ul style="list-style-type: none"> - 5.8m wide aisle - 2.4wide x 5.5m long parking spaces with 300mm clearance to the side adjacent to walls and 1m (min) aisle extension at blind aisles 	<p>It will be excessively difficult for vehicles at end spaces near the eastern boundary to exit the site in forward direction.</p> 	<p>Yes, however a condition needs to be imposed to convert one end space near the eastern boundary to manoeuvring area.</p>
<p><u>Basement 1 for Building A and B (dwg No. 2.02B):</u></p> <ul style="list-style-type: none"> - 5.95m wide aisle - 2.4wide x 5.5m long parking spaces with 300mm clearance to the side adjacent to walls and 1m (min) aisle extension at blind aisles 			
Yes			
<p><u>Basement 2 for Building A and B (dwg No. 2.03B):</u></p> <ul style="list-style-type: none"> - 5.8m wide aisle 			

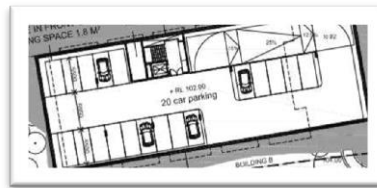
- 2.4wide x 5.5m long parking spaces with 300mm clearance to the side adjacent to walls and 1m (min) aisle extension at blind aisles

Yes

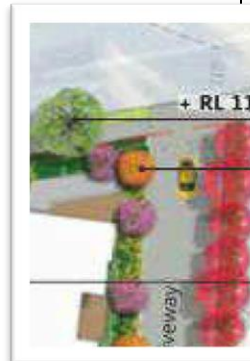
Basement 3 for Building A and B (dwg No. 2.04B):

- 5.8m wide aisle
- 2.4wide x 5.5m long parking spaces with 300mm clearance to the side adjacent to walls and 1m (min) aisle extension at blind aisles

It will be excessively difficult for vehicles at end spaces near the western boundary to exit the site in forward direction.



Yes, however a condition needs to be imposed to convert one end space near the western boundary to manoeuvring area.

Column locations (Clause 5.2 and Figures 5.1 and 5.2 of AS 2890.1-2004).	Columns are located outside the area that needs to be kept clear of obstruction.		Yes
Vehicular Access Driveway entry and exit - Clause 3.2; Tables 3.1 and 3.2 of AS 2890.1-2004	<p>Two driveways are proposed, as follows:</p> <ul style="list-style-type: none"> - 6m wide combined entry and exit driveway off Mobbs Lane (to access 157 parking spaces) for basement car parking area for building C & D. - 6m wide combined entry and exit driveway off Birchgrove Crescent (to access 82 parking spaces) for basement car parking area for building A & B 	<p>According to the landscape plan, a landscaped area, adjacent to the driveway may compromise the sight lines to pedestrians are not obstructed.</p> 	<p>Yes, however a condition needs to be imposed to remove landscaping from the west side of the driveway to provide a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway for pedestrian sight lines.</p>
Access Ramps to access	Provides the following		Yes

<p>basement car parks - Clause 2.5 of AS 2890.1-2004</p>	<p>ramps for two-way traffic movements:</p> <p><u>Car park for Building C & D</u></p> <ul style="list-style-type: none"> - A 6.2m (including 300mm clearance on each side) wide straight ramp from basement 1 to basement 2 <p><u>Car park for Building A & B</u></p> <ul style="list-style-type: none"> - 6.2m (including 300mm clearance on each side) wide straight ramps between other basement levels 		
<p>Driveway gradients - Clause 2.5 and Clause 3.3 of AS 2890.1-2004</p>	<p>The gradients of the driveway and the ramp access to basement levels, as shown on the submitted basement plans, are as follows:</p> <p><u>Driveway off Mobbs Lane</u></p> <p><u>Ground Level to Basement 1 (Dwg No. 2.05B)</u></p> <ul style="list-style-type: none"> - 5% for 6m from property boundary; - 11.25% for 7m; - 15.40% for 24.5m - 12.50% over 12.5m on the curved ramp; - 6.25% for 6m to basement 1 <p><u>Between Basement 1 & 2 (Dwg No. 2.05B & 2.06B)</u></p> <p>25% gradients with 12.5% transition at both ends of 14m long ramps;</p> <p><u>Driveway off Birchgrove Crescent</u></p> <p><u>Ground Level to</u></p>	<p>Note that a driveway long-section plan for the two access points have not been submitted with the DA.</p>	<p>Yes</p> <p>Yes</p>

	<p><u>Basement 1 (Dwg No. 2.02B)</u></p> <ul style="list-style-type: none"> - 5% for 6m from property boundary; - 11.25% for 9m on the curve section of the ramp; - 15.40% for 9m on the curve section of the ramp - 12.50% over 9m; - 6.25% for 5.5m to basement 1 <p><u>Between Basement levels (Dwg No. 2.03B & 2.04B)</u></p> <ul style="list-style-type: none"> - 25% gradients with 12.5% transition at both ends of 14m long ramps; 		
Headroom Clearance			
Traffic generation - RMS Guide to Traffic Generating Developments (TGD)		<p>Addressed in traffic comments provided on 6 January 2014 (TRIM Doc. No. D03002766).</p> <p>As the revised submission reduces the number of apartments and car parking spaces for the site, further assessment has not been carried out.</p>	Yes

Road Works

- According to the submitted plan, 8 indented parking spaces with dimension 2.3m wide x 6m long for middle spaces and 2.3m wide x 6.7m long for end spaces are proposed on the south side of Mobbs Lane between Birchgrove Crescent and Midson Road (refer to Figure 1).



According to the initial submission in September 2013, a refuge island and a right turn bay were proposed in Mobbs Lane at Ferntree Place (Road No. 3). Incorporation of indented parking bays on the south side of Mobbs Lane require realignment of kerb and gutter, shortening of the length of the painted chevron on the eastbound approach of the refuge island and relocation of the bus bay located on the south side of Mobbs Lane east of Ferntree Place.

The proposed bus bay is not adequate to accommodate a bus without encroaching the westbound travel lane and therefore motorists will drive over the right turn bay and painted median island to pass a bus stopped at that location. The layout of Mobbs Lane is to be redesigned to provide an indented bus bay on the south side of the street. Note that this may require adjustment of the property boundary. The design of the refuge island and its associated signs and lines is to be in accordance with RMS Technical Direction TDT 2011/01a.

Detailed engineering design plans for external road works are to be submitted to Council's Traffic and Transport Services for approval through Traffic Committee process prior to the commencement of road works in Mobbs Lane. All external works associated with the development are to be carried out and paid for by the developer at no cost to Council. The road works in Mobbs Lane are to be constructed prior to issue of the occupation certificate.

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is supported on traffic and parking grounds provided that the following issues are addressed:

- The layout of Mobbs Lane is to be redesigned to provide an indented bus bay on the south side of the street. Note that this may require adjustment of the property boundary. The design of the refuge island and its associated signs and lines is to be in accordance with RMS Technical Direction TDT 2011/01a.

Detailed engineering design plans for external road works are to be submitted to Council's Service Manager - Traffic and Transport for approval through Traffic Committee process prior to the commencement of road works in Mobbs Lane. All external works associated with the development are to be carried out and paid for by the developer at no cost to Council. The road works in Mobbs Lane are to be constructed prior to issue of the occupation certificate.

- One of the end car parking spaces located near the eastern boundary of basement 2 of Building C and D, and also near the western boundary of basement 3 of Building A and B are to be used for manoeuvring.
- Landscaped area located on the west side of the driveway compromise sight lines of pedestrians from vehicles exiting the site

Recommendation

If this DA is to be approved, then the traffic related conditions should be included in the conditions of consent:

Planning Comment: The proposal has been through a number of revisions partly to address Council's request to include on street parking and is satisfactory subject to conditions that are incorporated into the recommendation. The redesign of the bus bay to meet the relevant standards can be undertaken by condition. These conditions will form part of the recommendation.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer with initial comments received 9 December, 2013. An amended landscape plan was provided during the course of assessment. This plan was also reviewed by the Tree Management Officer and is satisfactory in comments dated 11/6/14. The comments are as follows:

The following documents were reviewed in assessing the proposal:

Landscape Documentation: Prepared by groundink. Revision A

Arborist Report: Prepared by Landscape Matrix. 27 August, 2013

DISCUSSION

Issues

Impact on Site Trees

There is an existing row of *Eucalyptus microcorys* (Tallowwood) trees located within the Mobbs Lane frontage to the property. These trees provide amenity to the front of the site and would ideally be retained, however only 4 of the existing 23 trees could successfully be retained due to the extent of site development if supported by Council.

14 x 100L *Lophostemon confertus* (Brush Box) are proposed to be planted within the road reserve to compensate for the loss of canopy to the site frontage.

Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
7	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	320	3.8
8	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	230	2.8
9	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	500	6
10	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	480	5.8

Trees to be removed are:

Tree No	Name	Common Name	Location
1	<i>Quercus robur</i>	English Oak	Refer to arborist report
2-6	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to arborist report
11-23	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to arborist report

Details are to be provided to the Principle Certifying Authority prior to the issuance of the Construction Certificate.

Reason: To allow appropriate development of the site.

The amended landscape plan was provided during the course of assessment. This plan was also reviewed by the Tree Management Officer and is satisfactory in comments dated 11/6/14.

Planning Comment: The reported conditions of Council's Tree Management & Landscape Officer are incorporated in the Recommendation section of this report.

Waste Officer

The application was referred to Council's Waste Officer who provided comments on the amended plans on 5 June, 2013. Comments are as follows:

The applicant has submitted a waste management (plan) for all stages of development. The site is a vacant lot so no demolition is involved.

Insufficient information has been included in regards to waste management for the construction stage of development. Further details are requested that detail the destination of materials to be recycled and disposed of off-site, details of how waste will be stored and managed on site. Temporary waste storage areas must also be shown on the plans.

Insufficient details have been provided in regards to waste management for the use of the site. While the location of the waste storages areas have been shown on the plans there is no information provided about the volumes and types of waste, number and size of bins, or details of the service provider amongst other things. The waste officer

Recommended information sought is as follows:

Revised waste management plan – Construction stage

A revised Waste Management Plan is required to be prepared that provides additional details for the construction stage of the development, including:

- (a) Expected types and volumes of waste to be generated during construction;
- (b) Details of how this waste will be re-used on site, recycled and/or disposed of off site;
- (c) Details of how waste will be managed on site during construction (e.g. staff training, part of sub-contractor agreement etc);

You are also required to indicate the location of the waste storage area/s during construction on the plans.

To address this issue, please complete Council's standard Waste Management Plan that can be downloaded from Council's website (www.parracity.nsw.gov.au)

Revised waste management plan required – use of the site

A revised waste management plan is required to be submitted that provides additional details for the use of the site and its on-going waste management including:

- (a) Expected types and volumes of waste to be generated per week;
- (b) Design and location of waste processing and storage facilities;
- (c) Details of the service provider that will collect waste and recyclables from the site;
- (d) Size and number of proposed storage containers (bins) for the site;
- (e) Confirmation that the waste storage area/s are adequate for the volume of waste that will be generated;
- (f) Confirmation that access to water supply will be provided for cleaning of bins and area, and that area will drain to sewer;
- (g) Identification of person/s responsible for ongoing waste management (e.g. caretaker).
- (h) Provide location of the waste storage area/s on the plans.

Planning Comment:

A Waste Management Plan was submitted with the Development Application. Council officers confirmed that the building would need to allow for private waste collection. The design of the facility and waste handling was therefore prepared after consultation with commercial (private) waste contractors. That Plan also considered waste in terms of construction waste and site operation, and meets Council requirements subject to standard conditions. A commercial waste truck will therefore arrive in both basements and collect the garbage from the nominated garbage rooms. Clearances in the basements in these areas allows for a truck to access to collect the garbage. The information requested by Council's Waste Officer will be incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 2 October 2013 to 23 October 2013. 123 submissions were received during this period.

An on-site meeting was also held on 16 November, 2013 and attended by approximately 100 residents, Councillor Wearne (Chair) and Councillor Abood. The applicant had three representatives and two Council staff attended.

Amended plans were notified between 8 May and 22 May, 2014. A total of 82 submissions were received.

Submissions from 205 separate properties were received during both notification periods.

Amended Plans Yes

Summary of amendments: Yes

In accordance with Council's Notification Development Control Plan the application required re-notification as the amended application had significant changes that required full merit assessment. Amendments were as follows:

- Revised architectural plans showing the deletion of residential levels in buildings C and D with conversion of the car parking and screening with landscaping;
- Increased setbacks at the top most levels of all buildings;
- Reduction from 175 to 167 dwellings;
- Reduction of the rear southern elevation from 5 to 4 levels;
- Provision of 3 bedroom units;
- Revised car parking level layout and numbers for 239 car parking spaces, exceeding Council's requirements by 7 spaces;
- Boundary adjustment on Mobbs Lane to supplement visitor parking already in the basements;
- Provide 8 additional on street visitor car parking spaces on Mobbs Lane;
- Staging the development in two stage;
- A request that the section94A contributions reflect the staging in any consent.

The issues raised within all submissions and during the on-site meeting are addressed below.

Issue: Consistency with the Masterplan

Particular issues raised under this topic are as follows:

1. Larger building footprints are contemplated than the townhouses originally envisaged under master plan;
2. Significant variations from Master Plan with a lack of consistency against the objectives of Master Plan;
3. The proposal does not adhere to the Master Plan with an additional 99 families not previously allowed for;
4. No SEPP 1 Objection submitted to vary the Master Plan;

Planning Comment: The Master Plan for Cavanstone was created on 6 June 2003 and adopted by Parramatta Council. DCP 2011 indicates that the Masterplan is a deemed DCP.

The Masterplan proposed the development of the subject site for a row of 29 townhouses with 4 large “car court homes” at the eastern end of the site. The Master Plan allowed for the townhouses to run continuously with two small breaks in elevation. Their form was to be two storeys plus a pitched roof (that could contain upper level rooms) over a car parking (essentially appearing as a 4 storey mass).

Since the adoption of that Master Plan, Council has made amendments to the Statutory Local Environmental Plan covering the site and there have been changes to the Environmental Planning and Assessment Act, 1979 that confirm the prominence of the LEP over the Master Plan. Key changes made by Council to the statutory LEP are:

1. In 2011, the zoning for the site was amended to allow residential flat buildings across the entire Cavanstone estate including the subject site. Council therefore made the decision to amend the plan for the site;
2. The height control for the site was amended to 11m;

Key changes that have occurred to the Environmental Planning and Assessment Act, relating to the relative importance of the Master Plan DCP are noted when in March 2013 Section 74BA, “Purpose and Status of Development Control Plans” was inserted into the Act. This section is set out as follows:

(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:

- a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- b) facilitating development that is permissible under any such instrument,*
- c) achieving the objectives of land zones under any such instrument.*
- d) The provisions of a development control plan made for that purpose are not statutory requirements.*

The principal purpose for the introduction of Section 74BA was to ensure a consent authority in determining a DA only considered a DCP as a guide to achieving the aims and objectives of any environmental planning instrument, in this case Parramatta LEP 2011. The DCP’s purpose is to facilitate development that is permissible under the planning instrument and consistent with the zone objectives, and should not be used to hinder development. In this particular case, the controls within Parramatta DCP 2011 therefore are not statutory controls but can only be used to guide development that is permissible under the LEP.

In relation to specific items mentioned in submission regarding the Master Plan:

1. Larger building footprints than those of the townhouses under Master Plan;

- The footprints are marginally wider.
- The townhouse footprints shown in the Master Plan DCP are 17 metres wide compared to the typical apartment building which has a footprint width of 18 - 19 metres.
- The proposal includes three setbacks between the buildings measuring, 12m, 13.15m and 13.5 metres between buildings compared to the two small gaps in the Master Plan DCP scheme of 5 m and 7 metres. Arguably this is an improved footprint and the gaps through the built form allow more planting and views between buildings and serve to modulate the facades of the buildings contemplated in the Master Plan DCP;

current situation



Master plan DCP



Amended proposed DA



Photomontage showing the appearance of the development from the south-western corner of the site a) as it exists currently, b) with the town house development envisaged in the masterplan, and c) with the amended scheme.

- **Significant variations from Master Plan;** The variations to the Master Plan are explained above;
- **Not consistent with objectives of Master Plan;** The proposal is consistent with the objectives of the Masterplan DCP and it is noted that in particular one of the key

objectives was to enable a wide choice of housing types so that the site appeals to a wide range of income and age groups;

- **Master Plan not being complied with. Additional 99 families was not previously allowed for;** As noted above Council changed the statutory plan for the site allowing the type and style of development currently proposed;
- **No SEPP 1 Objection submitted to vary the Master Plan;** A SEPP 1 variation is not required to a DCP. Rather, current legislation requires a variation under Clause 4.6 of the LEP for height. This has been submitted to council and assessed.

Non Compliance with DCP provisions

Concern is raised that the Unit mix is not provided for in accordance with DCP 2011, there are no 3 bedroom units, and the proposal does not provide the required number of adaptable units:

- Amended plans show an altered unit mix and 3 bedroom units are now provided in the proposal. It is acknowledged that this is a departure to DCP 2011 controls that require between 10% and 20% of units in a RFB development to be 3 bedrooms. This is discussed in more detail later in the report. Considering the Cavanstone site as a whole it is desirable to increase the number of 1 and 2 bedroom units to create a greater mix and offset the numerous 3 and 4 bedroom homes in the existing estate;
- DCP2011 requires 10% of units to be adaptable. The proposal provides 18 adaptable units consistent with the requirements of the DCP.

Planning Comment: The site has a long and complex planning history. The proposal is consistent with the masterplan provisions as they currently stand. The dwelling mix proposed is consistent with a favourable social outcome when taken in context with the entire site.

Issue: Traffic, Parking, and Access

The following traffic, parking, and access concerns were raised by objectors:

1. Traffic;
2. Traffic safety concerns;
3. Traffic study not clear;
4. Dangerous entry/exit will be created at top of Mobbs Lane;
5. Traffic management not addressed;
6. Rat runs will be created through Cavanstone Estate;
7. Traffic on Midson Road to exceed its limit and will create significant safety concerns;
8. Will there be lights at the intersection of Mobbs Lane and Marsden Road;
9. Lack of public transport and too far from train and bus facilities;
10. Proposal should provide additional on street car parking;
11. Proposal does not promote walking or cycling;
12. The car park access provides limited opportunities to activate Mobbs Lane;

Planning Comment: The following response to the traffic concerns are made:

- Parking provided in the amended plans is in excess of Councils Parking Code requirements with 233 spaces required under the code and 239 spaces provided on site. In addition the amended plans provide an additional 8 on street visitor spaces. An excess of 15 cars is therefore provided taking into account that Council's traffic engineer

requires a condition seeking one carparking space to be converted to an manoeuvring space;

- Visitor parking is provided in the basements in accordance with Council's code;
- Additional on street parking has been agreed with Council officers and is proposed on Mobbs Lane to assist local parking. 8 additional spaces are provided;

1. Traffic;

The RMS and council's traffic engineer have reviewed the proposal. They both consider that the local road network has the capacity to cater for the additional traffic that will be generated.

2. Traffic safety concerns;

It is acknowledged that any new intersection can result in an increase in accidents. The vehicular access and internal configuration of the proposed development has been designed in accordance with relevant Australian Standards and Austroads requirements. Given this it is not considered that the new intersections will result in unacceptable safety concerns.

3. Traffic study not clear;

The traffic impact assessment has been carefully assessed by both the RMS and Council's Traffic Engineer who did not require further clarification on this technical document.

4. Dangerous entry/exit will be created at top of Mobbs Lane;

Assuming this refers to the proposed access on Mobbs Lane, as mentioned, the design has been and will be developed in accordance with relevant standards. The location of the entry driveway has been discussed with Council's engineer and is as per the Masterplan DCP for the site. The positioning of the driveway ensuring that the access is adequately located west of Edenlee Street. A condition is recommended to ensure vegetation in proximity to the entry and exit points remains low to allow visibility for drivers to be maintained.

5. Traffic management not addressed;

With regard to potential traffic management requirements arising from future standard traffic flows, the volume of traffic forecast for the proposal would be similar to that expected for the original Master Plan DCP development.

6. Rat runs will be created through Cavanstone Estate;

The extension of Birchgrove Crescent to form an intersection with Mobbs Lane forms part of the Master Plan DCP and will proceed regardless of the Application (i.e. it is already approved).

This intersection provides an alternative route for traffic between Mobbs Lane and Midson Road; however, this is a feature of the original Master Plan and is therefore not linked to this subject proposal.

It is unlikely that this alternative route would become a rat-run as its course through the Cavanstone Estate is fairly circuitous, consisting of single lane streets that are not designed to permit significant through-traffic volumes. The Mobbs Lane frontage will also have on-street parking. In any event, should this become an issue in the future (which again would be regardless of the subject development proposal) then there are a number of traffic management measures that could be implemented to address rat-running.

7. Traffic on Midson Road to exceed its limit and will create significant safety concerns;

The capacity and safety of traffic using Midson Road was considered and assessed as part of the development of the original Master Plan. As mentioned, the volume of traffic forecast for the subject proposal would be no greater than that expected for the original Master Plan DCP development therefore, future conditions on Midson Road would be largely the same as the future conditions permitted by the approved Master Plan.

The original plan for the Cavestone Estate site saw site density being delivered up to a maximum of 0.6:1 FSR. That is a gross floor area of development at 0.6 of the site area. To date and even allowing for the current proposal the site density will only reach 0.428:1, which is well below the density permitted on the whole site and originally contemplated.

8. Will there be lights at the intersection of Mobbs Lane and Marsden Road;

Yes. Since this development was notified, traffic lights have been installed at this intersection.

9. Lack of public transport and too far from train and bus facilities;

Bus services are provided along Mobbs Lane directly fronting the length of the site. A bus stop on Mobbs Lane is proposed to further promote the use of public transport. These bus services provide onward travel via train services by connecting with Epping Station, Eastwood Station and (to a lesser extent) Parramatta Station.

10. The Proposal should provide additional on street car parking;

The amended plans include a proposal to dedicate additional land to Council to provide on-street parking along the Mobbs Lane frontage. This will deliver an additional 8 spaces. This design meets the relevant Australian and Austroads standards.

11. Proposal does not promote walking or cycling;

A footpath is provided along the Mobbs Lane frontage connecting the separate buildings with the existing wider footpath network. In addition, 100 bicycle parking spaces are to be provided, exceeding the requirements of Council's DCP and further encouraging the ownership of bicycles and therefore their use as alternative modes of travel.

Footpath connections are also provided through the site linking the site down to the footpath network in the Cavanstone Estate.

12. The car park access provides limited opportunities to activate Mobbs Lane;

Car park access points are located as per the Master Plan DCP. All buildings then front Mobbs Lane with direct access to the Mobbs Lane footpath. These connections to the footpath will activate street activity with people moving to and from the front door of the buildings.

Issue: Construction and operational waste

Concern was raised about the lack of details about waste management. There was also concern that garbage chutes in buildings should be provided.

Planning Comment: A Waste Management Plan was submitted with the Development Application in accordance with Council requirements. Council officers confirmed that the building would need to allow for waste collection. The design of the facility and waste handling was therefore prepared after consultation with commercial (private) waste

contractors. That Plan also considered waste in terms of construction waste and site operation, and meets Council requirements subject to standard conditions.

The process of waste management for future residents will rely on them taking their garbage to allocated garbage rooms in the basement where they will be managed by the building manager/cleaner. Recycling bins will be allocated in the garbage rooms allowing for appropriate sorting. A commercial waste truck will arrive in both basements and collect the garbage from the nominated garbage rooms. Clearances in the basements in these areas has allowed for truck access to collect the garbage.

Garbage chutes as suggested by residents comments are one alternative option, removing the need for residents to take garbage directly to the garbage rooms in the basement. However the incorporation of chutes have some draw backs, namely:

- Chutes do not encourage recycling and are therefore not favoured from a recycling view point;
- Chutes require the incorporation of compaction devices in the basement;

The proposed waste management process is therefore favoured for the proposal.

Issue: Tree Loss

Concern was raised that the existing trees along Mobbs Lane will unnecessarily be removed;

Planning Comment: Removal of 19 trees is required along this frontage. The Master Plan DCP for the site shows the site being developed for townhouses as discussed previously. Under that Plan all trees were to be removed.

The current development application retains 4 of these trees through plans and conditions of consent. New Street trees are also proposed along the Mobbs Lane frontage.

The proposal is therefore an improved arrangement over the total loss of trees contemplated in the Masterplan DCP.

Issue: Geotechnical concerns

Concerns were raised that:

1. The proposal will be detrimental to the stability of the area and will cause damage to homes (geotech issues – cracking of walls and foundations);
2. Landslide risk. No geotechnical report submitted with DA;

Planning Comment: Geotechnical engineering was considered in the design of the proposal and Coffey Geotechnical Engineers and Mott McDonald Structural Engineers have provided advice through the preparation of the DA. Advice from Coffey Geotechnical Engineers was provided to Council confirming the site is suitable and that geotechnical conditions on the site can be managed to suit the construction. Conditions are recommended to ensure the buildings can be built as proposed. In relation to the impact on adjoining properties Council requires a dilapidation survey to be prepared for all adjoining properties prior to commencing any works to allow monitoring and recording of any damage.

Issue: Overshadowing

Overshadowing was raised as an issue. Particularly:

1. Increase in height to 6 storeys will increase overshadowing of rear open space and as such the use of the rear open space will be compromised;

2. Shadow diagrams not correct. Residents prepared a diagram reviewing overshadowing on existing Cavanstone properties to show that the overshadowing drawings in the DA were not correct;
3. Units won't receive the hours of sunlight;

Planning Comment: Overshadowing of the southern open space area of the four residential flat buildings will occur, however overshadowing of this area would have occurred to a similar extent based on the townhouse scheme outlined in the Master Plan DCP. Any additional overshadowing of the open space area is minimal due to the similar heights of the townhouse development and the current proposal. For the most part this open space area is not a flat active open space area and is essentially a terraced landscape feature area. Therefore, the overshadowing caused by any development on the subject site will not impact on an active open space area.

The residents provided a shadow diagram. The shadow analysis put forward by residents is approximate and does not correspond directly to the section line shown and shows a sun angle between 32 °-35 °.

The applicant's plans are more accurate being as follows:

Section on Building A: 37 ° 23'

Section on Building B: 35 ° 47'

Section on Building C: 34 ° 34'

Section on Building D: 33 ° 18'

These shadow angles will not impact significantly on the existing houses opposite.

Shadow diagrams for the winter solstice showing shadow impacts were provided. These show that on the winter solstice:

- 9:00am to 12:00pm - all overshadowing will fall on the communal open space and Carrington Crescent. No overshadowing occurs to the multi-dwelling housing located on the southern side of Carrington Crescent;
- 2:00pm to 3:00pm – there will be overshadowing to the north facing elevations of the multi dwelling housing on the southern side of Carrington Crescent. At this time no significant overshadowing will occur to the principle private open space areas of these dwellings.

Overshadowing impacts are satisfactory as the dwellings to the immediate south of the site receive direct sunlight from 9:00am to 2:00pm.

The revised layout demonstrates a reduction on the shadow impact on the immediate surroundings. The development is required to meet the requirements of State Environmental Planning Policy No.65 which dictate sunlight access for new residential flat buildings. The proposal meets this requirement and an independent verification report submitted with the DA confirmed this. The amended plans improve the sunlight access arrangements for the buildings.

Issue: Height and associated view loss

The following concerns were raised in relation to height:

1. Loss of direct views due to the building massing;
2. The 11m height limit is being breached on portions of the proposal;

3. The planning instrument measures height to include plant and lift overruns which contribute to the additional height;
4. Buildings should be stepped to the south to comply with controls;
5. The existing skyline will be lost forever;
6. Residential flat buildings are out of character with the masterplanned Estate;
7. The proposal is not in keeping with other 2 storey buildings in Cavanstone Estate;
8. Adverse visual impacts to heritage precinct will occur;
9. A 6 storey building form to south will not be able to integrate well with the surrounding buildings;
10. Multi-storey buildings will create a canyon effect;
11. Clause 3.1.1 of DCP specifies storeys not metres. LEP allows buildings up to 11m whereby DCP sets a height limit of 3 storeys;
12. The density, bulk, scale and height unreasonable;
13. The proposal has a 4-6m non-compliance in height on the southern elevation;
14. Proposed height will be out of character with low rise nature of the rest of the development;
15. Loss of privacy with balconies and 6 storeys of height;

Planning Comment: The planning comments for the issues relating to height are as follows:

- Loss of views has been raised by some residents, particularly from the Meriton development of Epping Park on the opposite side of Mobbs Lane. It is noted that the subject site is nominated as a residential development site in the original Masterplan DCP. In the Masterplan it was shown as 3 storey terraces including a pitched roof over basement parking. These townhouses would be expected to reach possibly 10 metres and up to 11 metres in height under the current Council controls viewed. The terraces were arranged in a consistent wall of buildings facing Mobbs Lane with only 2 small breaks of 5 and 7 metres;
In contrast the current scheme seeks to develop the site to a variable height up to 11m on Mobbs Lane but incorporating three much larger gaps between the buildings of 12m, 13.15m and 13.5 metres respectively. These larger breaks will actually increase the possibility for views contemplated in the Masterplan.

Assessment of the local terrain

- The height of the proposal on Mobbs Lane is for the most part below the 11m height limit (with only 2 minor encroachments), with the building stepping down the Mobbs Lane frontage. This height presents on Mobbs Lane as a height of generally 3 storeys. This height is generally consistent with the townhouses that were proposed under the Council Masterplan DCP (with 2 storeys plus an attic within a pitched roof). Therefore the height of the proposal facing Mobbs Lane complies with the current statutory control of 11 metres and is generally the same as the height that would have been achieved by the terraces shown in the Masterplan DCP.
The nature of the site, falling steeply away to the south does however result in some breaches in the height development standard of 11 metres, but this situation would also have occurred with the townhouse proposal in the Master Plan DCP. This is due to the current land form of the site that appears previously excavated (or not filled) in

anticipation of basement levels being created on the site. Therefore the existing ground level is lower than it would have been if the site was filled to a standard sloping profile.

Amendments to address height

Amendments were required by Council to reduce and terrace the building height on the southern elevation, to better follow the topography of the site. Accordingly the recently amended plans include the following key amendments:

- deletion of the lower residential level on buildings C and D with the conversion of these levels to car parking screened with landscaping. This amendment has visually reduced the southern elevation of Building C & D by one level;
- the upper level has also been reduced by the removal of units on that level on the southern elevation. The top level is now recessed to achieve a 6 - 9m setback. This amendment steps back the top level of the building reducing the perception of the overall building form from the south by another level;

Combined, these two reductions change the rear southern elevation from an apparent 5 levels to 4 levels. It consequently limits breaches of the 11m height limit from the natural ground level effectively stepping the building down to a lower level on the southern side.

A variation to the height limit control under Clause 4.6 was lodged with Council and is assessed later in this report.

- Councils Heritage Advisor is satisfied with the merits of the amended proposal on the heritage items at Cavanstone.
- The design intent aims to place the proposal more in character with the lower rise nature of the Cavanstone. This has been pursued in the design of the elevations that replicate a 'townhouse look'. The original proposal attempted to achieve the design intent with its 3-4 storeys appearance. The design amendments now proposed on the southern elevation with the setback top levels of 6-9m has achieved the same successful look of the Mobbs Lane elevations.
- The height of the proposal has been reduced from the immediate surroundings constituted by the existing houses/town houses facing Carrington Crescent by stepping back the top level of Building A, B, C, D between 6m and 9m. This has reduced the height and the scale of the south proposed elevations. This reduction of scale combined with the repetitive 'townhouse' presentation brings the proposal into character with the Cavanstone context.

Building separation distances between the proposed buildings and houses vary from 34 m to 55 m. Buildings A, B, C, D do not create a loss of privacy to the houses and town houses facing Carrington Crescent. These distances are larger than the dimensions recommended by the SEPP 65 Design Code. The existing landscape area adjacent to Carrington Crescent has been planted in the last few years to generate future established buffer zone that will add an additional level of privacy to the houses/townhouses across Carrington Crescent. Given this the building separation is considered appropriate.

Issue: Floor Space Ratio

Concern is raised about the floor space ratio of the proposal. In particular:

1. FSR of 0.78:1 over 30% above the 0.6:1 allowable for site in Master Plan; and
2. Exceeds FSR;

Planning Comment: The Cavanstone Estate is permitted a statutory FSR of 0.6:1. To date the estate has a developed Gross Floor Area consistent with a FSR of 0.328:1.

The proposal increases overall estate development to 0.428:1 which is a further reduction based on the amended plans which deletes space from that proposed in the original DA. The FSR of the actual lot 11 is discussed later in this report.

Issue: Impact on Local Amenities

Concern is raised that there are insufficient local amenities to cater for the anticipated new residents to the development. Particularly:

- The amended landscape plan shows a stairway is to be constructed to link the proposed units with the existing dwellings within the estate. This will encourage residents to park their cars and walk their pets;
- Impact upon local services;
- Lack of public domain and Council facilities proposed;

Planning Comment: The following planning comments are made:

1. Lack of amenities for an influx of new residents

The proposed residential flat building development increases the number of residents on the site compared to the approved town house development. The applicant claims the additional population will be 128 people, however, there is no definitive evidence to support this.

Notwithstanding this, an increase envisaged through the additional 167 dwellings is not significant in the context of the broader Cavanstone Estate and the Meriton Epping Park development opposite the subject site on Mobbs Lane.

The estate contains extensive open space areas that will be able to cater for the additional population.

The subject site is located in an area close to public transport, local shops, parks, within reasonable distance to a hospital and major shopping centre. Further the application is required to pay a section 94A contribution that will assist Council with catering for the needs generated by the additional population.

2. Green space will be significantly reduced

The proposed development is to be located on a part of the site that has no recreation significance or history. While it is proposed to remove a number of the existing street trees to allow for the proposed development, the development itself does not reduce or remove any green space from the area. As noted above, these trees were nominated for removal in the original masterplan for the site.

The subject site is located in close proximity to 2 parks/reserves and as such, existing and new residents will have access to green space within walking distance from their dwellings.

In addition, the Cavanstone Estate includes a green way and other recreation spaces for the use of residents of the estate. It is noted that Council levies S.94 contributions at 1% of the construction cost. These monies will assist Council in augmenting local services and embellish local open space in the area.

3. Stair Link will result in people outside the area accessing the estate

The stair link was shown on the original Master plan and is included to allow direct access to the bus stops and to integrate the local area. Council have promoted the notion of permeability and linkages with the local community and hence the pedestrian link is required.

4. Impact upon local services

As noted in the social impact assessment, and envisaged by Council's approved Master Plan, the subject site is located in an area well serviced by medical facilities, public transport, and is a 1.5 kilometre walk to Epping Railway Station, community facilities, open space, parks and public transport. The site is also located in reasonable distance to Ryde Hospital as well as Epping and Eastwood Shopping precincts.

5. Lack of public domain and Council facilities proposed.

As identified above, open recreation space is included within the Cavanstone estate which is for the use of all residents.

The proposed development will generate section 94A contributions at 1% total construction cost which will fund new local services and facilities.

Issue: Community Consultation

Concern was raised that there was insufficient community consultation.

Planning Comment: The original and amended plans were both notified in accordance with Council's Notification Development Control Plan. Furthermore, an onsite meeting was held during the course of assessment, in accordance with Council's policy.

Council has also been advised that the applicant undertook a community consultation exercise during the social impact assessment. This included a community meeting held on site. In addition the Social Planning consultants also undertook a notification of all residents and community groups in the area to seek comment on the proposed development allowing 4 weeks for a response.

Council was also advised that the applicant held a review meeting with Cavanstone residents on 20 March to review proposed amendments to the plans. This was attended by approximately 15 residents and discussion lasted for approximately 2 hours. Residents primary concern related to increased population and the additional problems of on street parking, through traffic and the increased demand on local parks and facilities. Concern was raised that the proposal is inconsistent with the approved masterplan for the site. Some submissions mentioned details of this meeting in their submissions to Council.

Community consultation has occurred through two notification periods, and an onsite meeting by Council in accordance with Council policies. Two further consultations have occurred outside of the Council process by the applicant. It is also noted that objectors have the opportunity to address the JRPP on the proposal during the public meeting that will be held on 2 October 2014. Given this there has been adequate community consultation for this proposal.

Issue: Buildings C & D appear to be serviced apartments

Planning Comment: The buildings are not proposed as serviced apartments in the plans and documents.

Issue: Insufficient perspectives provided to get a sense of the proposal;

Planning Comment: Additional artists impression have been prepared for the amended scheme and provided to Council;

Issue: Provide Green Roofs to buildings to make them more thermally efficient;

Planning Comment: The upper levels of the buildings are now proposed as large outdoor areas which will be landscaped per the updated landscape plans to create green roofs. Balustrades are set back from the edge to prevent any overlooking to buildings to the south;

Issue: Over development of land;

Planning Comment: The proposal is an acceptable when compared to the Meriton development on the opposite side of Mobbs Lane and where the total Cavanstone FSR is still well below the development originally planned for the site at 0.6:1;

Issue: No link with the estate to allow nature walks towards Skenes Ave, per the approved Master Plan;

Planning Comment: Pedestrian links have been provided through the site connecting with the rest of Cavanstone and linking to the bus stops on Mobbs Lane in accordance with the masterplan.

Issue: Water pipe under Mobbs Lane will not survive under the extra traffic numbers;

Planning Comment: All building and road works must comply with the relevant Australian Standards. There is no evidence to suggest that existing infrastructure will be damaged as a consequence of the proposal. The additional traffic generated by the development will be minimal compared to existing volumes and is unlikely to cause any greater impact to services in the street, than existing traffic.

Issue: Noise generated by building works will be unbearable.

Planning Comment: Noise generated during development will be managed to be within defined worked hours in the recommended conditions. Noise is a consequence of all new development but it is normal that construction noise will be managed with neighbours to minimise disruption;

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. This part site is not identified in Council's records as being contaminated. The site is currently vacant and formed part of the old brick pits site, having been used as part of

the quarry. This portion of the site was used as a quarry and did not contain fuel storage areas or machinery storage areas. Given this, the proposal is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 – Impacts on Electricity Transmission or Distribution

The application is not subject to Clause 45 of the SEPP as the development is not adjacent to an easement for electricity purposes, immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line. Notwithstanding this, a letter was written to Endeavour Energy seeking comment. No comment was provided from Endeavour energy

Clause 101 – Frontage to a Classified Road

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Mobbs Lane is less than 40,000 vehicles.

The development is identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 and in accordance with clause 104(3) of the SEPP the application was referred to the Roads and Maritime Services (RMS) for comment. RMS wrote back recommending standard conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY 65 Design Quality of Residential Flat Development

SEPP 65 applies to the proposal. This Policy aims to improve the design quality of residential flat buildings in New South Wales.

Clause 50 of the Environmental Planning and Assessment Regulation 2000 requires that an application which relates to a residential flat building be accompanied by a Design Verification Statement from a qualified designer. A Design Verification Statement prepared by Eugene Marchese Registered Architect (Registration No. 5976) was submitted with the application. This statement verifies that Eugene Marchese supervised the preparation of the development application. The statement also confirms that the proposal has been designed in accordance with the design quality principles of SEPP65.

In accordance with Part 2 of SEPP 65, the design quality principles provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. The design quality principles contained in SEPP 65 are addressed below:

Context

The design of the proposed buildings responds and contributes to its context, especially having regard to the desired future qualities of the area via the Master Plan. The amended

scale of the buildings and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and the Cavastone Estate DCP.

Scale

The proposal is acceptable within the context of what is envisaged in the Master Plan and the terrain unique to this site. The scale of the buildings are suitable within the locality, with the buildings in the amended plans following the steeply sloping terrain. See discussion below.

Built form

The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the presentation of building elements. The proposed built form is consistent with the context of this site being within a Master planned precinct.

Density

The proposal results in a density appropriate for the site and its future context as a Master planned site, in terms of floor space yield, number of dwellings and potential number of new residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, and community facilities while maintaining environmental quality.

Resource, energy and water efficiency

The development provides efficiency opportunities as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.

Landscape

The landscaping solutions depicted in the architectural plans are of satisfactory quality.

Amenity

The proposal is considered satisfactory, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.

Safety and security

The proposal is satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. The proposal satisfies these requirements.

Aesthetics

The proposed development is appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building responds to the environment and context, contributing to the desired future character of the area.

Residential Flat Design Code

The Residential Flat Design Code is a resource designed to improve residential flat design. The Code sets broad parameters for good residential flat design by illustrating the use of development controls and consistent guidelines.

The Design Code supports the 10 design quality principles identified in State Environmental Planning Policy No. 65 — Design Quality of Residential Flat Development as outlined above. It supplies detailed information about how development proposals can achieve these principles but is not a statutory control.

The following table describes the controls relevant to this proposal:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Apartment depth should be between 10-18m	<ul style="list-style-type: none">• Building A & B: 18m in a straight line from one side of the external wall to the other• Building C: 18m in a straight line from one side of the external wall.• Building D: range from 17.6 to 20m <p>The average common depth is 18 metres</p>	Yes
Separation	<p>Suggested separation between adjoining sites for a development up to 4 storeys is as follows:</p> <ul style="list-style-type: none">- 12m between habitable rooms/balconies.- 9m between habitable rooms/balconies and non-habitable rooms.- 6m between non-habitable rooms.	<p>Building A to B – 12 metres Building B to C – 13.15 metres Building C to D – 13.5 metres</p> <p>All of buildings A to D are separated from the Meriton Site across Mobbs Lane by a minimum of 20 metres by virtue of the Mobbs Lane width and setbacks within the buildings on the Meriton site.</p>	Yes Yes
Deep soil zones	Minimum of 25% of open space area of a site should be a deep soil zone (488m ²)	41% of the site is provided with deep soil planting. In addition the community open space area immediately to the south of the site is also being reshaped and landscaped as part of the Application and therefore forms part of the site area.	Yes
Open Space	25% - 30% of site area should be devoted to communal open space	<p>53% (approximately across the site)</p> <p><i>Buildings A & B</i> The amended proposal also incorporates roof top common open space areas of 125 sqm for</p>	Yes

		shared roof terraces.	
Planting on structures	Minimum Soil Depths of trees with less than 4m canopy diameter – 800mm	Sufficient details provided.	Yes
Safety	Carry out a formal crime risk assessment for all residential developments above 20 dwellings	The proposal is satisfactory from a CPTED assessment.	Yes
Pedestrian Access	Provide barrier free access to at least 20% of all dwellings.	<ul style="list-style-type: none"> Each building has accessible pedestrian entry from Mobbs Lane; Pedestrian and car access entries are separately defined; Accessible units are provided in the development; <p>A through site link is included in the proposal linking the Cavanstone Estate through to Mobbs Lane and the bus stops at this location.</p>	Yes
Vehicle Access	Limit driveway widths to 6m.	Basement Driveway Width is 6m for all buildings	Yes
Apartment Layout	<p>Single aspect apartments should be limited in depth to 8m from a window.</p> <p>The back of a kitchen should be no more than 8m from a window.</p> <p>The width of cross through apartments over 15m deep should be more than 4m.</p> <p>Minimum Apartment size of 50m² for one bedroom apartments, 70m² for 2 bedroom apartments and 95m² for three bedroom apartments.</p>	<ul style="list-style-type: none"> Single-aspect apartments have a depth of less than 8 metres from a window; Average distances are 7.2/7.4/8 m. An exception is apartment D which has 8.5 metre from the back of the kitchen. 1 bedroom apartments: average of 55 m² 2 bedroom apartments: average of 75/85 m² 	<p>Yes</p> <p>Yes</p> <p>Yes</p>

		3 bedroom apartments: average of 105 m ²	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	Balconies are in between 2.2 and 2.4 metre deep	Yes
Ceiling heights	Minimum 2.7m for residential	Floor to floor height is 3.1 metres. Accounting for slab thickness all levels will comply with the 2.7 metre minimum height control.	Yes
Internal circulation	A maximum of 8 dwellings should be provided off a double loaded corridor or central core.	<ul style="list-style-type: none"> • Building A & B have seven units per floor • Building C has 12 and D 18 units per floor • The building form of buildings C and D has been adjusted and increased in floor plate size at the suggestion of the Parramatta Council Design Excellence Advisory Panel; <p>Building D has natural light into the corridor from three different sides.</p>	Yes
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	<ul style="list-style-type: none"> • Storage for the units is provided in below ground community space in Buildings A and B, as well as in basement parking storage cages; • Buildings C and D provide storage for each unit in basement parking storage cages. 	Yes
Daylight Access	<p>Living rooms and private open spaces for at least 70% of apartments should receive two hours direct solar access on winter solstice (if in a dense urban environment).</p> <p>Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units.</p>	<ul style="list-style-type: none"> • 73% of the apartments have a minimum of 3 hours of direct sunlight between 9 am and 3 pm in mid-winter • Single aspect apartments orientated to the south: Building A & B: 5 out of 32 Building C: 14 out of 52 Building D: 14 out of 77 Total 38 out of 167 = 22% 	<p>Yes</p> <p>No</p>

		<p>The number of south facing units has increased due to the orientation of the site but also due to the fact that the upper levels have now been single loaded to provide ample upper levels setbacks. These units are now on a single loaded corridor but provided with large outdoor areas. The upper level single facing units also incorporate skylights to allow northern sun penetration into the apartments, so do enjoy increased solar access.</p>	
Natural ventilation	<p>60% of units should be naturally cross ventilated</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	<ul style="list-style-type: none"> • 61 % of the apartments have cross ventilation • Requirement for natural ventilation for the kitchens will be achieved 	<p>Yes</p> <p>Yes</p>

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Proposal	Compliance
4.3 - Height of Buildings	<p>The Height of Buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level.</p> <p>The development has a maximum height of 16.43m.</p> <p>The applicant has submitted a Clause 4.6 variation in support of the departure to the standard and the assessment is discussed at the end of this table.</p>	No
4.4 - Floor Space Ratio	<p>The Floor Space Ratio Map indicates that buildings on this site can be a maximum floor space ratio of 0.6:1.</p> <p>The development provides for the following:</p> <p>Floor Space Ratio = 1.5:1 across Lot 11 DP 270605.</p> <p>Floor Space Ratio = 0.428:1 across the Cavanstone Estate site.</p> <p>The applicant has submitted a Clause 4.6 variation in support of the departure to the standard and the assessment is discussed at the end of this table.</p>	No
4.6 Exceptions to development standards	Height and FSR.	Yes
5.6 Architectural roof features	There are no significant architectural roof features.	N/A
5.7 Development below mean high water mark.	The proposal is not for the development of land that is covered by tidal waters.	N/A
5.9 Preservation of trees	Council's Tree Management & Landscape Officer has not raised objection to the proposed tree removal. See previous discussion in the 'Referrals' section of this report.	Yes
5.10 Heritage Conservation	The subject site is not a heritage item or within a local heritage conservation area. The impacts on	Yes

	nearby heritage items have been assessed and are acceptable.	
5.10.8 Aboriginal Places of Heritage significance What is the identified Aboriginal significance of the site?	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.	Yes
6.1 Acid sulphate soils	Subject to conditions the proposal is satisfactory in relation to acid sulphate soils.	Yes
6.2 Earthworks	The amount of earth works, specifically that required for the basement car park, are acceptable. Council's Development Engineer has reviewed the application including the proposed amount of excavation including a geotechnical report and considers that the proposed earthworks are satisfactory.	Yes
6.3 – Flood Planning	The site is not nominated as a flooding area.	N/A
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	The subject site is not identified on this map.	N/A
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	The subject site is not identified on this map.	N/A
6.6 Development on landslide risk land	The site is not identified as landslide risk land.	N/A
6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A

Zone Objectives

The proposed development is not consistent with the aims and objectives of the R2 Low Density Residential zoning applying to the land. However the proposal reflects an unusual circumstance due to residential flat buildings being permissible under Schedule 3 of the LEP and the Master Plan for the site.

as the proposed works are suitably located, and are of a bulk and scale that maintains suitable residential amenity for adjoining sites as envisaged in the masterplan for the Cavanstone Estate.

Discussion of LEP Non-Compliances

Height

The Height of Buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level.

The heights and the extents of departures are expressed in the following table:

Building	Height (including lift over runs)	Variation
A	14.5m	3.5m (32%)
B	16m	5.0m (45%)
C	14.7m	3.7m (33%)
D	16.4m	5.4m (49%)

Clause 4.6 Exemption to development standards



Figure: Showing a section through the site relative to surrounding built form, including the residential flat buildings on the Meriton site to the north and the multi dwelling housing in Cavestone Estate to the south.

A Clause 4.6 exception to development standards submission was made with the application. In accordance with the provisions of this clause compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The underlying purpose of the development standard

The objectives of the height of buildings development standard is stipulated as:

(1) The objectives of this clause are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to require the height of future buildings to have regard to heritage sites and their settings,
- (d) to ensure the preservation of historic views,
- (e) to reinforce and respect the existing character and scale of low density residential areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), any development on land identified with a thick blue line and labelled "Area 1" on the Height of Buildings Map is not to exceed the height determined in accordance with the Table to this clause.

The applicant's submission with respect to Height is as follows:

The current development proposal is consistent with the above objectives based on the following:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
- there are sufficient environmental planning grounds to justify contravening the development standard;*
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.*
- The reason why the height is being breached is because the site is highly modified, uneven, deliberately shaped to accommodate future development, and slopes dramatically;*
- The modified nature of the site is due to the landform being cut to a lower level than it otherwise would have been to accommodate future development. This incorporates a mid level benched area to allow for a future basement in accordance with the masterplan;*
- If the land were filled with a consistent batter and without the mid-level bench providing for a future basement the height encroachments could be reasonably reduced. This is not the existing situation;*

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the height control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within residential environment with a range of densities. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director General may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere within the LGA; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to the unique site

attributes to provide an appropriate transition between high density Meriton development to the north and the lower scale townhouse development downslope to the south. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality it being a master planned site.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is characterised by residential development, some of which is of a comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

ASSESSMENT

The objectives and purpose behind the development standard have been met and the allowance of a departure in the maximum height requirement has no unreasonable impacts that would frustrate the objectives of the Environmental Planning and Assessment Act, 1979. Furthermore, compliance with the standard in this case is unreasonable and unnecessary as the purpose of the standard has been achieved with the proposed design in its overall context. Although the proposed development exceeds the height requirement, it has been demonstrated that the additional height will not be out of context with the adjoining built form over time, the physical impacts are acceptable, and there are no loss of significant views. The variation will not be interpreted as an inconsistency given the topography of the site and the transitions in height on adjoining sites.

The Clause 4.6 variation is considered acceptable for the following reasons:

- The proposed development is part consistent with the relevant objectives of the height development standards under Parramatta Local Environmental Plan 2011 as it minimises visual impact, disruption of views, loss of privacy and loss of solar access to existing development;
- The site is uncharacteristically uneven with a centrally located benched area and a dramatic slope from north to south. The amended building height is acceptable in this circumstance as the additional height does not adversely impact the amenity of neighbouring sites; and
- The proposed development is consistent with the zone objectives as it provides a compatible land use, integrates residential in accessible locations so as to maximise public transport patronage and encourage walking and cycling and encourages development that contributes to an active, vibrant and sustainable neighbourhood.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Floor Space Ratio

The development provides for the following FSR:

Floor Space Ratio	
1.5:1	Across Lot 11 DP 270605 only
0.428:1	Across the Cavanstone Estate site

A Clause 4.6 Exemption to development standards submission was made with the application. In accordance with the provisions of this clause compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The underlying purpose of the development standard

The objectives of the Floor Space Ratio development standard is stipulated as:

- (a) To regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) To provide a transition in built form and land use intensity within the area covered by this Plan,*
- (c) To require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- (d) To reinforce and respect the existing character and scale of low density residential areas.*

The applicant's submission with respect to FSR is as follows:

The former Eastwood Brickworks site now generally known as the Cavanstone Estate is subject to a Master Plan adopted by Council in 2003. This Master Plan affords the entire site with an FSR of 0.6:1 or 147, 200 sqm. The overall floor space inclusive of the floor space generated by the proposed residential flat buildings that form part of this application equates to a FSR of 0.428:1, which is well below the 0.6:1 maximum. However when the FSR of the proposed residential flat buildings is considered on Lot 11 only the ratio is 1.5:1.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the FSR control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within residential environment with a range of densities. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director General may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere within the LGA; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to the unique site attributes to provide an appropriate transition between high density Meriton development to the north and the lower scale townhouse development downslope to the south. The departure from the FSR control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality it being a master planned site.

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is Characterised by residential development, some of which is of a comparable FSR and character, particularly on the Meriton site. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

ASSESSMENT

The objectives and purpose behind the development standard have been met and the allowance of a departure in the maximum FSR requirement has no unreasonable impacts that would frustrate the objectives of the Environmental Planning and Assessment Act, 1979. Furthermore, compliance with the standard in this case is unreasonable and unnecessary as the purpose of the standard has been achieved with the proposed design in its overall context. Although the proposed development exceeds the FSR requirement on a single development lot, it has been demonstrated that the additional FSR will not be out of context with the adjoining built form over time, the physical impacts are acceptable, and there are no loss of significant views. The variation will not be interpreted as an inconsistency given the topography of the site and the transitions in FSR on adjoining sites and the overall FSR for the Cavanstone Estate.

The Clause 4.6 variation is considered acceptable for the following reasons:

- The proposed development is part consistent with the relevant objectives of the FSR development standards under Parramatta Local Environmental Plan 2011 as it regulates density in a way that is acceptable for vehicular and pedestrian traffic, provides a

transition in built form as envisaged in the Master Plan and LEP, is consistent and acceptable in its impact to the Eastwood Brick Pits heritage item, and reinforces the existing character and scale of the locality;

- The proposed development is consistent with the zone objectives and Master Plan as it provides a compatible land use, integrates residential in accessible locations so as to maximise public transport patronage and encourage walking and cycling and encourages development that contributes to an active, vibrant and sustainable neighbourhood.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

DEVELOPMENT CONTROL PLANS

EASTWOOD BRICKPITS MASTERPLAN (ADOPTED BY COUNCIL 06/06/2003 AND IS A DEEMED DCP UNDER PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Control Requirement	Proposal	Complies with controls
Roads	Two new vehicular access points are proposed onto the masterplanned road network.	Yes
Built Form and Streetscape	The built form and streetscape of the amended proposal provides an effective transition from the high density residential flat buildings on the northern side of Mobbs lane, to the two storey town house development in the Cavanstone Estate. There are sufficiently wide gaps in the built form and adequate landscaping. The road widening, street trees, and In this context the proposal is acceptable.	Yes
Building Envelope	The proposed building envelope is consistent with the built form envisaged in the masterplan and notwithstanding the height departures assessed elsewhere in this report, has a satisfactory building envelope	Yes
Waste Management	Waste is proposed to be removed by private contractor.	
Number of Dwellings	A maximum of 280 dwellings was envisaged in the Masterplanned area. The built form proposed included freestanding houses, terraces, semidetached dwellings, courtyard houses, and a heritage precinct. 167 dwellings are now proposed.	The proposal: <ul style="list-style-type: none"> • Is under the overall FSR for the site; • is partially consistent with the density of the part 3A approval at the old Channel 7 site; and • basement car

		parking is provided as per the Masterplan.
Public Domain	A footpath restoration and illustrative diagrams for a bus stop are shown on plan.	Yes
Private Open Space	To comply with the Residential Flat Design Code (see table above).	Yes. The balconies incorporate a depth of between 2.2 and 2.4 metres

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
2. SITE PLANNING		
2.4 Site Considerations		
2.4.1 Views and Vistas		
Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.	<p>The site is not identified as having views and vistas or containing views identified as being significant in Appendix 2.</p> <p>The site is not located in a Conservation Area.</p>	Yes
2.4.2 Water Management		
2.4.2.1 Flooding		
Is the site flood affected by local or mainstream flooding?	The site is not identified as being affected by the 1:20 year or 1:100 year flood.	Yes
If yes refer to section 2.4.2 of DCP 2011 for detailed controls.		
2.4.2.2 Protection of Waterways		
Does the site adjoin a waterway?	The site does not adjoin a waterway.	Yes
If yes does proposed landscaping comprise of local indigenous species?		
2.4.2.3 Protection of Groundwater		
	It is unlikely that the excavation for the basement car park will impact upon groundwater. Notwithstanding this, a geotechnical report is required to be submitted before the issue of a Construction Certificate.	Yes
2.4.3 Soil Management		
2.4.3.1		

<p><i>Sedimentation</i></p> <p>Are there adequate erosion control measures?</p>	<p>Conditions have been imposed to ensure that the development will minimise sedimentation and not unduly contribute to wind blown soil loss.</p>	<p>Yes</p>
<p>2.4.3.2 <i>Acid sulphate soils</i></p>	<p>Refer to LEP table above.</p>	<p>Yes</p>
<p>2.4.3.3 <i>Salinity</i></p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p> <p>If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003?</p> <p>If yes, does landscaping comprise of low water use species and are irrigation systems low water usage?</p>	<p>The site appears to be identified as being of a low to moderate salinity potential.</p> <p>The application is for a basement carpark. Subject to conditions, the works will not impact or be impacted by salinity.</p> <p>The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.</p>	<p>Yes</p>
<p>2.4.4 Land Contamination</p>		
<p>Is the site identified as or likely to be contaminated?</p> <p>If yes have the requirements of SEPP 55 been satisfied?</p>	<p>Contamination was dealt with in the original application for conversion from a brick works to a residential estate. The original DA included works when the Cavanstone Estate was established DA/1723/2003.</p>	<p>Yes</p>
<p>2.4.5 Air Quality</p>		
<p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	<p>Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.</p> <p>These conditions include measures which seek to protect neighbouring amenity with regard to dust emissions during demolition and construction.</p>	<p>Yes</p>
<p>2.4.6 Development on Sloping Land</p>		

Does the design of the development respond to the slope of the land?	The development site contains a substantive slope and the basement levels are predominantly contained below ground.	Yes
2.4.7 Biodiversity		
<p><i>2.4.7.1 General</i></p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p>	<p>The removal of existing vegetation and trees is acceptable. Council's Tree Management and Landscape Officer has not raised concern to the proposed tree removal, subject to conditions.</p> <p>The landscape plan submitted with the application is considered acceptable.</p>	Yes
<p><i>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</i></p> <p>Does the site adjoin land zoned E2 or W1?</p> <p>If yes, does the development satisfy the design principles?</p>	<p>The site does not adjoin land zoned E2 or W1.</p>	N/A
<p>2.4.6 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>The buildings have appropriate presentation to Mobbs Lane with distinguishable entries that adequately address the public domain.</p> <p>The balconies and windows of the dwellings fronting Mobbs Lane addresses the street, promoting natural surveillance from within the dwellings to the front setback and public domain.</p> <p>Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip and retained trees are maintained and in the event that it is damaged due to the works associated with the proposal that Council be</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	reimbursed for the damages.	
3. DEVELOPMENT PRINCIPLES		
3.1 Preliminary Building Envelope		
3.1.3 – Preliminary Building Envelope Table		
<i>Height</i> Maximum height is shown on the Parramatta LEP 2011 - Height of Buildings Map – 11m	The development has a maximum height of 16.43m	No (see comment else where in the report about the Clause 4.6 assessment)
<i>Floor space ratio</i> An FSR of 0.6:1 applies to the site	Floor Space Ratio = 0.428:1 across the Cavanstone development site.	Yes
<i>Deep Soil Zone</i> <ul style="list-style-type: none"> - 50% of landscaped area to be deep soil - (2m depth & capable of sustaining a large tree) - = 10,022m² 	41% of the site is provided with deep soil planting. This equates to 8,218 sqm	Yes
<i>Landscaping</i> Minimum landscaped area of 30% (1.5m min width) = 6,013.2m ²		Yes
3.2.2 Building Façade and Articulation		
Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	The bulk of the building is consistent with the desired future character in the masterplan for the area.	Yes
Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture? Does the building exceed the building envelope? If yes, by more than:	The facades of the development are appropriately modulated with the incorporation of balconies, windows, varied wall positions and changes in materials. Yes (Height) Not applicable.	Yes No (see discussion)

<ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows <p>Does the development have a multiple stair/lift cores to encourage multiple street entries?</p>	<p>Separate entries are provided to all Blocks A, B, C, D.</p>	<p>)</p> <p>N/A</p> <p>Yes</p>
3.2.3 Roof Design		
<p>Does roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The proposal incorporates a contemporary flat roof design with communal open space areas for building A and B. The buildings do not dominate the streetscape. The contemporary roof form is compatible with the existing development within the area, particularly the Meriton development on the northern side of Mobbs Lane.</p>	<p>Yes</p>
3.2.5 Streetscape		
<p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape, visual and bulk and scale?</p> <p>Does the development provide an address to a laneway?</p> <p>Is the development within 3m of the laneway edge?</p>	<p>The development acts as a transition between the higher density Meriton site to the north and the lower density multi-dwelling housing to the south.</p> <p>Mobbs Lane, although named a 'lane' is a functional road. In acknowledgment of its increasing importance the applicant proposes the dedication of land to widen the road, provision of on street visitor parking, street trees, and a bus bay. The buildings all have an address to Mobbs Lane as well.</p> <p>The proposal has a minimum setback of 4.5 metres to Mobbs Lane (Building D).</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>Are the mail boxes visually integrated with the development and located conveniently for access by residents and deliverers?</p>	<p>There is provision with front feature walls for mail boxes to be located within the pedestrian access to the buildings. This location will not adversely impact the existing streetscape character.</p>	<p>Yes</p>

3.2.6 Fences		
<p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p> <p>Note: Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres however they must be setback 1m from the boundary to allow landscape screening to be provided.</p>	<p>The plans indicate fences to ground floor courtyards facing the street. These courtyards require higher fences in order to protect privacy to the principle private open space areas. These fences satisfy the maximum height requirements and are satisfactory.</p>	<p>Yes</p>
3.3 Environmental Amenity		
3.3.2 Private and Communal Open Space		
<p>Is a minimum of 10m² of private open space provided per dwelling with minimum dimensions of 2.5m?</p>	<p>All dwellings have a balcony with a minimum width of between 2.2m and 2.4m and achieve a minimum area of 10m². Some balconies widths are 2.5 m but all achieve the minimum area requirements.</p>	<p>No</p>
<p>A minimum of 10m² of communal open space per dwelling is to be provided = 1,670m²</p> <p>Is landscaped communal open space provided on the site?</p>	<p>10,462 sqm provided across the site.</p> <p>53% (approximately across the site)</p> <p><i>Buildings A & B</i> The amended proposal also incorporates roof top common open space areas of 125 sqm for shared roof terrace.</p>	<p>Yes</p> <p>Yes</p>
3.3.3 – Visual and Acoustic Privacy		

<p>Does the development achieve required separation between habitable rooms/non habitable rooms?</p> <p>Non-habitable to non-habitable = min 3m</p> <p>Habitable to non-habitable = min 9m</p> <p>Habitable to habitable = min 12m</p>	<p>The proposed development complies with the minimum separation distances within the development site.</p>	<p>Yes</p>
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3.3.4 – Acoustic Amenity

<p>Is the development located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no greater than 50dBA?</p>	<p>The site is not located in the vicinity of a major road.</p>	<p>Yes</p>
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3.3.5 Solar Access and Cross Ventilation

<p><i>Solar Access</i></p> <p>Do the dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their</p>	<ul style="list-style-type: none"> 73% of the apartments have a minimum of 3 hours of direct sunlight between 9 am and 3 pm in mid-winter <p>A shadow assessment reveals that the multi-dwelling housing to the south will receive direct solar access from 9:00am to 2:00pm in the winter solstice.</p> <p>Internal orientation to most dwellings will result in living areas located on the northern side, particularly for those dwellings fronting Mobbs Lane. There are some constraints due to the sloping nature of the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p>private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>		
<p><i>Cross Ventilation</i></p> <p>Is the maximum building depth 14m?</p>	<p>The building depths are as follows:</p> <p>Building A & B: 18 metres in a straight line from one side of the external wall to the other. Building C: 18 metres in a straight line from one side of the external wall; Building D: range from 17.6m to 20m.</p> <p>Single aspect apartments orientated to the south: Building A & B: 5 out of 32 Building C: 14 out of 52 Building D: 14 out of 77 Total 38 out of 167 = 22%</p> <p>The number of south facing units has increased due to the orientation of the site but also due to the fact that the upper levels have now been single loaded to provide ample upper levels setbacks. These units are now on a single loaded corridor but provided with large outdoor areas. The upper level single facing units also incorporate skylights to allow northern sun penetration into the apartments, so do enjoy increased solar access.</p>	<p>Due to the separation between buildings, orientation, and standard of internal amenity, the building depth is satisfactory</p> <p>Yes</p>
<p>Is the minimum floor to ceiling height 2.7m?</p>	<p>Minimum 2.7m floor to ceiling heights nominated.</p>	<p>Yes</p>

3.3.6 – Water Sensitive Urban Design		
Is the stormwater system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?	Council's Development Engineer has reviewed the development including the proposed stormwater management and has not raised objection, subject to conditions.	Yes
3.3.7 – Waste Management		
Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal subject to standard conditions.	Yes
3.4.2 Access for People with disabilities		
Does the development contain adequate access for people with a disability?	All dwellings are visitable and able to be accessed for people with disabilities.	Yes
Safety and Security		
<p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The primary front entrance faces towards the street and street facing balconies promote natural surveillance from within the development to the front setback and public domain.	Yes
3.4.5 Housing Diversity and Choice		
<p><u>UNIT MIX</u></p> <p>1 bedroom 10% - 20%</p> <p>2 bedroom 60% - 75%</p> <p>3 bedroom 10% - 20%</p> <p>This mix may be refined having regard to:</p> <ul style="list-style-type: none"> the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres; population trends; and whether the development is for the purpose of public housing or 	<p>1 bed (83) = 49%</p> <p>2 bed (74) = 44%</p> <p>3 bed (10) = 5%</p> <p>There is a non-compliance with an excess provision of one bedroom units and a deficiency of two and three bedroom units. The dwelling mix provides housing diversity in the broader context of the Cavanstone Estate, which has a significant number of two and three bedroom multi-dwelling housing currently. Given its proximity to facilities and transport</p>	<p>No</p> <p>No</p> <p>No</p>

<ul style="list-style-type: none"> the applicant is a community housing or non-profit organisation. 	it is consistent with the objectives of 3.4.5 of the DCP.	
<u>ADAPTABLE DWELLINGS</u> Have any adaptable dwellings been provided?	18 x adaptable dwellings have been provided which is in excess of 10% required under the DCP	Yes
3.5 Heritage		
Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.	The site is not a heritage item but is within the visual catchment of a heritage item being the Eastwood Brick pits. The site is located within the National Area of Significance Council's Heritage Advisor as reviewed amended documentation and raises no objections to the proposal.	Yes
3.7.2 Site Consolidation and Isolated Sites		
Does the development encourage site consolidation to promote the efficient use of the land and to avoid the creation of isolated sites?	The proposed development does not result in the creation of any isolated sites, having extensive communal open space with pedestrian connections consistent with the Master Plan.	Yes
Strategic Precinct		
The subject site is not located within a Strategic Precinct.		
Area of National Significance		
The subject site is not located within an Area of National Significance. Council's Heritage Advisor has not raised any concerns with respect to the proposal.		

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

The proposal requires the payment of S94A development contributions (1% levy) based upon the estimated cost of works. The submitted cost estimate prepared by a quantity surveyor listed the cost of works (including exemptions) as \$51, 548,314. As such, a Section 94A contribution of \$515,483 is required to be paid before the issue of a Construction Certificate.

A condition requiring the payment of this contribution has been incorporated within the Recommendation section of this report.

PARRAMATTA CITY COUNCIL 2014/2015 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

In accordance with Council's 2014/2015 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. The following Security Bonds are required to be paid prior to the release of a Construction Certificate.

Nature strip and roadway \$20,000

Street Trees \$16000

Hoardings \$10,000

The application will require the installation of hoardings during construction.

PLANNING AGREEMENTS

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F. The applicant has agreed to provide the road alignment and land dedication on Mobbs Lane at their cost. Visitor car parking, street trees, and a bus bay must be constructed in accordance with Council's standards at the applicant's cost.

REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Compliance with Building Code of Australia

Regulation 98(1)(a) requires prescribed conditions in relation to a development consent for development that involves any building work, being that the work must be carried out in accordance with the requirements of the Building Code of Australia.

Regulation 98(1)(b) requires prescribed conditions in relation to a development consent for development in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

The above conditions have been incorporated within the Recommendation section of this report.

Condition relating to shoring and adequacy of adjoining property

Regulation 98E requires prescribed conditions if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition has been incorporated within the Recommendation section of this report.

COASTAL ZONE MANAGEMENT PLAN

There are no Coastal Zone Management Plans applicable to the site.

LIKELY IMPACTS

The likely impacts of the proposed development have been addressed within this report.

SUITABILITY OF THE SITE

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

SUBMISSIONS & PUBLIC INTEREST

A total of 205 submissions were received in response to the notification of the original and amended applications. An on-site meeting was also conducted. Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta LEP2011 and the Cavanstone Estate Master Plan.
- The development will have positive social and economic benefits in terms of creating additional resident population to support local businesses and services and will provide greater housing choice within the City of Parramatta.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** the Sydney West Joint Regional Planning Panel support, pursuant to the provisions of clause 4.6, the variation to Clauses 4.3 and 4.4 of the PLEP 2011 in respect of the proposed height and floor space ratio.
- (b) **That** the Sydney West Joint Regional Planning Panel grant development consent to Development Application No. DA/601/2013 for tree removal, re-subdivision and construction of a residential flat building complex along the Mobbs Lane frontage of the site consisting of 167 apartments over four buildings with basement carparking at Lot 11 DP 270605 and Part Lot 1 Midson Road (former Eastwood Brick Pit), EASTWOOD for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions (separate attachment).