

Statement of Environmental Effects

PROPOSED LOT AMALGAMATION, TREE REMOVAL, DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A 23 STOREY SHOP TOP HOUSING DEVELOPMENT CONTAINING A RETAIL SHOP, COMMERCIAL OFFICE SPACE AND 83 RESIDENTIAL APARTMENTS OVER PARKING FOR 128 VEHICLES AT 2-4 CAMBRIDGE STREET, EPPING



Prepared by: **Think Planners Pty Ltd**
Document Date: 3 November 2016
Consent Authority: Sydney Commission
via City of Parramatta

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – Shop top Housing Development
ADDRESS: Lot 1 in DP 1118567, Lot A in DP 357022 and Lot B in DP 357632: 2-4 Cambridge Street, EPPING
CIV: \$23,398,377
CONSENT AUTHORITY: Sydney Commission
AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
28 October 2016	Draft Issue	Draft	BD/JW	JW
2 November 2016	DA Lodgement Issue	Final	BD/JW	AB

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?	
<i>Fisheries Management Act 1994</i>	No
<i>Heritage Act 1977</i>	No
<i>Mine Subsidence Act 1992</i>	No
<i>Mining Act 1992</i>	No
<i>National Parks and Wildlife Act 1974</i>	No
<i>Petroleum (Onshore) Act 1991</i>	No
<i>Protection of the Environment Operations Act 1997</i>	No
<i>Roads Act 1993</i>	No
<i>Rural Fires Act 1997</i>	No
<i>Water Management Act 2000</i>	No
Concurrence	
<i>SEPP 1- Development Standards</i>	No
<i>SEPP 64- Advertising and Signage</i>	No
<i>SEPP 71 – Coastal Protection</i>	No
<i>SEPP (Infrastructure) 2007</i>	Yes
<i>SEPP (Major Development) 2005</i>	No
<i>SREP (Sydney Harbour Catchment) 2005</i>	No

The development application is required to be referred to Trains NSW



Contents

Executive summary	4
Site & Locality Description	7
Description of Proposal.....	17
Pre-Lodgement Comments	23
Controls.....	30
Statutory Controls.....	30
Policy Controls	30
Consideration.....	30
State Environmental Planning Policy BASIX.....	30
State Environmental Planning Policy (State and Regional Development) 2011.....	30
State Environmental Planning Policy No. 55 – Contaminated Land	30
State Environmental Planning Policy (Infrastructure) 2007	31
Sydney Regional Environmental Plan- Sydney Harbour Catchment.....	31
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.....	32
Hornsby Local Environmental Plan 2013	45
Hornsby Development Control Plan 2013 - Part 1 General	52
Hornsby Development Control Plan 2013 - Part 4.6 Epping Town Centre.....	59
Conclusion.....	67
Annexure 1: Crime Risk Assessment.....	68
Annexure 2: Clause 4.6 Departure Height	70

Executive summary

This report has been prepared in support of a development application for, tree removal, demolition of a three storey retail and commercial building that contains a retail bookshop and office space for the Seventh Day Adventist church, lot consolidation and the construction of a 23 storey shop top housing development that contains a retail shop fronting Cambridge Street, a commercial level containing 1,174.36m² of office space a podium level containing common open space and a 21 level residential tower. The residential flat building will contain a total of 83 units.

Key Controls:

The key control are as follows:

- Height: 72m. Compliance other than lift over-run.
- FSR: 4.47:1 (4.5:1).
- Communal open space: 659.25m² (36.9%).
- Landscape area: 450m² (25.2%).
- Solar Access: all 83 units receive a minimum of 2 hours of solar access at mid-winter.
- Natural Ventilation: 95% of total units within the 9 lower residential levels achieve natural ventilation.

Commercial & Retail Floor Space

A total of 1,348.67m² of combined commercial floor space comprising of:

- Retail Tenancy: 174.31m².
- Commercial Tenancy: 1,174.36m².

Residential Units

A total of 83 residential units with the following mix:

- 11 x 1 bedroom units (13.3%);
- 64 x 2 bedroom units (77.1%); and
- 8 x 3 bedroom units (9.6%).

Parking:

The development proposal includes a total of 128 parking spaces across 3 basement levels, within the lower ground floor and within a mezzanine level with the following breakdown:

- 91 residential car parking spaces;
- 9 residential visitor car parking spaces;
- 28 commercial car parking spaces;

The development also provides the following:

- 5 motorcycle parking spaces;
- 95 bicycle parking spaces;
- MRV Loading bay; and
- Van unloading area.

With a railway line splitting the Epping Town Centre, the development site is located within the eastern portion of the centre, residing on the eastern side of Cambridge Street, approximately 130m north of Epping Train Station. The site is also within walking distance to services, local schools, educational establishments, child care centres, recreational opportunities and community services including a community centre and local library. The site is also within a 130m walking radius from key public transportation hubs including Epping Train Station and bus interchange with services to Macquarie Park, Blacktown, Eastwood, Parramatta, Sydney CBD and Carlingford.

The site itself comprises of three (3) separate allotments and once consolidated will result in creating a large irregular shaped land parcel with a street frontage to Cambridge Street and a total site area of 1,785m².

The site is zoned B2 – Local Centre with a maximum FSR of 4.5:1 and subject to a height control of 72m under the Hornsby Local Environmental Plan 2013. ‘Shop Top Housing’ are permissible with consent within the B2 Zone. The site is also located within the bounds of the Epping Town Centre – East Precinct associated with Part 4 of the Hornsby Development Control Plan 2013. The proposed 23 storey mixed use development has been designed to comply with the key planning controls including FSR, setbacks, and communal open space. The development generally complies with the maximum building height control contained in the LEP with a portion of the fire stair and internal stairs that provide access to the roof top private open marginally exceeding the height provision by up to 696mm. The variation to the height control is discussed further in this statement. The proposal also aligns with the principals and key controls contained within the Epping Town Centre DCP.

Fronting the railway line, the subject site resides within a large commercial block that is bounded by Cambridge Street to the west, Chester Street to the north, Oxford Street to the East and the intersection of Cambridge Street and Oxford Street to the south. The built form stock within the commercial block is a wide mix of retail, commercial and residential land uses including more traditional one and two storeys attached and detached retail buildings fronting Oxford Street, churches, a school, office buildings, town houses, older style walk up flats and a more contemporary 4 storey shop top housing development of varying ages, size and architectural styles. The block also contains a substation building and 2 x local heritage items (9 Oxford Street: Epping Community Centre & 31 Oxford Street: Shops).

With the strong demand for housing within close proximity to established centres, public transportation and key arterial road networks, and considering that the B2 – Local Centre permits higher density developments up to 72m, it is expected that the built form and character of the subject commercial block will undertake a significant transformation from

towards higher densities. This is evident with a proposal currently with Council for 22+ storeys Mixed Use development to the north of the site along Cambridge Street and the approval for a 15 storey RFB and the approval of a 7 storey RFB within the commercial block.

The commercial block is currently does not activate the streetscape along Cambridge Street. This could be attributed to a lack of engagement of existing land uses to the street level. The development seeks to utilise the subject land parcel to its full zoning potential. The proposal also aims to not only set the tone and scale for future mixed use development within the commercial block but to contribute towards revitalising the town centre by providing an attractive mixed use building with retail and commercial land uses having a direct interface to Cambridge Street whilst increasing the housing stock for the city centre by 83 additional units which will significantly contribute towards achieving Council's future vision for the town centre to be a vibrant place with a variety of activities that is to be achieved through a mix of uses, building height and densities to support the role and function of Epping Town Centre.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Site & Locality Description

The subject site is legally defined as Lot 1 in DP 1118567, Lot A in DP 357022 and Lot B in DP 357632. It is proposed to amalgamate three lots, demolish existing structures in-order to erect a 23 storey 'Shop Top Housing' development at 2-4 Cambridge Street, Epping.

Site Analysis

With a railway line dividing the Epping Town Centre, the development site is located within the eastern portion of the centre. The site resides on the eastern side of Cambridge Street, approximately 130m north-west from Epping Train station and bus interchange.

The site itself comprises of three (3) separate allotments and once consolidated will result in creating a large irregular shaped land parcel with a frontage to Cambridge and a total site area of 1,785m².

The site comprises of an irregular shaped land parcel that is accommodating a 3 storey commercial building currently containing a retail bookshop and office space for the Seventh Day Adventist Church and associated at-grade car parking area, as illustrated by Photograph 1 below.

Photograph 1: Shows 2-4 Cambridge St, Epping as viewed from Cambridge St, looking eastwards.



Shop Top Housing 2 -4 Cambridge Street, EPPING

The development site bounds traditional one and two storeys attached and detached retail tenancies to the east, rear parking areas associated with retail tenancies and grounds associated with an adjoining school to the north with a laneway separating the site from the Epping Community Centre to the south. Cambridge Street separates the site from the North Shore/Newcastle Line to the west.

This is illustrated by an aerial extract below, which also provides context to the development site.



Figure 1: Aerial Map of the Subject Site (Source: Nearmap 2016)

As outlined above, the development site is zoned B2 Local Centre under the provisions of the Hornsby Local Environmental Plan 2013 as illustrated by Council's zoning map extract within the following page. 'Shop Top Housing' developments are permissible with consent within the B2 zone and the subject site is permitted a maximum building height of 72m and a FSR of 4.5:1.

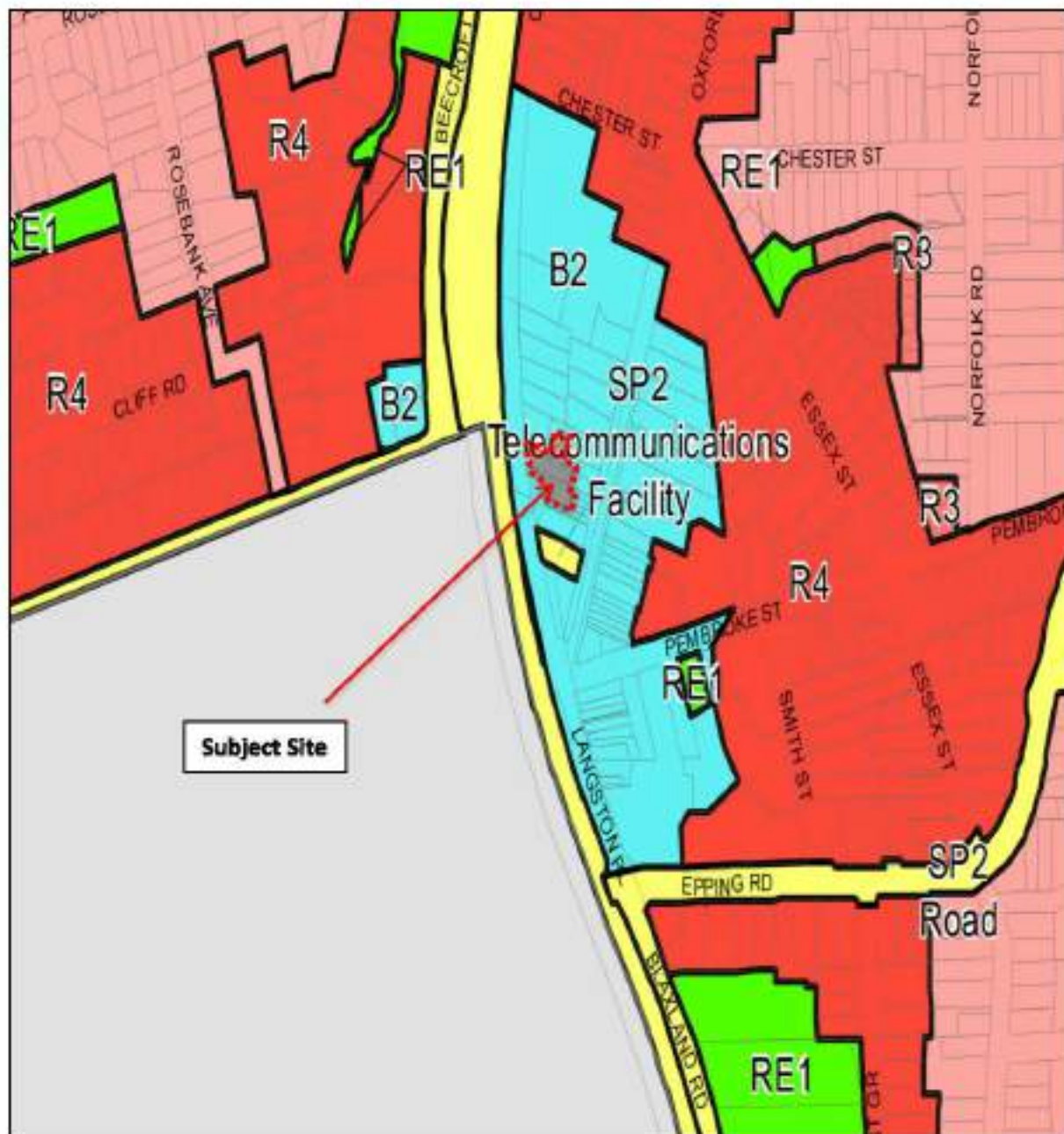


Figure 2: LEP Zoning Map Sheet LZN_011 Extract (Source: Hornsby LEP 2013)

Fronting railway lines, the subject site resides within a large commercial block that is bounded by Cambridge Street to the west, Chester Street to the north, Oxford Street to the East and the intersection of Cambridge Street and Oxford Street to the south. This is illustrated by an aerial map overleaf.

The built form stock within the commercial block is a wide mix of retail, commercial and residential land uses including more traditional one and two storey attached and detached retail buildings fronting Oxford Street, churches, a school, office buildings, town houses, older style walk up flats and a more contemporary 4 storey shop top housing development of

Shop Top Housing 2 -4 Cambridge Street, EPPING

varying ages, size and architectural styles. The block also contains a substation building and 2 x local heritage items (9 Oxford Street: School of Arts Building & 31 Oxford Street: Shops).



Figure 3: Aerial Map of the Subject Area (Source: Nearmap 2016)

Epping Town Centre – East Precinct

The East Precinct is to provide a range of housing, retail and commercial office, food outlets, entertainment and employment opportunities to support the larger centre and service the working and residential population in the area.

Figure 4 in the following page depicts the strategic location of the subject site within the Epping Town Centre – East Precinct.

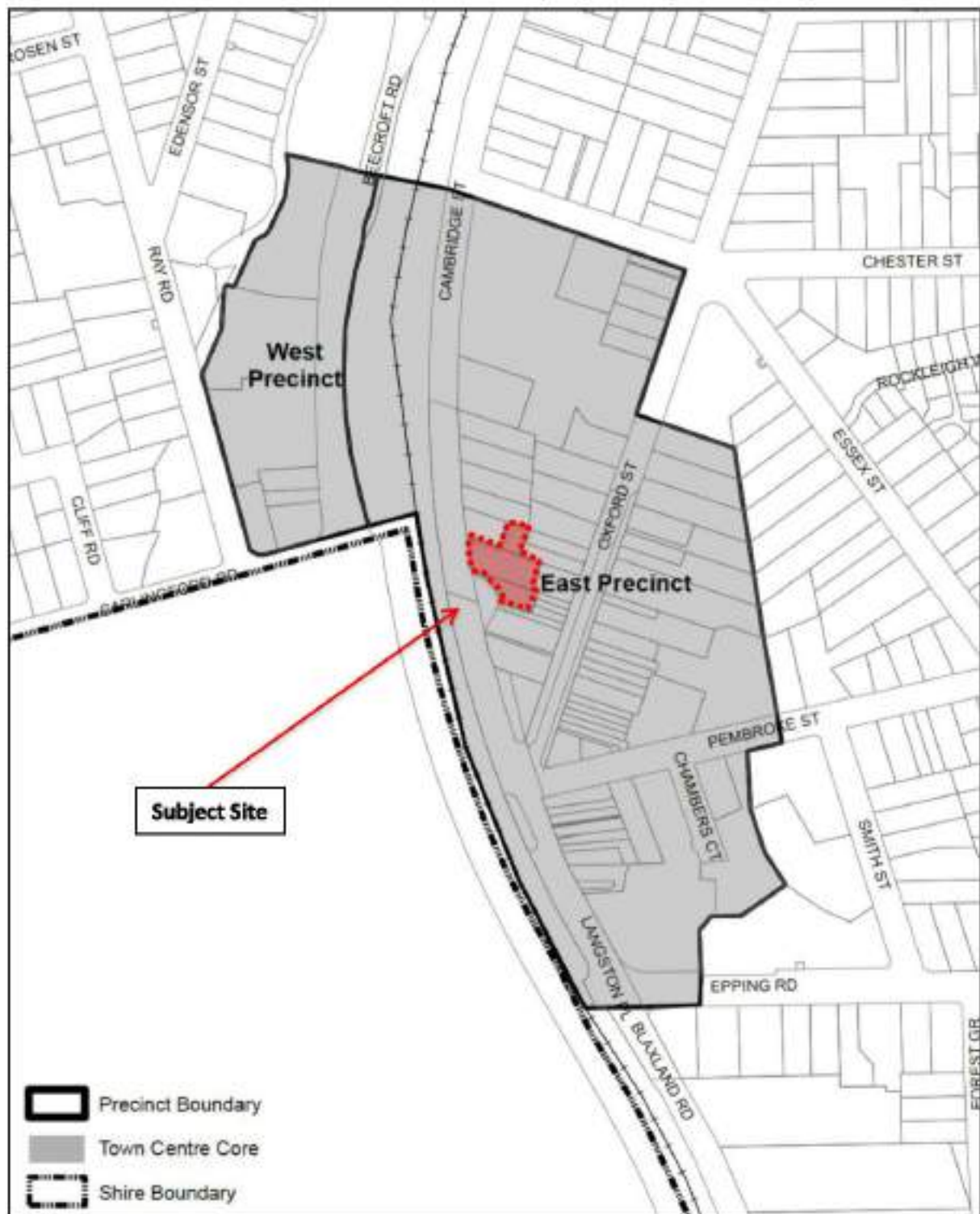


Figure 4: Part 4 Figure 4.6(a) Extract: Epping Town Centre Core Planning Precinct (Source: Hornsby DCP)

The commercial block is currently doing a poor job in activating the streetscape along Cambridge Street. This could be attributed to a lack of engagement of existing land uses to the street level. The development seeks to utilise the subject land parcel to its full zoning potential.

Shop Top Housing 2 -4 Cambridge Street, EPPING

The Plan for Growing Sydney also supports higher density residential development in strategic locations to accommodate future population growth. Subsequently, the subject site is ideal for urban intensification as it is within a 250m walking distance to essential services, Epping Train Station and Bus Interchange, schools, child care centres, and local bus stops with services to Sydney, McMahon's Point and Macquarie Park.

It is also noted that the proposal is serviced by key arterial roads (Beecroft Road, Epping Road & Carlingford Street) and main roads (Oxford Street & Pembroke Street).

The 250m walking radius aerial map below demonstrates the site's location within the broader locality.



Figure 5: Broader Aerial Map of the Subject Site (Source: Nearmap 2016)

The proposed high density development is consistent with the principles of urban consolidation which seeks to ensure the efficient use of community infrastructure by providing higher density development at strategic locations. The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport and services.

Shop Top Housing 2 -4 Cambridge Street, EPPING

The proposal aims to not only set the tone and scale for future mixed use development within the commercial block but to contribute towards revitalising the town centre by providing an attractive mixed use building with retail and commercial land uses having a direct interface to Cambridge Street whilst increasing the housing stock for the city centre by 83 additional units which will significantly contribute towards achieving Council's future vision for the town centre to be a vibrant place with a variety of activities that is to be achieved through a mix of uses, building height and densities to support the role and function of Epping Town Centre.

The amalgamation of the three (3) land parcels will permit an orderly development of the site whilst contribute towards increasing the housing stock and housing choice of Epping by 83 additional dwellings.

Photographs are provided below and overleaf that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 2: Shows 2-4 Cambridge St, Epping as viewed from Cambridge St, looking north.



Shop Top Housing 2 -4 Cambridge Street, EPPING

Photograph 3: Shows parking bays and North Shore/Newcastle Train Line as viewed from the subject site.



Photograph 4: Showing the existing streetscape along Cambridge St, looking northwards.



Photograph 5: Showing the existing streetscape along Cambridge St, looking southwards.



Photograph 6: Showing the view from Oxford Street down the 'laneway' towards the site.



Heritage

The site is not identified as a heritage item and is not located within a heritage conservation area, however heritage items (I391 & I393) are located within close proximity to the development site as illustrated by the heritage extract map below.



Figure 6: LEP Heritage Map Sheet HER_011 Extract (Source: Hornsby LEP 2013)

To consider the impact of this development on these nearby items, a heritage impact statement has been prepared by Urbis that concludes:

The construction of the new building is proposed in an area that has an approved maximum building height of 72 metres, the purpose of which is to encourage higher density development. The potential visual impact that multi-storey developments in the immediate area may have on heritage items in the vicinity has been both recognised and accepted by the planning process and relevant controls, and therefore any development in the vicinity is required to consider the proximate heritage item and accordingly mitigate heritage impacts through sympathetic design. The subject proposal seeks to achieve this through the sympathetic podium and setback tower form.

The heritage item will continue to maintain its prominence in views from Oxford Street. In accordance with the above observations, the proposed development is supported from a heritage perspective and is recommended for approval.

Description of Proposal

This development application has been prepared in support of a Development Application for the consolidation of three (3) lots, tree removal, demolition of existing structures including a 3 storey commercial building in-order to construct a 23 storey 'Shop Top Housing' development at 2-4 Cambridge Street, Epping.

The development incorporates a retail tenancy on the lower ground floor and 1 x commercial tenancy within the upper ground floor with a total of 1,348.67m² of floor space, 83 residential units within the podium level and residential tower with 128 car parking spaces within 3 basement levels and mezzanine level.

The key aspects of the proposal are as follows:

Key Controls:

The key control are as follows:

- Height: 72m. Compliance other than lift over-run.
- FSR: 4.47:1 (4.5:1).
- Communal open space: 659.25m² (36.9%).
- Landscape area: 450m² (25.2%).
- Solar Access: all 83 units achieve the minimum 2 hours of solar access at mid-winter.
- Natural Ventilation: 95% of total units on the lower 9 levels achieve natural ventilation.

Commercial & Retail Floor Space

A total of 1,400.9m² of combined commercial floor space comprising of:

- Retail Tenancy: 174.31m².
- Commercial Tenancy: 1,226.18m².

Residential Units

A total of 83 residential units with the following mix:

- 11 x 1 bedroom units (13.3%);
- 64 x 2 bedroom units (77.1%); and
- 8 x 3 bedroom units (9.6%).

Parking:

The development proposal includes a total of 128 parking spaces across 3 basement levels, within the lower ground floor and within a mezzanine level with the following breakdown:

- 91 residential car parking spaces;
- 9 residential visitor car parking spaces;

- 28 commercial car parking spaces;

The development also provides the following:

- 5 motorcycle parking spaces;
- 95 bicycle parking spaces;
- MRV Loading bay; and
- Van unloading area.

Unit Configuration

A summary of the unit configuration is provided below:

Level 1

Unit	Bedrooms	Floor Area	POS	2hr+ Solar Access
Unit 1	2	75.04m ²	55.99m ²	Yes
Unit 2	1	50.02m ²	25.76m ²	Yes
Unit 3	1	50.20m ²	16.85m ²	Yes
Unit 4	1	50.04m ²	15.01m ²	Yes
Unit 5	2	75.02m ²	78.89m ²	Yes

Levels 2-9

Unit	Bedrooms	Floor Area	POS	2hr+ Solar Access
Units 6, 10, 14, 18, 22, 26, 30 & 34	2	75.04m ²	42.169m ²	Yes
Units 7, 11, 15, 19, 23, 27, 31 & 35 – Adaptable	1	52.38m ²	15.98m ²	Yes
Units 8 (adaptable), 12, 16, 20, 24, 28, 32 & 36	3	95.02m ²	12.95m ²	Yes
Units 9, 13, 17, 21, 25, 29, 33 & 37	2	75.02m ²	39.35m ²	Yes

Levels 10-20

Unit	Bedrooms	Floor Area	POS	2hr+ Solar Access
Units 38, 42, 46, 50, 54, 58, 62, 66, 70, 74 & 78	2	75.04m ²	42.48m ²	Yes
Units 39 43, 47, 51, 55, 59, 63, 67, 71, 75 & 79	2	75.01m ²	15.98m ²	Yes
Units 40, 44, 48, 52, 56, 60, 64, 68, 72, 76 & 80	2	75.03m ²	12.95m ²	Yes
Units 41, 45, 49, 53, 57, 61, 65, 69, 73, 77 & 81	2	75.02m ²	39.77m ²	Yes

Level 21

Unit	Bedrooms	Floor Area	POS	2hr+ Solar Access
Unit 82	2	86.73m ²	94.41m ²	Yes
Unit 83	2	87.04m ²	101.41m ²	Yes

100%

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level 3	<p>Access to the basement level is via a graded ramp via the upper basement level.</p> <p>The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p>Due to the natural contours of the site, basement level 3 is stepped with barriers provided to ensure vehicular safety.</p> <p><u>Parking</u></p> <p>28 residential parking spaces.</p> <p>The basement level also provides a total of 2 motorbike parking spaces and 28 bicycle spaces.</p> <p>Residential Storage areas.</p> <p>2 x lift core and stairwells</p>
Basement Level 2	<p>Access to the basement level is via a graded ramp via the upper basement level with graded ramp providing access to Basement Level 3.</p> <p>The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p><u>Parking</u></p> <p>33 residential parking spaces including 7 accessible car parking spaces.</p> <p>This basement level also provides 37 bicycle spaces.</p> <p>Storage areas.</p> <p>2 x lift core and stairwells</p>
Basement Level 1	<p>Access to the basement level is via a graded ramp via the lower ground floor with graded ramp providing access to Basement Level 2.</p>

	<p>The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p>
	<p><u>Parking</u></p> <p>34 residential parking spaces including 2 accessible car parking spaces.</p> <p>The basement level also provides a total of 28 bicycle parking spaces.</p>
	<p>Storage areas.</p>
	<p>Service rooms.</p>
	<p>3 x lift core and stairwells</p>
Lower Ground Floor	<p><u>Vehicle Access</u></p> <p>Access to the lower ground floor is via a double width vehicle cross-over located towards the north western portion of the site via Cambridge Street.</p> <p>The vehicle ramp and internal driveway provides access to an internal carparking including access to MRV Loading Bay with graded ramp to Basement Level 1 and Mezzanine parking area.</p> <p>The lower ground floor includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p><u>Pedestrian Access</u></p> <p>Direct access to the retail premises via Cambridge Street and to the lobby area of both the commercial and residential component of the development.</p>
	<p><u>Parking</u></p> <p>12 residential parking spaces including an accessible car parking spaces.</p> <p>The lower ground floor level also includes a MRV loading bay.</p>
	<p><u>Waste</u></p> <p>The development provides a large recycling holding area and van unloading area, communal residential waste holding bay and a commercial waste room.</p> <p>The development also provides 2 x waste rooms including a waste room with a compactor.</p>

Shop Top Housing 2 -4 Cambridge Street, EPPING

	<p>1 x retail tenancy with a total of 174.31m² of floor space. It is noted direct access to a lift core is provided from the tenancy.</p> <p>Service/Plant room.</p> <p>Substation.</p> <p>Fire control room.</p> <p>Residential lobby area including seating area, service cupboard and 2 x lift core.</p> <p>Stairwell including fire escape stairwell.</p>
Mezzanine Level	<p>Access to the mezzanine level is via a graded ramp via the lower ground level.</p> <p>Parking</p> <p>12 parking spaces.</p> <p>WC</p> <p>Service/plant room.</p> <p>Stairwells.</p>
Upper Ground Level	<p>Pedestrian access to the site is from an existing laneway to internal walkway that provides access to a large commercial tenancy and residential lobby area.</p> <p>1 x large commercial tenancy with 1,174.36m² of commercial floor space.</p> <p>The tenancy provides access to a lift core and also comprises of amenity area comprising of 39.82m² of floor area, a 13.50m² terrace, skylights and access to stairwells.</p> <p>Planter boxes.</p> <p>Residential lobby area including seating area, service cupboard and 2 x lift core.</p> <p>Stairwells.</p>
Podium Level	
Level 1	<p>Internal walkway provides access to foyer and communal open space area.</p> <p>Residential Units</p> <p>Each unit is provided with a kitchen, laundry, living area, dining area and private terrace area that is generally accessed from living areas. Some of the units are provided with additional private terrace areas.</p> <p>The unit mix within level 1 include the following:</p> <ul style="list-style-type: none"> - 3 x 1 bedroom unit with terrace. - 2 x 2 bedroom unit with terrace. <p>Foyer provides access to all 5 units and comprises of service cupboard, waste bin area and 2 x lift core.</p> <p>659.25m² of communal open space area which includes seating area, bbq area, WC and strategically placed planter boxes.</p> <p>Planter boxes.</p>

	Stairwells.
	Residential Tower
Levels 2 – 9	<p>Residential Units</p> <p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.</p> <p>The unit mix include the following:</p> <ul style="list-style-type: none"> - 1 x 1 bedroom unit with balcony per level (total 1 bed: 8) - 2 x 2 bedroom unit with balcony per level (total 2 bed: 16) - 1 x 3 bedroom unit with balcony per level (total 3 bed: 8). <p>Foyer provides access to all 4 units per plate and also comprises of a service cupboard, AC Plant, waste bin area, 2 x lift core and stairwell.</p>
Levels 10 – 20	<p>Residential Units</p> <p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.</p> <p>The unit mix include the following:</p> <ul style="list-style-type: none"> - 4 x 2 bedroom units with balcony per level (total 2 bed: 44) <p>Foyer provides access to all 4 units per plate and also comprises of a service cupboard, AC Plant, waste bin area, 2 x lift core and stairwell.</p>
Level 21	<p>Residential Units</p> <p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas. Development provides an additional balcony for each unit and terrace are within the roof level with access via internal stairwells.</p> <p>The unit mix within Level 21 include the following:</p> <ul style="list-style-type: none"> - 2 x 2 bedroom units with balconies. <p>Foyer provides access to both units and also comprises of a service cupboard, AC Plant, waste bin area, 2 x lift core and stairwell</p>
Roof Terrace	<p>Additional private terrace area associated with Units 82 and 83 with access via internal stairwell per unit.</p> <p>Unit 82 is provided with 90.24m² of terrace rea on the roof level and Unit 83 is provided with 96.04m² of terrace area on the roof level, with each terrace area provide with a bbq area and planter boxes.</p> <p>Service/Plant area.</p>

The proposal also incorporates a number of ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Zhinar Architects while supporting reports have been prepared by relevant sub consultants.

The mixed use building has been designed to acknowledge the site's topography and comprises of a lower ground floor, a upper ground floor, podium level and a residential tower.

The proposal will improve the site's interaction to Cambridge Street by providing direct access to the retail tenancy on the lower ground floor and also its interaction to an existing laneway with direct access to the commercial level as well as a further residential lobby area on the upper ground floor. In addition, the proposed high density mixed building will align with the principles of urban consolidation which seek to ensure the efficient use of community infrastructure by providing higher density development at strategic locations, noting that the site resides within an established commercial centre and is within close proximity to Epping Train Station, Epping Bus Interchange and that Beecroft Road, Epping Road & Carlingford Street all service the area.

Situated within a large commercial block, the proposed development is to play a key role in the transformation of the redevelopment corridor by setting the tone, scale and design of future mixed use buildings along the eastern side of Cambridge Street.

The proposal is to incorporate contemporary architectural aesthetics that are consistent with existing and anticipated large mixed use buildings within Epping. It is also noted that the proposal will align with the desired future character of the precinct by providing additional residential and commercial opportunities within a high density context.

Ultimately, the proposal will increase the existing residential stock within Epping and will provide a mix of commercial/residential opportunities that will help to support the growth of the Epping Town Centre. As such, the proposed development will align with the principles of urban consolidation which seek to ensure the efficient use of community infrastructure by providing higher density residential development at strategic locations, noting that the site is located within the Epping UAP and that the Epping Train Station services the area and the North West Rail Link will also service the area once completed.

Pre-Lodgement Comments

A Pre-Lodgement meeting was held with Council staff on 10 August 2016 with respect to the proposed development.

A table that indicates how the development has responded to the feedback given is provided below:

Staff Comments	Response
Building Height Clause 4.3 of the Hornsby Local Environmental Plan 2013 stipulated a maximum building	As part of the further refinement of the proposal the height to the uppermost lift

<p>height of 72m2 for the subject site. The proposed building height is 72.5m2. The proposal therefore seeks a variation of 0.7%. Whilst the variation to height is considered supportable, an objection under Clause 4.6 must accompany the DA justifying why compliance with the development standard is unreasonable and unnecessary in this instance.</p>	<p>overrun has increased to 72.696m. This equates to a 0.96% departure.</p> <p>A clause 4.6 departure is provided at Appendix B.</p>
<p>Laneway</p>	<p>The laneway is legally known as Lot 2 In DP 1118567. The laneway is understood to be owned by the City of Parramatta although No.2 Cambridge Street benefits from a right of carriageway over this allotment that is approximately 4.8m wide.</p> <p>Given that No.2 Cambridge Street benefits from a right of carriageway, pedestrians accessing the development site are legally entitled to utilise it.</p> <p>Given that the site is within the Epping Town Centre and Council's planning controls envision developments with heights up to 72m and a FSR of 4.5:1, it is considered that sufficient separation is provided to the Heritage Listed Epping Community Centre.</p> <p>In this regard the Heritage Impact Statement that has been prepared by Urbis concludes:</p> <p><i>The construction of the new building is proposed in an area that has an approved maximum building height of 72 metres, the purpose of which is to encourage higher density development. The potential visual impact that multi-storey developments in the immediate area may have on heritage items in the vicinity has been both recognised and accepted by the planning process and relevant controls, and therefore any development in the vicinity is required to consider the proximate heritage item and accordingly mitigate heritage impacts through sympathetic design. The subject proposal seeks to achieve this through the sympathetic podium and setback tower form.</i></p> <p><i>The heritage item will continue to maintain its prominence in views from Oxford Street. In accordance with the above observations, the proposed development is supported from a heritage perspective and is recommended for approval.</i></p>

A Pre-Lodgement meeting was held with Council's Design Excellence Advisory Panel on 25 August 2016 with respect to the proposed development.

A table that indicates how the development has responded to the feedback given is provided below:

DEAP Comment	Response
<p>Building FSR and Height</p> <p>This pre-DA application is for a site within the part of Epping Town Centre formerly within Hornsby Council control and is therefore assessed against the Hornsby LEP and DCP2013 in addition to the ADG. The Applicant has advised that the scheme satisfies the FSR control of 4.5:1 but the manner in which this has been calculated needs to be graphically demonstrated in a future submission. In regard to a minor height exceedance, the Panel did not regard this as a major issue provided there is satisfactory resolution of other issues raised.</p>	<p>The development provides a FSR of 4.47:1 and architectural plans that outline areas that have been included in FSR calculations accompany this development application.</p> <p>The panels comments about the minor height departure are noted.</p>
<p>The Panel noted the awkward site configuration and difficult relationship to adjoining properties that impacted on the options available for the building envelope, and questioned the extent of enquiry into potential amalgamation. Given that this was not possible, the Panel was appreciative of the Applicant's demonstration of how surrounding sites might develop, but asked what impacts would result from the adjacent school site if it was developed (indication was given this may be under way).</p>	<p>The development has regard for the likely future redevelopment of the school site and the adjoin sites to the east and provides ADG compliant setbacks to the majority of the building. Further given the size and shape of the school site it is likely that building would be located more than the minimum distance suggested by the ADG from the sites boundaries.</p>
<p>Minor non-compliances in ADG setbacks could be considered acceptable subject to further design development to improve the podium configuration, and for the tower to deal with issues of privacy and the façade expression. Where the setbacks are indicated at 9m from the boundaries with the assumption of non-habitable to habitable parts of an adjoining development above 25m providing an 18m</p>	<p>Balconies on the east facing elevation referred to now contain screens to minimise direct overlooking opportunities towards likely future residential flat buildings.</p>

<p>separation (i.e. 12m habitable + 6m non-habitable), the onus should not be on the other site to satisfy the non-habitable part. In this respect, it is critical that the balconies of east facing units are adequately screened.</p>	
<p>Given the nature of the site a podium is proposed that has zero setbacks on all boundaries. The Panel expressed concerns about several aspects of the design resolution for this while noting that the current site owner, Seventh Day Adventist Church, would occupy the lower and upper ground tenancies which had needs for their operations. The Panel encouraged further review of podium elements to ensure optimum activation of the Cambridge Street frontage that took account of the need for activation and allowance for the impacts of nearby bus and train movements. Substantial design development of the Cambridge Street frontage of the Podium is required to clearly set out materials, detailed sections and street interface. Large scale elevations and sections are required to explain the design intent.</p>	<p>The proposal has been revised and the development relates more appropriately to the Cambridge Street frontage of the site.</p> <p>A larger residential lobby has been provided that is setback from the sites boundary and floor levels have been raised to ensure an appropriate transition from the street to the building. Having regards to the bus turning roundabout, setting the lobby back from the street provides a better sense of address to Cambridge Street.</p> <p>It is also noted that a secondary entry to the residential apartments is provided from Oxford Street via the existing laneway.</p>
<p>In regard to the above, it was noted that the intended bookshop on Cambridge Street, and the commercial space on the podium floor above both required certain access and servicing provisions separate to the residential tower. This had determined a proposed set-down foyer configuration off Cambridge Street of approx. 1200mm below footpath and the Panel had concerns this would result in an unfortunate outcome. It was recommended that further design development consider raising at least the residential foyer to street level using some of the two level volume available, and look at a better spatial definition for these prominent entries. It was also noted that the round-about, which is designed for buses, does not provide a 'front door' for the apartments with good amenity. The applicant should look at how this can be improved, or consider relocating the Residential entry away from the round-about adjacent the vehicle entry.</p>	<p>The design has been refined and the commercial lobby has been set back from the street with the lobby being 170mm higher than at the property boundary as a result of the floor level being raised to be at the street level.</p> <p>This result in a gentle grade from the street and provides an appropriate entry sequence to the commercial component of the development.</p>

<p>An access laneway along the southern boundary offers potential alternative access to the residential foyer at an upper level, but the Panel felt there was still potential for an improved relationship to the lane that allowed better activation and surveillance. With the lane having scope for increased future use and better through site connection, it was suggested the Applicant discuss with Council the means by which the project might assist in funding for any upgrade. This lane edge of the site would also be a preferred location for some deep soil planting to enable larger trees, with minor loss of a few car spaces below and realignment of the podium roof edge.</p>	<p>The revised plans include an entrance to the residential lobby from the lane . Planter beds have also been introduced to provide a landscaped setting for the development.</p> <p>As the laneway is associated with the Epping Community Hall and not a public road, it is difficult to embellish it as part of this development application.</p> <p>Notwithstanding this it is noted that Section 94 contributions are required to be paid as part of the development and these contributions could assist in embellishing this Council owner property.</p>
<p>The communal open space terrace on top of the podium was seen as a good use of this north facing area, but the Panel noted further resolution of landscaping elements was needed to prevent overlooking of the adjacent school playground. It was also noted that within the terrace area there was scope for introduction of ventilating skylights that could benefit the commercial space below.</p>	<p>The plans have been refined and additional landscaping elements provided to the residential podium. This includes setting the building back 3m from the northern boundary and introducing a landscaped planter that in conjunction with landscaping proposed on the podium will effectively prevent overlooking from the development into the school's playground.</p> <p>It is also noted that the school is likely to be redeveloped for a shop top housing in the short to medium term.</p>
<p>The car parking for residential and commercial uses should take account of the close proximity to Epping railway station and bus services. Potential for reduction at least in visitor parking spaces should be considered if possible.</p>	<p>Visitor parking has been reduced and is now provided at the rate of 1 space per 10 dwellings. This is consistent with the specific rate in the Hornsby DCP for the Epping Town Centre.</p>
<p>Although the tower element appears quite fragmented due to setbacks, the Panel considered the general apartment layouts reasonable provided ADG apartment guidelines can be met and satisfactory adaptable units provided. The issue of minor non-compliances with the required 6m setback of the tower from the podium edge to Cambridge Street were not seen as a major concern give the site constraints.</p>	<p>These comments are noted and the development proposes a setback of between 5.2m and 6m to the edge of the residential units on the podium.</p> <p>It is considered that a 6m tower setback is not critical. Cambridge Street faces the rail corridor and does not affect other buildings. Visually, it still reads strongly as a podium base and set back tower with a top.</p>

	<p>Curved wrap around balcony elements to the end apartments have since been introduced to respond to concerns and comments from DEAP. We refer to DEAP items 9, 10 and 11 seeking simpler façade expression and colour palette and better articulation of the longer elevations, particularly the south west elevation.</p> <p>The developed wrap around curved balconies and expressed slab edges and overhangs to all levels simplify and improve the Cambridge Street façade by eliminating competing façade elements that the DEAP were alluding to and creates a greater degree of uniformity and coherency to the end apartment expression resulting in calmer facades.</p> <p>We believe, this is a successful outcome and improves the design. The wrap around balconies are open with transparent glass balconies and do not create any significant additional mass yet improve the expression of these facades. We consider the impact on setbacks negligible given the improved outcome that directly address DEAP concerns.</p>
For the tower expression, the Panel would encourage a simpler envelope and colour palette, and better articulation of the framing elements to help break down the longer elevations, particularly to the south-west where the fire-stair form dominates. Scope to introduce some fixed glazing to stair landings to provide further articulation and provide natural light should be considered.	The design has been refined and fixed glazing has been introduced to both sides of the fire stairs to break up and articulate this element.
The Panel noted that while the general architectural expression was somewhat complex, the fundamental layouts were promising and there was potential for a simpler, more coherent façade resolution in any reworked proposal.	The design has been revised and it is considered the revised design represents a more coherent façade resolution than presented at the pre-lodgement meeting.
The Residential and Commercial Lobbies on the Lower Ground have very awkward shapes due to the relationship between entry and lift core.	These lobbies have been reworked and setback from Cambridge Street. The residential lobby incorporates casual seating areas

<p>There are a number of examples where additional cross ventilation could be easily provided, such as: West Unit Typical Floor 1 - Bed 2, Bathroom and Kitchen</p>	<p>The design of the building has been refined and additional natural cross ventilation opportunities provided. The amendments have resulted in 95% of the units on the lower 9 residential levels receiving natural cross ventilation.</p> <p>Further it is noted that the tower is located in an exposed location where wind pressure will be considerable aiding in cross ventilation.</p>
<p>There are a number of cases where Bathrooms have windows facing Balconies that could be moved to adjacent external wall, such as; East Unit Typical Floor 1 Ensuite and North unit Typical Floor 1 Ensuite.</p>	<p>Ensuite windows have been moved to external walls except for the west unit of typical floors where this is located on a secondary balcony and maintains a simpler façade expression as requested by the panel.</p>

As such, the proposed development has been amended in line with Council's comments to satisfactorily address all the key issues raised and this Statement of Environmental Effects provides detailed justification and context with respect to any outstanding items. Please refer to the relevant compliance tables below for further discussion. It is also noted that specialist reports as requested by Council are appended to the Development Application and submitted in support of the proposed development.

Controls

Statutory Controls

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy BASIX;
- State Environmental Planning Policy No. 55 – Contaminated Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan- Sydney Harbour Catchment
- State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;
- Hornsby Local Environmental Plan 2013;

Policy Controls

The applicable policy control documents are: -

- Hornsby Development Control Plan 2013; and
- The Apartment Design Guide.

Consideration

A summary of the compliance of the proposal with the relevant planning controls is provided below.

State Environmental Planning Policy BASIX

The application has been assessed and is accompanied by a complying BASIX certificate that demonstrates how the apartments will utilise 40% less energy and water than a typical apartment pre Basix.

State Environmental Planning Policy (State and Regional Development) 2011

As the residential flat building development has a capital investment value of more than \$20 million and in accordance with part 4 of the SEPP, the determining authority for the residential flat building development application is the Sydney West Joint Regional Planning Panel. The estimated capital investment value is \$23.3 million.

State Environmental Planning Policy No. 55 – Contaminated Land

Clause 7 of SEPP 55 provides:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*

Shop Top Housing 2 -4 Cambridge Street, EPPING

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Given the historical use of the site for commercial purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary and Council can be satisfied that the provisions of Clause 7 of the SEPP are satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

State Environmental Planning Policy (Infrastructure) 2007

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirement as it is more than 90m from Epping Road. Therefore, concurrence from the RMS is not required.

In accordance with clause 45, it is not anticipated that Council will refer the application to an electricity supply authority as works will not occur within 5m of an exposed overhead electricity power line.

In accordance with clause 86, the application is required to be referred to Trains NSW as the proposal includes excavation for the basement car parks greater than 2m in depth within 25m of the rail corridor a referral to Trains NSW is required.

Further and as the site is located opposite a railway line and in accordance with clause 87, an acoustic and vibration report accompanies the development application.

Sydney Regional Environmental Plan- Sydney Harbour Catchment

The subject site is subject to the broad planning principles contained within the SREP. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The 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 proposed development does not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The development application is accompanied by a design verification statement prepared by Ian Conry verifying that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development controls such as setbacks, building heights, etc. is provided in the local planning controls discussion and tables below. The table below provides a detailed discussion against the relevant provisions of the Residential Flat Design Code, noting that a number of these provisions are embodied within Hornsby Local Environmental Plan 2013 and the supporting Hornsby Development Control Plan 2013.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Apartment Design Guide can be found below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 – Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed shop top housing development has been designed to address both Cambridge Street and the pedestrian laneway that adjoins the southern boundary of the site. Passive surveillance opportunities are provided from the retail shop fronting Cambridge Street, the commercial offices and primary living areas and balconies that overlook all streets.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate.	The development is a shop top housing development and having regards to planning definitions, residential apartments are unable to be located on the ground floor of the building. The retail shop will appropriately activate Cambridge Street.	N/A
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mail boxes are able to be located perpendicular to the street alignment. Complies.	Yes

	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	The garbage storage room is located in the basement carpark and out of view from the street. A possible substation location is illustrated on the Cambridge Street frontage of the site. This is located outside the main view of the site and is in accordance with the requirements of Endeavour Energy that require substations to be directly accessible from the street.	
3D Communal and Public Open Space	<u>Design Criteria:</u>		
	Communal open space has a minimum area equal to 25% of the site	446.25m ² required and 660m ² or 36.9% proposed for communal open space area.	Yes
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies	Yes
	<u>Design Guidelines:</u> Minimum dimension of 3m	The majority of the common open space area has a width of approximately 15m. Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	It is noted that communal open space areas are provided both at the ground level and on the roof of the building.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of	The proposal provides a, seating areas, shade structures and barbecue areas.	Yes

	<p>age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area • swimming pools, gyms, tennis courts or common rooms <p>Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy</p> <p>Public open space should be well connected with public street along at least one edge</p>	<p>Podium level apartments have been providing with courtyard fencing and landscaping to maintain privacy. The proposed apartments on the upper levels have been designed with the orientation of balconies and windows to maximise passive surveillance to the communal open space areas and to the public domain.</p> <p>The podium level communal is unable to be directly linked to the street but is provided with appropriate passive surveillance from the podium units as well as from the tower.</p>	<p>Yes</p> <p>Yes</p>
3E Deep Soil Zones	<p><u>Design Criteria:</u> A deep soil zone equivalent to 7% of the site area must be provided</p> <p>If the site is between 650m² to 1500m² then the DSZ must have minimum dimensions of 3m</p> <p>If over 1500m² then min dimensions of 6m</p> <p><u>Design Guidelines:</u></p>	<p>None provided given the nature of the development (Shop top housing development) and the sites location in the Epping Town Centre. Refer to discussion at the end of this table.</p> <p>N/A</p> <p>None Provided. Refer to discussion at the end of the table.</p>	<p>No</p> <p>No</p>

Shop Top Housing 2 -4 Cambridge Street, EPPING

	<p>On some sites, it may be possible to provide larger deep soil zones:</p> <ul style="list-style-type: none"> 15% of the site as deep soil on sites greater than 1,500m² 	None Provided. Refer to discussion at the end of the table.	No
<p>3F Visual Privacy</p> <p>Building Separation Up to 4 storeys (up to 12m)</p> <p>5-8 Storeys (up to 25m)</p> <p>Over 9m (25m plus)</p> <p>Note: When adjacent to a lower density residential zone an additional 3m rear/ side setback is required</p>	<p><u>Design Criteria:</u></p> <p>12m between habitable rooms (6m)</p> <p>18m between habitable rooms (9m)</p> <p>12m between habitable rooms (24m)</p>	<p>Predominantly compliant -Minor point encroachments predominantly to balconies. Refer to discussion at end of table.</p> <p>Predominantly compliant. Minor point encroachments predominantly to balconies. Refer to discussion at end of table.</p> <p>The majority of the building is setback 9m from the boundaries. Variation. Refer to discussion at end of table.</p> <p>N/A. It is noted that the adjoining school site is also zoned B2.</p>	<p>Minor variation</p> <p>Minor Variation</p> <p>Variation</p> <p>N/A</p>
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	The building provides clearly distinguishable entry points from both Cambridge Street and the laneway known as 9 Oxford Street.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade	The access points to the basement are appropriately integrated into the buildings design.	Yes
	Car park entry and access should be	The site has its main street frontage to Cambridge Street. The laneway is	Yes

Shop Top Housing 2 -4 Cambridge Street, EPPING

	located on secondary streets or lanes where available	associated with the council owner community centre. Given this and the topography of the site, it is appropriate for the vehicular entry to be from Cambridge Street.	
3J Carparking	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p>>20 units <u>Metropolitan Regional (CBD) Centres:</u> 0.4 spaces per 1 bedroom unit. 0.7 spaces per 2 bedroom unit. 1.20 spaces per 3 bedroom unit. 1 space per 7 units (visitor parking).</p> <p><u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p> <p><u>Design Guidelines:</u> Secure undercover bicycle parking should be provided that is easily accessible from</p>	<p>The site is within 150m walking distance of Epping Railway Station that is considered by the Plan for Growing Sydney to be a sub regional centre.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>11 x 0.6 = 6.6</p> <p>64 x 0.9 = 57.6</p> <p>8 x 1.4 = 11.2</p> <p>83 x 0.2 = 16.6</p> <p>Total 92 residential spaces and 17 visitor spaces. The development provides 91 resident spaces and 9 visitor spaces. The development provides less parking that suggested by the ADG, however complies with the precinct specific rates contained within Hornsby DCP.</p> <p>The proposal provides appropriate undercover and secure bicycle</p>	<p>Yes</p> <p>Variation</p> <p>Yes</p>

	both the public domain and common areas	parking spaces within the basement levels (95 spaces).	
Part 4 – Designing the Building			
4A Solar Access	<p><u>Design Criteria:</u></p> <p>Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid Winter</p>	<p>All of the 83 units or 100% of units achieve the required 2 hours of solar access at mid-winter</p> <p>No units receive no solar access in midwinter.</p>	<p>Yes</p> <p>Yes</p>
4B Natural Ventilation	<p><u>Design Criteria:</u></p> <p>60% of Units are cross ventilated in a building up to 9 storeys</p> <p>Overall width of a cross over or cross through apartment is < 18m</p> <p><u>Design Guidelines:</u></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>35 of the 37 units or 94.5% of units on the first 9 residential levels are naturally cross ventilated.</p> <p>< 18m</p> <p>Development has a mix of dual aspect apartments, cross through apartments and corner apartments. See attached architectural plans for detail.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4C Ceiling Height	<p><u>Design Criteria:</u></p> <p>2.7m for habitable and 2.4m for non-habitable.</p>	Complies	Yes
4D Unit Sizes	<p><u>Design Criteria:</u></p> <p>35m² 50m²</p>	<p>All units comply with many units exceeding. Where additional bathrooms have been provided unit</p>	Yes

2 bed 3 bed	70m ² 90m ²	sizes have been increased by at least 5m ² .	
+ 5m ² for each unit with more than 1 bathroom.	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Habitable Room Depths	<u>Design Guidelines:</u> Limited to 2.5m x Ceiling Height	Despite the noncompliance with objective 4D-2, figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is okay for open plan apartments.	Yes
Bedroom sizes Master Other	10m ² 9m ²	Comply Comply	Yes Yes
Living rooms/dining areas have a minimum width of: 3.6m 4m	Studio/1 br 2br/ 3br	Comply Comply	Yes Yes
Open Plan Layouts that include a living, dining room and kitchen.	8m to a window	Complies given unit depths and design layouts.	Yes
4E Private Open Space	<u>Design Criteria:</u>		
Balcony Sizes 1 bed 2 bed 3 bed	8m ² & 2m depth 10m ² & 2m depth 12m ² & 2.4m depth	Complies Complies Complies	Yes Yes Yes
Ground level/ podium apartments	15m ² & 3m depth	Complies	Yes
4F Common Circulation and Spaces	<u>Design Criteria:</u>		
Common Circulation Units per Plate	8 Units per Plate	Lift core is to serve a maximum of 5 units per plate.	Yes

Shop Top Housing 2 -4 Cambridge Street, EPPING

For buildings over 10 storeys the maximum number of apartments sharing a lift is 40		The development contains 83 apartments and the residential tower is provided with two lifts. Despite the minor departure adequate lift service will be provided throughout the development, particularly noting that the commercial component of the development is provided with its own lift that provides access from the both the basement level and the street to the office level. This will reduce the demand for lift usage.	Minor variation
Corridors > 12m	Are articulated	Corridors are articulated and have access to natural light.	Yes
4G Storage	<p>1 bed 6m³ 2 bed 8m³ 3 bed 10m³</p> <p>Min 50% of required storage is within the apartment</p>	<p>The proposal provides:</p> <p>1 bed: >6m³ 2 bed: >8m³ 3 bed: >10m³</p> <p>Storage is provided within the basement/ground floor and within the units themselves,</p> <p>The proposed development is considered to offer storage space that aligns with the provisions of the ADG.</p>	Yes
4H Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighboring buildings/adjacent uses</p> <p>Windows and door openings are generally orientated away from noise source</p> <p>Noisy areas within buildings including building enters and corridors should be located next to or above</p>	<p>Development has provided adequate separation from neighboring buildings/properties in-line with 3F Visual Privacy – design criteria above.</p> <p>Where appropriate windows and door openings are orientated away from noise sources.</p> <p>The application is designed to create different ‘zones’ with more active areas clustered together and more passive areas also clustered together to maximise acoustic</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Shop Top Housing 2 -4 Cambridge Street, EPPING

	each other and quieter areas next to or above quieter areas.	privacy and also take advantage of the lot orientation.	
4K Apartment Mix	A variety of apartment types is provided	<p>A diversity of apartments is proposed as follows:</p> <ul style="list-style-type: none"> o 11 x 1 bedroom unit; o 64 x 2 bedroom units; and o 8 x 3 bedroom units <p>The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.</p> <p>Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider locality.</p>	Yes
4O Landscape Design			
Site Area			
850m ² to 1500m ²	1 large tree (12m) or 2 medium trees (8m – 12m) per 90m ² of DSZ	N/A	N/A
>1500m ²	1 large tree or 2 medium trees per 80m ² of DSZ	Consistent as per landscaping plans knotting that the landscape beds will support trees capable of growing up to 15m in height.	Yes

4Q Universal Design			
20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features	17 of the 83 apartments or 20.5% of all apartments will contain the 7 design measures to achieve a silver level of universal design.	Yes
4U Energy Efficiency		<p>The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.</p> <p>Furthermore, it is noted that 100% of units achieve the minimum 2 hours of solar access at mid-winter and 95% units of units on the lower 9 residential levels achieve natural ventilation.</p>	Yes
4V Water Management and Conservation	Reduce mains consumption, and reduce the quantity of storm water runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	<p>Supply WMP</p> <p>Allocate storage area</p>	<p>Provided</p> <p>Appropriate waste storage areas are provided.</p>	<p>Yes</p> <p>Yes</p>
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

3E Deep Soil Zones

The Architectural Design Guide contains a design criteria that indicates that 7% of a site should be a deep soil zone.

The Apartment Design Guide acknowledges that it may not be possible to dedicate 7% of the site as deep soil zones within high density areas or centres and indicates that acceptable stormwater management should be achieved and alternative forms of planting provided such as on structures in lieu of this.

The site is considered to be a high density area within the Epping Town Centre and is located opposite the Epping Train Station.

The proposal incorporates appropriate stormwater disposal that includes an on-site detention system that will ensure that stormwater is temporarily stored on site and slowly released into Council's drainage network to minimise flooding in the wider area,

A podium on level 1 provides planter boxes with soil depths of between 1m and 1.2m a soil depth to facilitate appropriate deep rooted landscaping that will provide a pleasant vegetated setting for future occupants. This in combination with the stormwater system ensures that the objectives of the clause are met.

3F Visual Privacy Building Separation

Section 3F of the Apartment Design Guide relates to building separation, and indicates that:

- windows and balconies up to the fourth storey should have 12m separation or a 6m setback to the boundary between habitable rooms;
- portions of the building between 5 -8 storeys should have a separation between balconies/windows of 18m between habitable rooms or 9m to the boundary; and
- portions of the building above 9 stories should have a separation between balconies/windows of 24m between habitable rooms or 12m to the boundary

The development is an irregular shaped site that adjoins a school in part of its northern boundary, retail shops to the remainder of the northern and eastern boundary and a laneway and beyond that the Heritage listed Epping Community Centre on its southern boundary.

The development varies the setbacks as follows:

Residential Towers	Northern boundary setbacks of between 4.3m and 23m provided.
	Southern boundary -point encroachment to 3.5m provided.
	Western boundary -6m to 9m setbacks provided

Despite the numerical non-compliances, the proposed building footprint is considered to warrant support for the following reasons:

- The site is an irregular allotment that constrains the available building envelope. The provision of a podium level building that appropriately activates Cambridge Street with a podium above is an appropriate response to the site;
- As illustrated on the Envelope analysis provided on the architectural plans the development has considered the likely future building envelope of future development sites. This analysis demonstrates that ADG compliant setbacks are able to be provided to and from the residential tower based on a likely future building envelope The resulting tower form adopted for the scheme acknowledges non-habitable conditions to a possible future development to the east and orientates living areas and balconies away from possible future development but allows for inclusion of required sun as demonstrated in the envelope analysis as part of this package. It is noted that the draft Hornsby DCP provides for 12m setbacks to Oxford Street but with

one third of the façade length set back 9m. The possible future envelope shown in the attached package reflects this, therefore we believe the 9m non-habitable setback of the proposed tower to the eastern boundary is realistic given site constraints and how a possible future development envelope could be configured. Should habitable conditions be utilised on the future proposed development, 18m separation is needed, being 6m setback required on the subject site and 12m for the proposed future development. For the subject site, 9m setback is provided, ie 3m more than is required which provides flexibility in planning for the future proposed development;

- The encroachments on levels 1 -4 are point encroachments to balconies with the actual internal floorspace being setback greater than the suggested 6m;
- The southern boundary adjoins a laneway and heritage listed building. The increased passive surveillance of this laneway is a positive attribute of the development.
- The closest northern boundary of the site that adjoins the school contains a staff carpark. Taking into account the setback to classrooms and children play areas the development provides compliant setbacks;
- Many of the rooms on the upper levels which have less than the suggested separation distance are secondary living areas such as bedrooms and don't have the same impacts as primary living rooms that will be highly utilised;
- Many of the surrounding buildings are currently up to 3 storeys in height and are not utilised for residential purposes. Given this the views from the apartments will be district views and not result in a loss of privacy to these occupants;
- Appropriate privacy measures have been incorporated into the design of the proposal including privacy screens, highlight windows with awnings over to reduce overlooking from and to the rooms;
- Indicative massing of the likely future development of adjoining sites indicates that having regards to the more regular nature of these sites that an ADG compliance scheme is capable of being provided; and
- The deep-rooted landscaping provided on the podium levels that includes soil depths of up to 1.2m will facilitate planning within the landscape beds that will assist in filtering views from levels 1 and 2 of the building.

Based on the above the reduced separation within the site is considered reasonable.

Hornsby Local Environmental Plan 2013

On 14 March 2014, the subject land was re-zoned from Business B (Special) to B2 Local Centre, as part of the Epping Town Centre Urban Activation Precinct. A zoning map extract is provided below.



Image 3: HLEP 2013 – Zoning Map Extract (Source NSW Planning Portal)

Shop Top Housing is permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

shop top housing means one or more dwellings located above ground floor retail premises or business premises

The development proposal provides for residential dwellings located about ground floor retail/ business premises and associated commercial parking that meets the definition of mixed use development, being partly 'business premises' and partly 'residential accommodation'.

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*

The proposed development provides a shop top building that will maintain the retail and commercial uses on the site and make available a variety of additional housing types and opportunities so as to positively contribute towards maintain the retail and commercial viability of the site and increasing the housing stock within Epping. The site is extremely well located and is within close proximity to essential services, public transportation and recreational opportunities.

The building will incorporate a contemporary design that will achieve good presentation to site's frontage. The site is currently situated within a low density retail/commercial area that has been earmarked for future higher density development. The proposal will not only provide an attractive building that addresses the site's frontages but aims to also set the tone and scale for future comparable development within the Epping Station Precinct.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Hornsby Local Environmental Plan 2013			
Clause	Control	Comment	Complies
Zoning	B2-Local Centres	Shop top housing developments comprising business premises at ground level and residential accommodation above are permissible with Council consent in the B2 Local Centres zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of B2 – Local Centres in that the proposal will increase additional commercial and residential opportunities by providing high quality commercial space and increasing residential stocks within close proximity to public transportation and major arterial roads.</p> <p>The site as it currently exists is underutilised in terms of its zoning potential. The proposal will provide an attractive building that aims to set the design standard, the tone and scale for future comparable</p>	YES

Shop Top Housing 2 -4 Cambridge Street, EPPING

		developments within the Epping Station Precinct.	
2.6	Subdivision – Consent Requirements	Council consent is not sought for strata subdivision at this stage.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site in accordance with the submitted Demolition Plan.	YES
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	The development site is not identified as having a minimum lot size.	N/A
4.3	Height of Buildings- 72m	<p>The development site is identified as having a maximum building height of 72m as indicated on the Height of Buildings Map (011). A portion of the lift over run that provides access to the rooftop common open space areas has a height of 72.6m.</p> <p>A variation is sought and an address of Clause 4.6 is provided further in this statement, noting that the maximum extent of the variation is 696mm</p>	Variation
4.4	Floor Space Ratio-	<p>The development site is identified as having a maximum floor space ratio of 4.5:1as indicated on the Floor Space Ratio Map (011).</p> <p>The development provides a FSR of 4.47:1. Complies.</p>	YES
4.6	Exceptions to Development Standards	The proposed development seeks to vary the height control contained in LEP 2013. Refer to Appendix B for the detailed discussion of the clause 4.6 departure.	YES
Part 5 Miscellaneous Provisions Principal Development Standards			
5.1	Relevant Acquisition Authority	This Clause is not applicable to the subject site.	N/A
5.2	Classification and Reclassification of Public Land	This Clause is not applicable to the subject site.	N/A

Shop Top Housing 2 -4 Cambridge Street, EPPING

5.3	Development near Zone Boundaries	This Clause is not applicable to the subject site.	N/A
5.4	Miscellaneous Permissible Uses	This Clause is not applicable to the subject site.	N/A
5.5	Coastal Zone Developments	This Clause is not applicable to the subject site.	N/A
5.6	Architectural Roof Features	This Clause is not applicable to the subject site.	N/A
5.7	Development below mean high water mark	This Clause is not applicable to the subject site.	N/A
5.8	Conversion of fire alarms	This Clause is not applicable to the subject site.	N/A
5.9	Preservation of trees or vegetation	<p>This development application seeks consent for the removal of 4 trees from the subject site to accommodate the proposed development.</p> <p>It is noted that the proposal will complement the existing vegetation within the site with canopy and screen tree plantings, landscape embellishment works and garden beds as illustrated on the landscape plan.</p> <p>The proposed landscape embellishment works will improve and enhance the subject site and help provide a landscaped setting that will help to reduce the visual bulk of the development and integrate the proposal within the context of the site and its surrounds.</p> <p>All landscaping works are to be undertaken in accordance with the attached Landscape Plan and Arborist report.</p>	YES
5.10	Heritage Conservation	<p>The site is not identified as containing a heritage item or as being within a heritage conservation area.</p> <p>The site does however adjoin a heritage item being the Epping Community Centre.</p> <p>To consider this impact, a heritage impact statement has been prepared by Urbis that concludes:</p> <p><i>The construction of the new building is proposed in an area that has an approved</i></p>	YES

Shop Top Housing 2 -4 Cambridge Street, EPPING

		<p>maximum building height of 72 metres, the purpose of which is to encourage higher density development. The potential visual impact that multi-storey developments in the immediate area may have on heritage items in the vicinity has been both recognised and accepted by the planning process and relevant controls, and therefore any development in the vicinity is required to consider the proximate heritage item and accordingly mitigate heritage impacts through sympathetic design. The subject proposal seeks to achieve this through the sympathetic podium and setback tower form.</p> <p>The heritage item will continue to maintain its prominence in views from Oxford Street. In accordance with the above observations, the proposed development is supported from a heritage perspective and is recommended for approval.</p>	
5.11	Bushfire Hazard Reduction	The site is not identified as being bushfire prone land as per Council's online mapping system. Therefore, the Clause is not applicable to the subject site.	N/A
5.12	Infrastructure Development and Use of existing buildings of the Crown	This Clause is not applicable to the subject site.	N/A
5.13	Eco-tourist facilities	This Clause is not applicable to the subject site.	N/A
Part 6 Additional Local Provisions			
6.1	Acid Sulfate Soils	The site is not identified as being subject to acid sulfate soils as per Council's LEP maps. Therefore, the Clause is not applicable to the subject site.	N/A
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavations, particularly for the basement car parking area will have minimal adverse environmental or amenity impacts.	YES

Shop Top Housing 2 -4 Cambridge Street, EPPING

		<p>It is considered that the proposal will result in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>It is considered unlikely due to the location of the site that excavation will lead to the disturbance of relics.</p>	
6.3	Flood Planning	The site is not identified as being flood prone. Therefore, the Clause is not applicable to the subject site.	N/A
6.4	Terrestrial Biodiversity	The site is not identified on the relevant Biodiversity mapping. Therefore, the Clause is not applicable to the subject site.	N/A
6.5	Limited Development of Foreshore Area	This Clause is not applicable to the subject site.	N/A
6.6	Restrictions on certain developments in Dural Village	This Clause is not applicable to the subject site.	N/A
6.7	Location of Sex Services Premises	This Clause is not applicable to the subject site.	N/A
6.8	<p>Design Excellence</p> <p>This clause applies to buildings over 29.6m in height.</p>	<p>As the development is for a 72m high shop top housing development, this clause is applicable.</p> <p>The development is considered to exhibit design excellence and is an appropriate and well considered response to this irregular shaped site.</p> <p>Amenity for future residents has been maximised and this is demonstrated by the fact that all 83 apartments will receive greater than 2 hours natural sunlight in mid winter.</p> <p>The proponent engaged the services of Urbis to assist with the design of this unique site and this has assisted with achieving design excellence.</p> <p>As illustrated on the submitted architectural plans the development provides for high</p>	YES

Shop Top Housing 2 -4 Cambridge Street, EPPING

		<p>standard of architectural finishes that is appropriate for its town centre location.</p> <p>The development is consistent with transit orientated development and appropriately relates to the likely future character of the area.</p> <p>The development provides extensive common open space areas that contribute to social cohesion and in conjunction with the tower floor plats that typically contains 5 units per floor will contribute towards casual social interaction.</p>	
--	--	--	--

Hornsby Development Control Plan 2013 - Part 1 General

All relevant Council controls have been considered in the tables below, noting that those of most relevance relate to accessible design, traffic and parking, and waste management.

Part 1 - General Controls			
Section	Controls	Comment	Complies
Part 1C.1 – Natural Environment			
1C.1.1	Biodiversity	<p>The subject site is not identified on the relevant Biodiversity mapping. Therefore, this section of the DCP is not applicable to the subject site.</p> <p>Notwithstanding, the site contains a significant tree that is to be retained as illustrated by the submitted plans and as detailed within the submitted Arborist report. The Arborist report outlines protection measures and construction techniques that will ensure the longevity and health of the significant tree within the site.</p> <p>In addition, the proposal will incorporate landscape embellishment works to compliment and enhance the existing vegetation within the site to provide a garden setting that will help to reduce the visual bulk of the RFB and integrate the proposal within the context of the site and its surrounds.</p>	YES
1C.1.2	Stormwater Management	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles, which seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. It is noted that an OSD system and basement suction pump-out system are also proposed as requested during the Pre-DA process.</p> <p>The proposal will also incorporate appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. See attached Stormwater Management Plan for detail.</p>	YES

1C.1.3	Watercourses	<p>The subject site is not located within 40m of a natural watercourse and as a result this section is not applicable to the proposal.</p> <p>Notwithstanding, an Erosion and Sediment Control Plan has been prepared outlining the proposed erosion and sediment control measures such as the use of sediment fencing that will be incorporated to minimise erosion during the demolition and construction phase of the proposal and to ensure soils do not leave the subject during construction.</p>	N/A
1C.1.4	Earthworks and Slope	<p>Council consent is sought for the excavation of the site as per the attached plans. It is considered that the proposed excavations particularly for the basement car parking area and to provide a level platform for the proposed development so as to ensure a high quality building design will have minimal adverse environmental or amenity impacts.</p> <p>The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that responds to the topography within the site and that is appropriate considering the context of the site and the surrounding area. It is considered that the proposal results in an appropriate outcome on site that will align with the desired future character for the precinct and as such will not adversely affect the streetscape character, the environment or the existing residential amenity of adjoining properties.</p> <p>The proposed excavations are consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavations will lead to the disturbance of relics.</p> <p>In addition, it is considered that the proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p>	YES

Part 1C.2 – Built Environment			
1C.2.1	Transport and Parking	<p>The proposal will incorporate the construction of a 23 storey shop top housing building with the following components:</p> <ul style="list-style-type: none"> -Retail shop 174.31m² -Commercial Space -1,174.36m² - 11 x 1 bedroom units; - 64 x 2 bedroom units; and - 8 x 3 bedroom units. <p>As per the DCP, the parking requirement for the proposal will be as follows:</p>	YES
	Retail premises Min 1 per 60m ² Max 1 per 30m ²	<p>2.9 spaces 5.8 spaces</p>	YES
	Business Premises Min of 1 per 70m ² Max 1 per 50m ²	<p>16.7 spaces 23.48 spaces</p>	
		<p>The development provides 28 spaces for both the retail and office component which is above the minimum rate of 20 spaces suggested by the DCP and below the maximum DCP rate of 29.2 spaces.</p>	YES
	Sites <800m from a railway station:		
	1 bed: 0.75 per dwelling	11 x 0.75=8.25	
	2 bed: 1 per dwelling	64 x 1 = 64	
	3 bed: 1.5 space per dwelling	8 x 1.5 = 12	
		Resident= 84.25	
	Visitor: 1 space per 10 dwellings	Visitors = 83/10 = 8.3	
		<p>The development provides 91 residential carparking spaces which allows all 1 bedroom dwellings to be provided with a carparking space and all 3 bedroom dwellings to be provided with 2 carparking spaces.</p>	YES
		<p>The development provided 9 visitor spaces for residents.</p>	YES
		<p>Accordingly, parking provision complies with the DCP requirement.</p>	

	<p>Car Share spaces</p> <p>Minimum of 1 car share space for developments with >50 apartments</p>	<p>A car share space is not proposed. It would be more appropriate for any car share space to be provided in the adjacent carparking area on Cambridge Street to facilitate its use both by train/bus commuters and occupants of the building.</p>	Variation
	<p>Motor Cycle Parking</p> <p>4 spaces per 25 carparking spaces</p>	<p>5.16 motor cycle spaces are required and 5 are provided. Despite the minor variation it is considered that adequate motorcycle parking is provide, particularly noting that surplus residential paring spaces are provided and that these could be utilised to park a motorcycle.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site. Please see attached Traffic report and plans for detail.</p> <p>Therefore, the proposal will comply with the car parking requirements and further detail on this aspect of the proposal is contained within the submitted Traffic report.</p>	Minor Variation
1C.2.1	<p>Bicycle Parking</p> <p>Commercial component:</p> <p>1 space per 600m² of GFA</p> <p>Residential</p> <p>1 space per dwelling</p> <p>1 per 10 visitors</p>	<p>2.24 bike spaces required</p> <p>83</p> <p>8.3 required</p>	Yes

		<p>Total Required Bike Spots: 93.5 spots</p> <p>The proposal provides 95 bicycle parking spaces within the basement levels. Complies</p>	
1C.2.2	Accessible Design	<p>The proposal incorporates an accessible design in line with the relevant requirements.</p> <p>All units will be accessible via the lift to comply with the BCA 2013 requirements for accessibility.</p> <p>9 (10.8%) of the proposed units are to be adaptable dwellings and 9 adaptable units will be provided with an accessible parking spaces to comply with the DCP, which requires 10% of the total units to be provided with accessible parking spaces.</p> <p>Appropriate paths of travel are provided to the common areas of the development and lift access is afforded to each level of the development.</p>	YES
1C.2.3	Waste Management Plan	<p>A detailed waste management plan accompanies the development application.</p> <p>The proposal will be provided with two basement communal waste storage areas that will contain sufficient space for the recycling and residual waste bins and the main waste storage area will include a garbage chute system for the residential component.</p> <p>It is noted that two communal bin storage areas will be provided within the basement, however, it is proposed that bin collection will be from storage area within the basement that facilitates the collection of residential and commercial waste.</p> <p>It is noted that the lift core will be in proximity to the communal basement waste storage areas and a chute system with a recycling bin is proposed adjacent to the lifts at each residential level of the development.</p>	YES
1C.2.5	Noise and Vibration	<p>A detailed Traffic Noise and Vibration Assessment report has been prepared that has found that subject to mitigation measures the proposal will satisfy the relevant noise level criteria and as such will provide high quality amenity for future residents.</p>	YES

1C.2.6	Air Quality	It is considered that the proposal will not significantly contribute to air pollution, odours or the release of atmospheric pollutants. Appropriate management of the site during the demolition and construction phases will limit the potential for air pollution.	YES
1C.2.7	Crime Prevention - CPTED Principles	<p>The proposed development incorporates an active façade that will permit casual surveillance of Cambridge Street as well as the common open space areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with future development and the associated street presentation of an R4 high-density residential zoned block.</p> <p>The materials and finishes and the proposed development are considered appropriate as they provide measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	YES
1C.2.8	Building Sustainability	The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources. A complying BASIX Report is attached as part of this application. Please see BASIX Report for detail.	YES
1C.2.9	Landscaping	The subject site is to be appropriately landscaped in	YES

		<p>accordance with the attached Landscape Plan.</p> <p>Further discussion on landscaping is contained within the relevant precinct specific controls below.</p>	
1C.2.10	Services and Lighting	The proposed development is to be appropriately serviced and lighting is to be provided in accordance with the BASIX Certificate and details appended to the DA.	YES
1C.2.11	Signage	No signage proposed, therefore this control is not applicable to the proposed development.	N/A
1C.2.12	Avoiding Isolated Sites	<p>The proposed consolidation of two lots will ensure a positive development outcome for the proposed development and will not serve to create any isolated sites.</p> <p>It is noted that the adjoining properties to the north and east can either be developed in their own right or be amalgamated with their respective adjoining properties to achieve an appropriately dimensioned site capable of supporting a high-density development that aligns with the requirements of both the HELP 2013 and HDCP 2013.</p> <p>It is further noted that the adjoining sites to the south (rear) can also be amalgamated with their respective adjoining properties to be redeveloped in line with the B2 zoning.</p>	YES
1C.3.1	Bushfire	The site is not identified as being bushfire prone land as per Council's online mapping system. Therefore, the control is not applicable to the subject site.	N/A
1C.3.2	Flooding	The site is not identified as being flood prone as per Council's LEP maps. Therefore, the control is not applicable to the subject site.	N/A
1C.3.3	Acid Sulfate Soils	The site is not identified as being subject to acid sulfate soils as per Council's LEP maps. Therefore, the control is not applicable to the subject site.	N/A
1C.3.4	Land Contamination	Given the historical use of the site for commercial and retail purposes, land contamination is not likely. Therefore, further investigation and reporting under SEPP 55 is not considered necessary.	YES

Hornsby Development Control Plan 2013 - Part 4.6 Epping Town Centre

All relevant Council controls have been considered in the following compliance table noting that the site is located within the East Precinct as identified by figure 4.6(a) of the DCP.

Part 4.6 EPPING TOWN CENTRE			
Section	Controls	Comment	Complies
4.6.1	Desired Future Character	<p>The proposed development will incorporate a 2 -3 storey podium that fronts Cambridge Street with a residential tower above.</p> <p>The building form will also adopt a contemporary design with a flat roof form for the upper level to minimise the overall height and bulk of the proposal. The facades will be highly articulated through a combination of vertical and horizontal projections and the use of balconies to appropriately address the site's street frontage.</p> <p>The proposal has its retail level fronting Cambridge Street that will assist with the passive surveillance of the area and encourages the passive surveillance of the laneway by removing vehicular access to the site from it and promoting pedestrian activity along it.</p> <p>The proposed balconies represent an extension of internal living areas with protruding, receding and wrap around designs utilised to ensure that the development provides an articulated interface with the public domain in a visually prominent location.</p> <p>Overall, the proposal will align with the desired future character of the area and provide a positive development outcome that will increase both the retail and commercial floorspace the housing stock within Epping whilst setting the tone and scale for future comparable developments within the B2 zoned block.</p>	YES
4.6.2	Design Quality- SEPP 65	A design verification statement accompanies the development application and outlines that the design quality principles are achieved and how the design addresses these design quality principles.	YES
4.6.3	Site Requirements 30m	The subject site has a complying street frontage of 43.7m to Cambridge Street.	YES

		<p>The proposed lot amalgamation will not prevent the adjoining sites to either development by themselves or amalgamate with their respective adjoining sites to achieve the prescribed 30m minimum site frontage control.</p> <p>As such the adjoining properties, will not be isolated by the proposal and these sites can be redeveloped in line with the provisions of the HLEP 2013 and the HDCP 2013.</p>	
4.6.4	<p>Scale</p> <p>Maximum FSR of 4.5:1</p> <p>Residential Floorplate -18m excluding balconies measured perpendicular to the street</p> <p>Commercial Floorplate -35m excluding balconies</p> <p>Height -72m</p> <p>Basement less than 1m</p>	<p>The development proposed an FSR of 4.47:1. Complies</p> <p>The residential tower includes slender floorplates with a maximum width of approximately 15m when measured perpendicular to the street.</p> <p>The commercial floor plate has a depth of up to 35m when measured perpendicular to the street. A portion of the commercial floorplate has a depth of up to 42m. Despite this adequate access to natural light is provided through windows along the northern southern elevations of the building. It is also noted that the majority of the tenancy has a depth of between 20m and 30m.</p> <p>The development marginally exceeds the 72m height control with a height to the upper level of 72.6m. This variation facilitates lift access to the rooftop communal open space and will not be perceptible when viewed from either the public domain or surrounding buildings. Refer to clause 4.6 departure at Appendix B.</p> <p>The basement is designed to be set into the natural contour of the site as evident in Section 1 and as such will not protrude beyond the existing natural ground level more than 1m to comply with the DCP maximum allowable basement protrusion.</p> <p>The development incorporates a podium that incorporates a retail shop that directly interfaces</p>	<p>YES</p> <p>YES</p> <p>Minor Variation</p> <p>Minor Variation</p> <p>YES</p>

	Podium 2 -3 storeys in height and activate the street	with Cambridge Street. The 2 -3 storey height of the podium is consistent with the DCP control.	
4.6.5	<p>Setbacks</p> <p>Front Boundary: 0m setback</p> <p>Rear and side Setback: 0m for podiums when adjoining non-residential uses or a mixed used development.</p>	<p>In accordance with the DCP a nil setback is provided to the retail and commercial levels. An awning is provided to assist with weather protection along Cambridge Street.</p> <p>The proposed development provides a nil setback to the majority of the northern boundary although it is noted that a 3m landscaped setback is provided to the commercial level, that both provides screening to the adjoining school and facilitates natural light to this portion of the commercial building.</p> <p>Having regard to the above, the proposal will comply with the prescribed side and rear boundary setbacks as evident in the submitted plans.</p> <p>In addition, the proposal will also include appropriately dimensioned parking spaces and circulation areas and will comply with the car parking rates as prescribed by the HDCP 2013.</p>	<p>YES</p> <p>YES</p>
4.6.6	<p>Design Details</p> <p>Buildings should be designed with external appearances that provide for a distinctive base, middle and a top.</p> <p>A balance between horizontal and vertical elements should be provided through careful placement of windows, colour patterns and building materials.</p>	<p>The building has been designed with a distinctive base middle and top and will be visually interesting when viewed from surrounding streets.</p> <p>The development provides an appropriate balance of horizontal and vertical elements that add architectural interest to the proposal. The building utilises differing architectural elements and materials to break up the form of the building. Refer to attached architectural plans.</p>	

<p>Roof fixtures and lift overruns or service plants should be incorporated into the design of the roof to minimise visual intrusiveness and support an integrated building design</p> <p>Security shutters should be transparent or open grill design</p> <p>Active frontages</p> <p>Driveways and service entries are not permitted on active frontages, unless it is demonstrated that</p>	<p>The lift overrun and associated plant is incorporated into the design of the rooftop terrace and has been appropriately integrated into the design of the building to form an integrated building design.</p> <p>Security Shutters are not proposed.</p> <p>The proposal incorporates an active street frontage to Cambridge Street and provides seamless access into the retail tenancy. The proposal incorporates significant glazed elements within the podium level that facilitates the passive surveillance of the area.</p> <p>The development will enhance pedestrian activity along the safety and reduce conflict along this laneway between cars and pedestrians, given that vehicular access to the site is no longer proposed via the laneway.</p> <p>Entry points to the building are clearly legible with access to the retail, commercial and residential components clearly separated and legible.</p> <p>Overall, the proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes. Materials and finishes used are contemporary in character and are consistent with similar types of development within the Hornsby Shire. The range of materials significantly contributes to the articulation of the building and will help to reduce its overall bulk and massing.</p> <p>Having regards to the topography of the site the access to the basement is from Cambridge Street. Introducing vehicular access to the site from Oxford Street would be challenging and reduce pedestrian permeability between the two streets which is a key aim of the DCP.</p>
---	--

Shop Top Housing 2 -4 Cambridge Street, EPPING

4.6.9	Privacy and Security	<p>The proposed development will maintain and establish appropriate levels of privacy by incorporating a mixture of predominantly complying setbacks, building separation and a mixture of design elements where the guideline numerical distances can not be achieved which include smart internal layout and apartment orientation, strategically placed planter boxes, landscape embellishment works and screen plantings, privacy screens and louvres and offset and highlight windows.</p> <p>Entry points to the building are clearly legible with access to the retail, commercial and residential components clearly separated and legible.</p> <p>Overall, it is considered that the proposal is consistent with and satisfies the desired outcomes of the Privacy element.</p> <p>The Building separation controls in this section of the DCP have been discussed in the ADG section of this report.</p>	YES
4.6.10	Sunlight and Ventilation	<p>83 dwellings (100%) will receive at least 2 hours solar access at mid-winter.</p> <p>Communal open space areas will receive in excess of 2 hours sunlight during mid winter</p> <p>In addition, 35 of the 37 units on the lower 9 levels or 94.5% of units will be naturally cross ventilated.</p>	YES
4.6.11	<p>Housing Choice</p> <p>Mixed-use developments should include a mix of 1, 2 and 3 bedroom dwellings. For developments with 10 or more dwellings, at least 10 percent of each dwelling type should be provided.</p>	<p>The proposal will incorporate the following unit mix:</p> <p>11 x 1 bedroom units; 64 x 2 bedroom units; and 8 x 3 bedroom units.</p> <p>As such, an appropriate mix of dwellings will be provided that respond to the current market demand, noting that the unit types and sizes are varied to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p> <p>The proposed development will provide a complying mix of dwelling types with each type representing at least 10% of the overall total. It is</p>	YES

		<p>noted that the 1 and 2 bedroom units represent the majority of unit types, which traditionally the market favours and the overall size and diversity of units is consistent with the intent of the control and will therefore provide for a variety of unit sizes and types to meet the needs of a wide range of residents whilst providing various pricing points to contribute to affordability.</p> <p>All units will be accessible via lifts to comply with the BCA 2013 requirements for accessibility, 9 (10.8%) adaptable residential units are provided and 10 accessible car parking spaces will also be to comply with the DCP.</p> <p>It is noted that 30% of dwellings are not adaptable however as the proposal satisfies the ADG requirements for Universal Design, this is considered an appropriate standard.</p>	Variation
4.6.12	Vehicle Access and Parking	<p>The proposed development will provide sufficient and convenient parking for residents and visitors with a vehicular access arrangement that is simple, safe and direct.</p> <p>Parking for services and delivery vehicles can be accommodated within the basement carpark.</p> <p>Both retail, commercial, resident and visitor parking arrangements are provided within the basement as prescribed by the DCP. Furthermore, the driveway and basement access will not dominate the street noting its location along Cambridge Street and its integration into the building design.</p>	YES
4.6.13	Public Domain and Traffic Management	<p><u>Public Domain</u></p> <p>The proposed development will appropriately address the public domain through the articulation of the built form to present an attractive façade to the street frontage. In addition, retail areas and the living areas and balconies are oriented towards the street frontage and communal opens pace areas where practicable and as such will provide passive surveillance over the public and private domains. It is also noted that the proposal has been designed to align with the CPTED principles.</p> <p><u>Traffic Management Works</u></p>	YES

Shop Top Housing 2 -4 Cambridge Street, EPPING

		No traffic management works are identified for the subject site and as such this section is not applicable to the subject site.	N/A
4.6.14	Key Development Principles: Cambridge Street, Epping Precinct	<p>The proposal will incorporate a twenty three storey building that is one storey above the twenty two height storey envisioned by the DCP but substantially within the 72m height control envisioned by the LEP. It is considered that the twenty two storey control considers that some developments in the precinct may wish to incorporate more commercial levels.</p> <p>The development accommodates a retail tenancy that will assist with the activation of Cambridge Street, commercial floorspace that will provide employment in the area and residential units.</p> <p>The development activates the existing laneway beside the Epping Community Centre and will encourage additional pedestrian activity along this laneway.</p> <p>The development incorporates a single entry to the basement carpark form Cambridge Street.</p> <p>Good solar access is provided to the development and appropriate setbacks are employed to ensure solar access and privacy to adjoining developments is maintained. Please refer to the submitted shadow diagrams for further detail.</p> <p>In summary, the development is consistent with the key development principles for the Cambridge Street, Epping Precinct.</p>	YES

Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse amenity, environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Annexure 1: Crime Risk Assessment

Background

The design of the proposal has been informed by a review of relevant BOCSAR statistics regarding crime in the locality. A review of crime statistics for the Hornsby LGA has also revealed that these offences are trending down over a 2 year period as shown in the table. The table shows that the majority of crimes are stable, with malicious damage to property going down by 15.4% and break and entry to dwellings increasing 36.6%. The design of the development has been informed after consideration of these aspects of the proposal.

Table 1. Recorded incidents of selected offences in the Hornsby Local Government Area
Annual totals and 24 month trend from July 2012 to June 2014

Offence	Jul 2012 to Jun 2013	Jul 2013 to Jun 2014	24 month trend	Annual percentage change	
Assault - non-domestic violence related	231	222	Stable	*	View Graph
Break and enter - dwelling	350	478	Up	36.6%	View Graph
Motor vehicle theft	118	97	Stable	*	View Graph
Steal from motor vehicle	414	371	Stable	*	View Graph
Steal from dwelling	188	188	Stable	*	View Graph
Steal from person	70	55	Stable	*	View Graph
Malicious damage to property	970	821	Down	-15.4%	View Graph

* No annual percentage change is given if the trend is stable or if a trend has not been calculated.

Discussion of CPTED Principles

In assessing Crime Risk and the opportunities to minimise crime there are four common principles to take into consideration:

- Surveillance
- Access control
- Territorial reinforcement
- Space management.

1. Surveillance

Providing opportunities for effective surveillance can reduce crime. In areas with high levels of natural and passive surveillance offenders are deterred from committing a crime. Passive surveillance is important to the current proposal given the incidence of malicious property damage. In this regard the development proposal provides:

- Clearly defined entry areas and access pathways from the street with good illumination of common areas;
- Living areas are designed to overlook communal open space areas and street frontages;
- Clear sight lines to the building from the street and from the building to the street are provided;
- Landscaping does not result in "blind" spots or areas for hiding. Entry points are attractive and will be treated with security measures such as key card or pin access;
- The retain tenancy and apartments are orientated toward the street and provide numerous opportunities for passive surveillance of public spaces; and

- Concealment opportunities are limited and appropriate lighting will be provided to publicly accessible areas.

2. Access control

The use of physical and symbolic barriers to attract, channel or restrict the movement of people assists in minimising opportunities for crime and increase the effort required to commit a crime. In this regard the proposal provides:

- Defined pedestrian corridors to channel people towards the entry areas which are provided with passive surveillance;
- Fencing of a lesser height at ground level does not restrict views or give rise to concealment opportunity is provided along the public street boundaries.
- Security roller doors are provided to the basement to prevent unauthorised access to the basement parking area.
- Opportunity exists to incorporate security access door to lobby space, which could be controlled by cards, codes or keys.

3. Territorial reinforcement

Places that are well maintained and designed are often more regularly visited and endowed with a sense of community ownership. Accordingly, well-used spaces reduce crime opportunities. In this regard the proposal provides:

- High quality landscaped communal open space to encourage its use by residents;
- The main communal open space areas serve as the focal point of the development with the majority of dwellings having a vista towards the space which encourages a sense of ownership;
- The common open space at the front of the site provides an attractive maintained setting to the building; and
- The communal open space areas adjoin residential units resulting in spaces that are well looked after.

4. Space management

Well maintained and cared for spaces discourage crime, as they tend to be more actively used and unwelcome persons readily identified. In this regard the proposal provides:

- For the establishment of a body corporate responsible for space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the placement of lighting and the maintenance of common areas and furniture.

Having regard to the design of the proposal and its inter-relationship with the public domain it is submitted that the relevant components of design and building control are incorporated into the proposal that addresses and reduces Crime Risk.

Background

This Clause 4.6 variation has been prepared in support of development application for the demolition of the existing structures on site to facilitate the construction of a shop top housing development at 2 -4 Cambridge Street, Epping

Height Departures

As illustrated in the Height Plane Perspective below the development marginally exceeds the 72m height control.



The proposal presents the following departures to the height controls:

- **Upper Most Level:** The proposal has a 696mm departure to the maximum building height at the highest point of the building at the lift over-run, which equates to 0.96% of the control;

Therefore, a Clause 4.6 variation request has been prepared, noting that the request addresses a number of recent Land and Environment Court cases including *Four 2 Five v*

Ashfield and Micaul Holdings Pty Ltd v Randwick City Council and Moskovich v Waverley Council. The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate how the proposal achieves a better outcome than a complying scheme; and
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the B2 zoning;
- Being in the public interest; and
- Satisfying the relevant provisions of Clause 4.6.

These matters are addressed below, noting that the proposal only exceeds the height control by the desire to provide lift access to the roof top private open space areas.

Clause 4.6 Variation: Building Height

As addressed the proposal is non-compliant with Clause 4.3 – Height of Buildings which stipulates that the maximum building height is 72m on the site.

The proposal presents the following departures to the height controls:

- Upper Most Level: The proposal has a 696mm departure to the maximum building height at the highest point of the building at the lift over-run, which equates to 0.96% of the control;

The proposal adopts a 23 storey form and incorporates a height variation of 696mm, however it is important to note that the proposal is fully compliant with the maximum permitted FSR of 4.5:1 and does not seek additional floor space above that envisaged by the LEP.

In this instance, no additional yield is requested, however dispensation to the height control is requested to allow access for all to be provided to the roof top open space area.

Building Height Context Consideration: Better Development Outcome

In summary, the departure to the height control is a better outcome because:

1. The departure facilitates the provision of extensive rooftop private open space areas for units 82 and 82 and will benefit from panoramic views towards the Sydney CBD and the Blue Mountains;
2. The departure does not discernibly increase overshadowing from the additional height given the upper levels are recessed by 3m from the level below and the lift overrun is at the centre of the site;
3. The departure enables the appropriate use of roof space which would otherwise only be dedicated to plant;

Relevant Provisions of Hornsby LEP 2013

Clause 4.6 of the Hornsby LEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) 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 in which the development is proposed to be carried out, and
(b) the concurrence of the Secretary has been obtained.*

- (5) In deciding whether to grant concurrence, the Secretary must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Each of these provisions are addressed individually below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that 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 objectives of the Height development standard are stated as:

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

- a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The current development proposal is designed to facilitate the use of the roof top space for additional private open space provision and not a desire to achieve additional density, noting consistency with the maximum FSR control applying to the site.

The proposal remains consistent with the objectives based on the following:

- Given the scale of the proposal, being 23 storeys, the extent of the variation is not perceptible at street level given the podium and recessed upper level elements which means that the upper level is highly recessive in the streetscape;
- The proposed buildings will present an appropriate bulk and scale on the site with a solid base and residential tower above that will deliver a FSR of 4.47:1 which is less than the permitted FSR of 4.5:1. The additional height does not generate any substantial amenity impacts given the location of the site and the surrounding site context noting particularly the location of the site and relationship to the train station opposite the site.
- The overall height of the development presents as a compatible form of development to the anticipated residential buildings that will emerge in the locality, noting that development in the locality is trending towards 23 storey mixed use developments.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors - noting that as the departure is at the recessed upper level there will be no detrimental overshadowing impacts arising from the non-compliance portion of the development.

- The proposal does not result in any discernible increased shadow impact given the recessed upper level.
- The overall height of the development presents as a compatible form of development with the lift shaft and structures associated with the private open space on the rooftop recessed back to downplay visual dominance as viewed from the public domain and adjoining properties- thus ensuring the building presents a maximum height of 72m relative to the public domain;

The unique circumstances of the case that warrant support of the departure are:

1. The departure facilitates the use of the rooftop for recreational opportunities. This is an appropriate use of a rooftop in a dense town centre environment.
2. The departure does not discernibly increase overshadowing from the additional height;
3. The departure does not facilitate the provision of additional floorspace with the proposal having a floorspace ratio of 4.47:1 which is less than the maximum FSR permitted on 4.5:1.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in these unique circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

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 building height control. In addition, the proposal is consistent with the objectives of the R4 zone.

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

Clause 4.6(5)

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

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building 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 based on the observed building forms in the locality. The significant public benefit of the proposal must be emphasised in considering the merits of the departure to the height control and the proposal is a site specific response and is not replicated elsewhere in the precinct and as such 'precedent' issues are not relevant.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique 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 design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

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.