CALADINES
TOWN PLANNING PTY LTD

Statement of Environmental Effects

Residential Flat Buildings

2 – 16 Young Road

Carlingford

October 2017

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1.0 Introduction

This Statement of Environmental Effects (SEE) forms part of a development application (DA) submitted to the City of Parramatta Council on behalf of Yifang CF Pty Ltd in respect of the property known as 2 – 16 Young Road Carlingford.

The proposal involves the demolition of eight (8) dwelling houses and other structures on the land, remove a number of trees and construct three (3) detached, seven (7) storey residential flat buildings (RFB) containing 118 residential apartments over basement car parking.
The proposal also includes the provision of both common and private open space areas, and extensive native landscaping throughout the site.

This town planning report has been prepared pursuant to Section 78A of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. It provides a description of the site and surrounds, a comprehensive description of the proposed development, a summary of the relevant planning controls, and an assessment of the environmental effects the development will have on the surrounding urban environment.

The report concludes that after examining the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 79C (1) of the Environmental Planning and Assessment Act, 1979 that the proposal is of an appropriate scale and mass, has no adverse environmental or amenity impacts upon the surrounding built and natural environments and will assist in contributing towards housing targets for this urban precinct. Accordingly, it is our opinion that this application is worthy of approval.

2.0 Regional Context

The site is located within the City of Parramatta Local Government Area (LGA) formerly governed by The Hills Shire Council up until 12 May 2016 when a proclamation was gazetted altering the LGA boundaries for the Hills Shire and City of Parramatta.
The development site is located in the north-west part of metropolitan Sydney, approximately 30 kilometres north-west of the Sydney CBD, and approximately 22 kilometres north-east of the Parramatta CBD. Pennant Hills Road, The M2 Motorway, Old Northern Road, Old Windsor Road and Windsor Road are the main arterial links through this area.
This neighbourhood of the City of Parramatta LGA accommodates a diverse mix of residential, business and industrial development in close proximity to natural landscape settings. Carlingford is identified as a Town Centre under the draft North Subregional Strategy and the Metropolitan Plan for Sydney 2036.
The population of the North-Western Subregion is over 760,000 people (ABS 2006). The North-West Growth Centre is located within a Subregion that will be gradually released over the next 20-25 years.
The North-West regional centre plays an important role in Sydney's economy and supports around 240,000 jobs in 2001 (ABS 2006). The trend of continuing employment growth is expected to remain above the average for Western Sydney.

The environmental assets of the North West make it a desirable place for people to live, work, and attract visitors to support the Subregion and support biodiversity.
See **Figure 1** for a map of the North West Subregion and the Carlingford business centre.

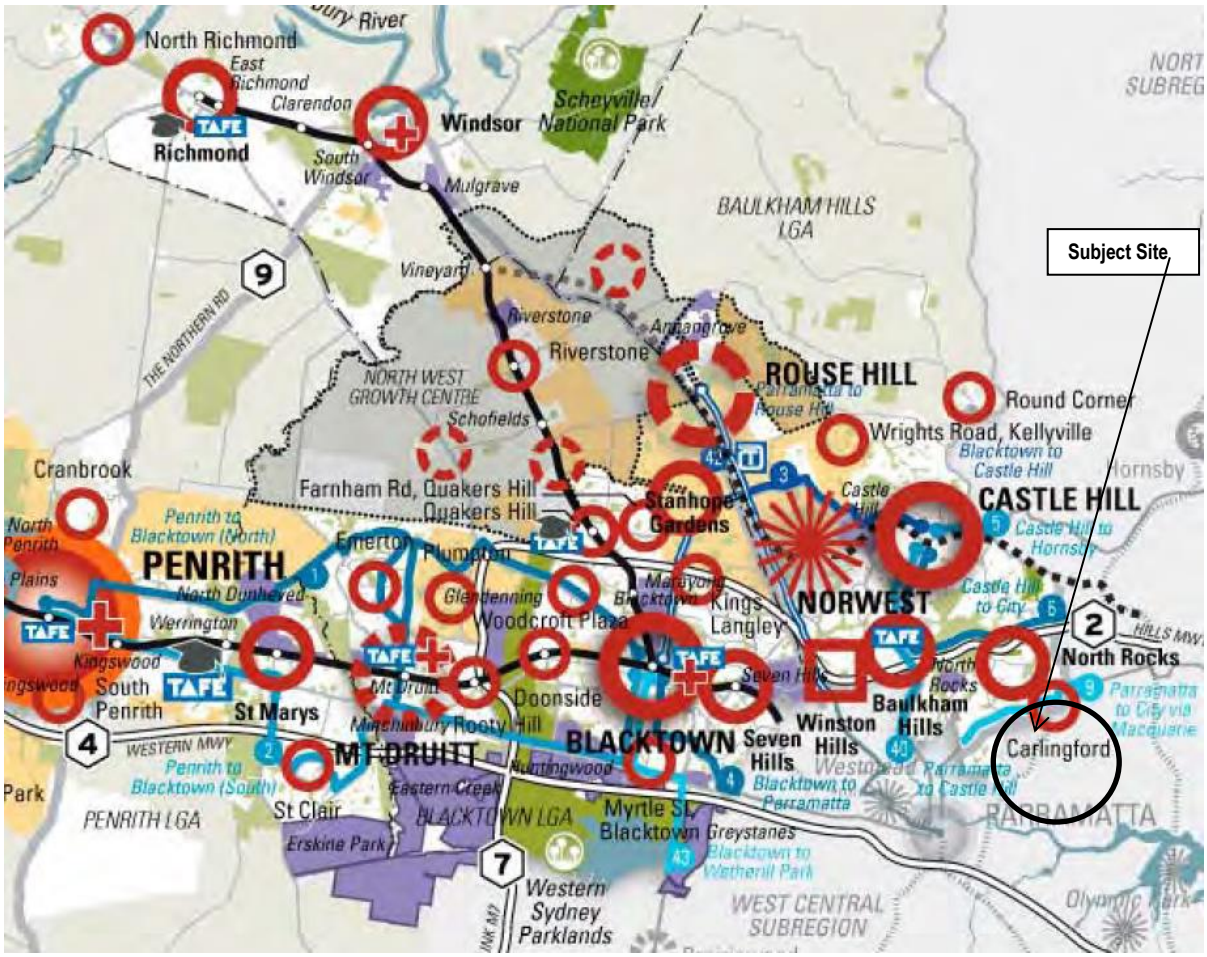


Figure 1
Source: Metropolitan Plan 2031

3.0 The Site and Surrounding Neighbourhood

The site is located on the western side of Young Road between Post Office Street and Moseley Street.

The site is located within the regular block formed by Young Road (eastern boundary) with a frontage of 158.48 m and the depth of 36.73m (northern and southern boundaries) with a rear western boundary of 158.48m. The amalgamated allotment generates a site area of 5820.9m2.

The site consists of eight (8) rectangular shaped allotments with the topography of the land falling towards the rear (west). Each of the eight (8) lots contains a single detached brick dwelling house with associated structures. There are numerous trees scattered throughout each allotment.

The dwellings on these allotments are orientated in a general easterly direction and are setback from the Young Road by approximately 7 – 8 m. Each allotment is serviced by a single driveway off Young Road. There are "No Parking" signs located on each side of Young Road.

Southern Development
The site to the south is a Public Reserve described as Lot 1 in DP223523 and extends from the common southern boundary to Post Office Street.

Northern Development
The area to the north of the site comprises of three properties extending to Moseley Street and combined, will form at some time in the future be subject to a separate development envisaged by the governing LEP and DCP.
A drainage easement separates the northern property (18 Young Road) from the subject site and provides a natural termination of development.

Western Development
The sites to the west are one and two-storey residential villas and townhouses located along Donald Street. These properties are also zoned R4 and are likely to be redeveloped in a similar manner to that now propose, in the future.

Eastern Development
To the east of Young Road comprises a development of 110 residential units of five and six-storey's. Further south of these RFB's is located Cassandra Place, a small cul-de-sac of dwellings.

Topography
The topography of the site provides a consistent fall from the highest point in the north-eastern corner with Existing Level (EL) of EL111.02, falling towards the centre of the western boundary of EL106.06, forming a natural depression through the site.

The site topography forms a consist slope, falling from the northern side to the centre and from the southern side to the centre of the site. The fall in height of five (5) metres creates a natural depression where the existing drainage easement and sewerage lines are located.

To the east of the site, is a large Bunnings Warehouse. Further, to the east of the site, west and north-west the character changes to f the a commercial precinct, which includes the Carlingford Court shopping centre, which is located approximately 400m to the north-west of the site. This shopping centre contains a multi-level car park and many specialty shops, supermarkets, butchers, small goods, banks, post office, restaurants etc. To the north of this shopping centre is a well-established service station.
The Carlingford Village shopping centre comprising of small retail shops, restaurants and commercial offices is located to the east of the site on the corner of Pennant Hills Road and Carlingford Road. There are a number of schools and recreational reserve in the surrounding area.
Pennant Hills Road and Carlingford Road to the east are classified roads and controlled by the Roads and Maritime Services (RMS).
It is noted that there are bus stops on each side of Pennant Hills Road that offer public transport to nearby railway stations/bus interchanges and business centres such as Epping and Parramatta. The Epping Railway Station is located approximately 5klm to the east of the site while the Carlingford Railway Station is located approximately 550m or 9 minute walk to the south of the site. It is noted that Stage 1 of the Parramatta Light Rail will replace the single Carlingford line and is planned to be in operation by 2019. See location map at **Figure 2** and aerial photo of the site and surrounds at **Figure 3.**

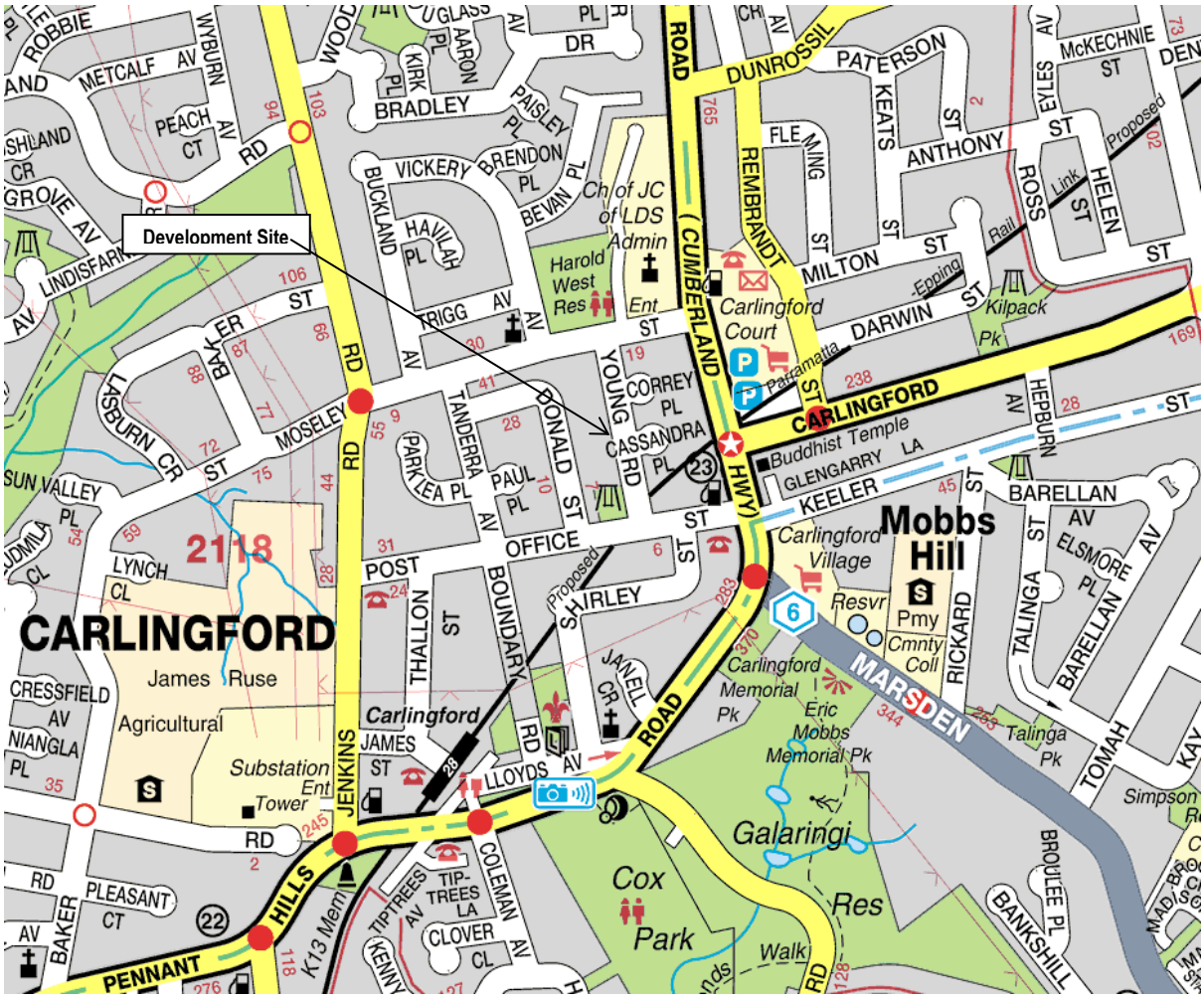


Figure 2
Source: UBD

Figure 3
Source: Six Maps

Having regards to the above, the site is located in a neighbourhood that is afforded excellent public amenities and services and high density housing in the form proposed is appropriate for this site and the context in which it is to be set. See photos of the site and surrounds at **Figures 4 – 25.**

Figure 4
View West Towards 2 Young Road

Figure 5
View West Towards 4 Young Road

Figure 6
View West Towards 6 Young Road

Figure 7
View West Towards 8 Young Road

Figure 8
View West Towards 10 Young Road

Figure 9
View West Towards 12 Young Road

Figure 10
View West Towards 14 Young Road

Figure 11
View West Towards 16 Young Road

Figure 12
View West Towards 18 Young Road

Figure 13
View West Towards 20 Young Road

Figure 14
View West Towards 22 Young Road

Figure 15
View South Along Young Road

Figure 16
View North Along Young Road

Figure 17
View North Towards Units at 15 Young Road (opposite subject site)

Figure 18
View East Towards Units - Corner of Young Road and Post Office Street

Figure 19
View East Towards Single Dwelling on Corner of Cassandra Place and Young Road

Figure 20
View South Towards Unit Complex at 16 Post Office Street

Figure 21
View South Towards RFB Development at 1-11 Donald Street

Figure 22
View South Along Young Road – Adjoining Pocket Park on Right

Figure 23
View Northwest Towards Neighbourhood Pocket Park – Corner Young Road and Post Office Street

Figure 24
View East Along Post Office Street Towards Bunnings Warehouse

Figure 25
View East Along Cassandra Place

3.1 Site Description

The site consists of eight (8) rectangular shaped lots which are legally described as Lots 2, 3, 4, 5, 6, 7, 8, 8 and 9 in DP 223523, generally known as 2 – 16 Young Road Carlingford.
See **Figure 26** for the location of the site and surrounding subdivision pattern.

Figure 26
Source: Land and Property Information

3.2 Public Transport

Several bus routes (513, 546, 625, 630 and M54) serve the subject area with bus stops provided along Pennant Hills Road, Carlingford Road and Rembrandt Street. In addition to the bus routes, Carlingford Railway Station is approximately 550m direct line from the site or 750m / 9 minute walk, serviced by the T6 Carlingford Line.

New Light Rail

A new light rail network from Westmead to Carlingford is proposed to be constructed by 2019 and replace the existing single Carlingford line with a dual track line. This light rail line will commence at Westmead Station, move through Parramatta North, Western Sydney Stadium, Parramatta CBD, Western Sydney University, Telopea Village and Carlingford station at the end of the line.

3.3 Town Planning Background To Application

On 18 September 2014, pursuant to DA810/2014/JP the Sydney West Region Joint Regional Planning Panel granted development consent to Yifang Australia Pty Ltd to demolish all existing structures on the development site and construct 3 x 6 storey RFB's containing 88 residential apartments.

On 26 June 2016 pursuant to PL/89/2016, the project design was considered by the Parramatta Design Excellence Advisory Panel (PDEAP) who provided advice on the design and of the FSR proposed. The minutes and recommendations of the Panel are provided at Appendix 1.

On 12 July 2016, the applicant and their architectural and planning consultants met with Ms Sue Weatherly and Mr Robert Cologna from The City of Parramatta Council.
The purpose of the meeting was to discuss a VPA that sought to achieve a higher FSR for the development site, from 1.49:1 to 1.74:1, an-uplift in FSR of 0.25:1, yielding an additional 17 units from 111 to 128 units.
Council Officers advised that it was something that could be considered in conjunction with a formal letter of offer. The applicant was also advised that the design would have to be seen by the PDEAP as achieving design excellence to warrant a variation.

On 25 August 2016 pursuant to PL/89/2016, a modified design was considered by the PDEAP, which incorporated amendments to the design that were discussed at the 1st meeting with DEAP on 26 June 2016. The 2nd set of minutes and recommendations of the Panel are provided at Appendix 2.

On 26 October 2016 representatives for the applicant met with Ms Sue Weatherly and Mr Neal Mc Carry of Council, to discuss the contents of a letter of offer made by the applicant. It was agreed that the contribution would be offered on the basis of 20% of the value sharing mechanism for the uplift from 1.49:1 to 1.74:1. It was concluded that Council would consider the following offers:

- dedication to Council of a unit within the proposed development for use as an affordable housing apartment;
- the carrying out works in kind to the nearby Harold West Reserve;
- monetary contribution to Council on top of the normal s94 contributions for this form of development.

On 4 November 2016, a formal letter of offer from the applicant accompanied by a valuation and a floor plan was submitted to Council for consideration. The options are set out as follows:

Option A
The applicant would undertake works in kind in accordance with Council's directions and standards to the Harold West Reserve, up to a maximum amount of $582,000.00 which may include all or any of the following:

- returfing of the entire sports field;
- construct a roof over the existing outdoor fitness machines;
- provision of a children's play area next to the outdoor fitness machines;
- upgrade or extend the existing change rooms and kiosk;
- upgrade of the synthetic cricket pitch;
- provision of palisade fencing around those parts of the reserve that have a frontage to a road;

or

Option B
The applicant would pay a monetary contribution to Council in the amount of $582,000.00 towards the provision of road/infrastructure works as deemed appropriate by Council for the local area.

or

Option C
The applicant would dedicate to Council, a 1 bedroom + study, accessible unit with an associated accessible car space within Building A, which was valued at $600,000.00.
The unit would also be dedicated on the basis that no strata levies, land rates or water rates would be payable while Council was the registered proprietor.
This unit would be used for the provision of affordable rental housing, maintained and operated by a recognized affordable rental housing operator.

On 26 April 2017, the applicant with their Architectural and Planning consultants met with Ms Sue Weatherly and Robert Cologna of Council to discuss the outcome of the offer.
The applicant was advised that the proposal would not be supported for the uplift proposed however given the design was considered to be of a high standard and the only control being departed from was FSR, Council may consider a slightly higher FSR above that permitted by Council's LEP having regards to the merits of the design and no additional impacts to that of a fully compliant design scheme.

4.0 The Proposal
The proposal involves the demolition of eight (8) existing dwellings and associated structures on the land, the removal of a number of trees throughout the site and the construction of three (3) detached, seven (7) storey RFB's containing 118 residential apartments over basement car parking containing 153 car spaces (including 24 visitor), common and private open space areas, and the provision of extensive landscaping and common open space throughout the site.

The number of units and proposed unit mix in each building is set out below:

Building A
11 x 1 bedroom;
25 x 2 bedroom;
4 x 3 bedroom
Total 40 units

Building B
10 x 1 bedroom;
27 x 2 bedroom;
3 x 3 bedroom
Total 40 units

Building C
9 x 1 bedroom;
25 x 2 bedroom;
4 x 3 bedroom
Total 38 units

The social requirements for this neighbourhood have been met by providing a large mix of residential apartments, configurations, floor areas and design layouts, which include:

- 30 x one-bedroom units
- 77 x two-bedroom units
- 11 x three-bedroom units
- 12 Adaptable Units are provided that comply with AS4299;
- Increase the FSR from 1.49:1 to 1.59:1. Increase in FSR by 0.10:1 or 582.09m2 or 6.3%. In averaging this out over the three (3) buildings, each building receives an additional 194.03m2, most of which is located on the top floor;
- All units are accessible from basement car parking and street levels;
- Block A is afforded 2.5 levels of car parking (2 levels below ground and 8 spaces at ground level). Blocks B & C have 1 level below ground and 22 car spaces at ground level below each block;
- A total of 153 car spaces are provided, including 129 spaces for residents (12 accessible spaces) and 24 for visitors, including 2 car wash bays. Block A has 1 and Block B & C share 1;
- The basement car parks are provided with lockable storage cages and bicycle and motor bike bays;
- The separation distance between Block A and Block B is 18m, while the separation distance between Block B and Block C is 12m;
- Each Block has its own separate garbage bay at ground floor level;
- Large landscaped amenity areas are provided between each block;
- Provision is made for excellent landscaped gardens, communal open space and pedestrian pathways;
- Deep soil zones are provided around the perimeter of the site;
- The lobbies are accessed by swipe card keys or security coded doors;
- The majority of new trees and shrubs provided throughout are native species;
- All units are provided with either generous courtyards, terraces or balconies;
- Each block is afforded a lift and fire stairs;
- Accessible ramps are provided;
- All units are provided with living/dining areas, amenity rooms, kitchens, laundry and bedrooms;
- A dry creek bed is proposed between Block A and Block B. A small concrete pathway is proposed to be erected over the creek bed. Overland flow of stormwater will continue to pass through this area as it currently does. The flow path will be modified to reduce the velocity of water moving through this area;
- The drainage easement between Block A and Block B will be planted with turf or a mixture of turf and ornamental native landscaping;
- Stormwater is to be captured and contained within rainwater tanks (separate to on-site detention). The water contained within these tanks will be used to water the gardens throughout the site;
- The existing stormwater easement is to be retained;
- The provision of stormwater pits and on-site detention will substantially reduce the amount of existing stormwater flowing through the rear properties.
- The proposed points of vehicular ingress/egress to the site are off Young Road. Block A is serviced by a combined 6m wide combined concrete driveway at

the northern end of the site, while Blocks B & C are serviced by a combined 6m wide driveway at the southern end of the site.

- The proposed RFB's are sited on the land in a general east-west direction, so the units closest to the street have direct views over the public domain. Some units in Block C will have direct views over the small pocket park that abuts the southern boundary of the subject site;
- Each block of units is provided with their own separate point of access to the building (ie: way finding feature);
- Each block is serviced from the basement by a lift. Suitably located, low-level lighting is proposed for safety and security along pathways and common open spaces areas throughout the complex.

Building Setbacks

Front - Young Road setbacks
6m

Side Setbacks
Side - 6m to southern boundary and 9m to northern boundary.
Side and rear setbacks are provided to ensure that the building height and distance of the building from its boundaries maintains good amenity for residents in neighbouring sites and the future residents of the proposed development

Rear Setbacks
Rear (west) - 9m
The setbacks proposed are considered sufficient to achieve the required result in minimising the overall impact of the building and ensuring that the existing scale of the general area is acknowledged and sympathetically treated, as recommended in the site analysis.

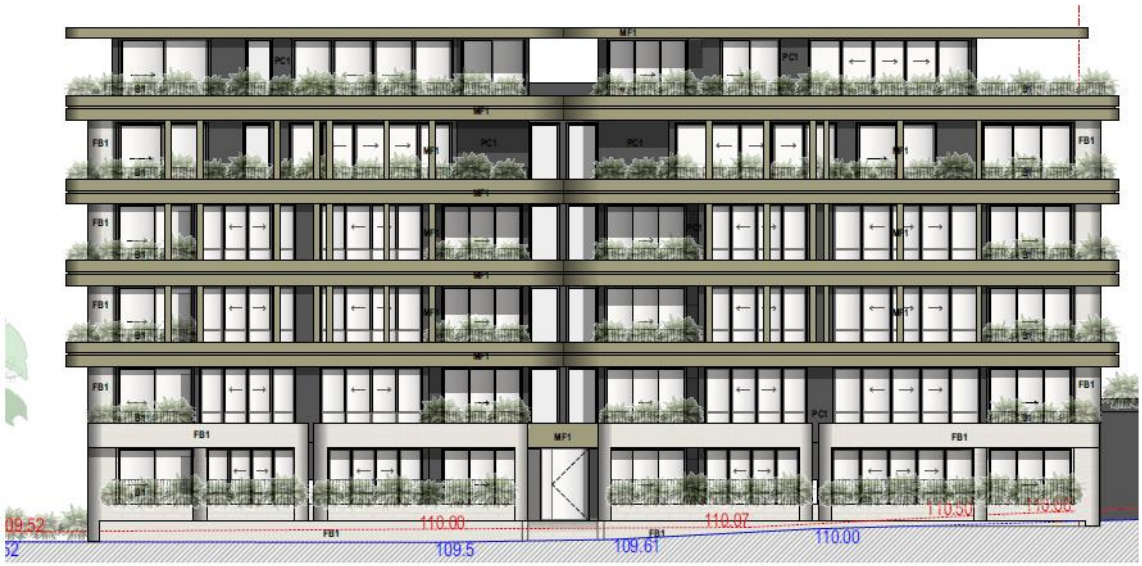
Materials and Finishes
Buildings A, B and C will relate harmoniously with each other, expressing similar architectural language of building detailing, albeit with a different palette of accents, materials and colours.
The aesthetics of this development is related to its built form and facade compositions. The proposed development has been carefully considered with respect to the surrounding natural and built environments. Material finishes such as; cement render, cladding and an 'earthy' and bright colour palate reflect the colours of the surrounding vegetation in the area. These materials are considered appropriate for the local climate and are consistent with high standard and contemporary development throughout this neighbourhood.

The use of materials and textures such as, rendered masonry, alabaster ultra brick, alucobond anodized cladding, high quality timber external aluminium louvres and glass provide a rich character for the benefit of the occupants and the community, with a high degree of refinement and longevity. The design whilst contemporary in nature fits in with other developments in the area through its relevant and conservative material palette.
The materials and finishes used throughout are robust and designed to withstand the elements whilst maintaining the character of the local area which exists within the locality. The intent of the design works on both a macro and micro level, the planning of the site and

the detailing of the finishes will ensure and provide a high quality example for development in this area.

The building elements create a rhythm and harmony, reflected by the schedule of materials and finishes. The aluminium palisade balustrades provide greater natural light into living areas as well as create a more open expansive environment. See building material and colour boards for each building at **Figures 27, 28, 29** and photomontages at **Figures 30** and **31.**

Building A



MF1
EXTERNAL FINISH IN ALUCOBOND ANODIZED LOOK C31 OR EQUIVALENT
EXTERNAL WINDOW + DOOR COLOUR TO MATCH

FB1
ALABASTER ULTRA BRICK, NATIONAL MASONRY OR EQUIVALENT

PC1
MASONRY RENDERED IN DULUX 'DOMINO' OR SIMILAR

B1
ALUMINIUM PALISADE BALUSTRADE TO MATCH MF2

L1
EXTERNAL ALUMINIUM LOUVRES TO MATCH MF1

Figure 27
Source: Aleksandar Design Group

Building B

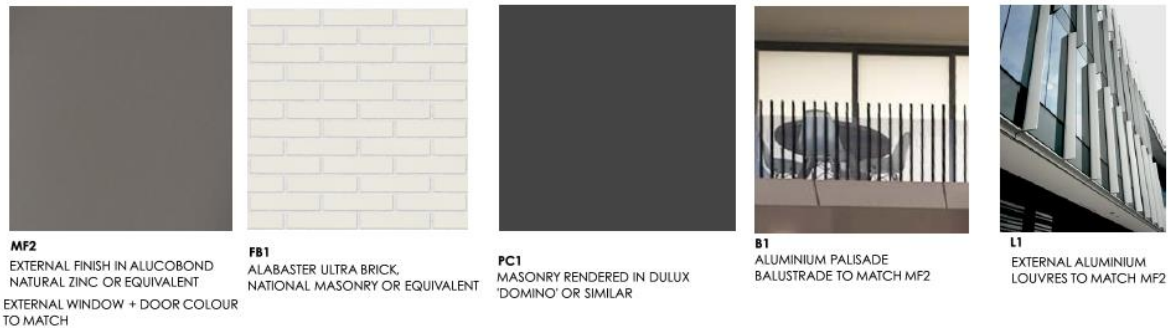


Figure 28
Source: Aleksandar Design Group

Building C

MF3
EXTERNAL FINISH IN ALUCOBOND 'INDIANA COPPER' OR EQUIVALENT
EXTERNAL WINDOW + DOOR COLOUR TO MATCH

FB1
ALABASTER ULTRA BRICK, NATIONAL MASONRY OR EQUIVALENT

PC1
MASONRY RENDERED IN DULUX 'DOMINO' OR SIMILAR

B1
ALUMINIUM PALISADE BALUSTRADE TO MATCH MF2

L1
EXTERNAL ALUMINIUM LOUVRES TO MATCH MF3

Figure 29
Source: Aleksandar Design Group

Figure 30
View South Towards the Development Along Young Road
Source: Aleksandar Design Group

Figure 31
View North Towards the Site From Young Road
Source: Aleksandar Design Group

Landscaping

As indicated in the accompanying Arborist Report prepared by Horticultural Resources Consulting Group the site contains a mixture of introduced exotic and native planted vegetation.

The sites landscape significance was determined by assessing the combination of the cultural, environmental and aesthetic values of the subject trees (high, moderate, low and insignificant). In accordance with Council's requirements, all trees within the site and those species adjoining the development were assessed as part of the Arborist Report.

To offset the removal of existing vegetation replacement trees and plantings are proposed throughout the site in accordance with the principles for the outlined within the Carlingford Precinct DCP.

The landscape response incorporates an outdoor active recreation space, community lawn, community garden.

The proposed landscape works are illustrated in the Landscape Plans and Drawings prepared by Jane Irwin Landscape Architecture.

Environmentally Sustainable Development

The proposed development has been designed taking into account Environmentally Sustainable Development (ESD) principles. A BASIX Certificate has been prepared and sets out the various ESD initiatives that are being incorporated into the development and confirms that the proposed development meets the relevant energy and water reduction targets.

Infrastructure and Services

The site is currently served by water, electricity, gas and telecommunications. These existing utilities shall be augmented / upgraded as required.

Water Cycle Management

A Stormwater Concept Plan has been prepared by SGC Consultants, which details measures for addressing overland flow, stormwater harvesting, site discharge and improving water quality. This has been developed in accordance with Council's standard's.

Flooding

A detailed investigation on the flooding behaviour that this development will generate has been undertaken by SGC Engineering. The conclusions reached by SGC are set out as follows:

Conclusion

A detailed 1D/2D hydraulic model was established. This model incorporates the overland flow from the local catchment and has a fine 2D resolution of 2.0m. Hydrological modelling was undertaken utilising rain on grid method for the catchment contributing runoff towards the site. Using the established models, the study has determined the flood behaviour for the 100 year design flood. The primary flood characteristic s reported for the design events considered include depths and velocities.

The study looked into the impact of the proposed development on the overland flooding behaviour and its impact on the flood levels both upstream and downstream

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed development under the heads of consideration pursuant to the provisions contained with Section 79C (1) of the Environmental Planning & Assessment Act 1979 as amended.

Metropolitan Strategy: A Plan for Growing Sydney

The Metropolitan Strategy supersedes the Metropolitan Plan for Sydney 2036 and the Draft Metropolitan Strategy for Sydney 2031. The proposed development is consistent with the goals of the Strategy as it will:

- *Facilitate residential development in close proximity to significant transport –and services that will strengthen Sydney's competitive economy;*
- *Provide a range of housing options that meet the needs and lifestyles of –Sydney's residents;*
- *Facilitate the delivery of the Carlingford that will create a great place to live –with a strong, healthy and well connected community; and*
- *Facilitate a sustainable development that protects the natural environment –and provides appropriate land uses.*

Section 79C (1) (a) (i)
The provisions of any environmental planning instrument.

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

The aim of this policy is to ensure there is consistency in the implementation of the BASIX Scheme throughout the State.

The policy overrides the provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligation to comply with this policy.

The application is accompanied by a BASIX Certificate, which conforms with the requirements of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land aims to provide a State wide planning approach to the remediation of contaminated land, in particular, it promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or to the environment in general:

"by specifying when consent is required, and when it is not required, for a remediation work, and

by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work, in particular, and

by requiring that a remediation work meet certain standards and notification requirements."

Comment

Clause 7 of SEPP 55 requires the consent authority when assessing a development application to consider whether the subject land is contaminated. Council must be satisfied that the land is suitable for the purpose for which development consent is sought or whether remediation of the land needs to occur prior to such use occurring.

It is noted from archival searches, aerial photographs and a review of Council's 149 Certificates for these properties, confirms the subject site has never been used for industrial or commercial purposes in the past. Further, as the site is not listed on Council's records as being subject to contamination, it is considered that the site would not be subject to contamination.

State Environmental Planning Policy (SEPP) No 65
Design Quality of Residential Flat Development
Comment
The provisions of SEPP 65 apply to the proposed development. SEPP 65 seeks to increase the design quality of residential flat development throughout NSW.
It is well accepted that good design is a creative process which, when applied to towns and cities, results in the development of good urban places: buildings, streets, squares and parks. Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.
Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. These design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Comment
The proposal provides a development that is a positive contribution to the built environment of the precinct and properly addresses the 9 Design Principles, which are listed as follows:

Principle 1: Context and neighbourhood character
Principle 2: Built Form and Scale
Principle 3: Built Form
Principle 4: Sustainability
Principle 5: Landscape
Principle 6: Amenity
Principle 7: Safety
Principle 8: Housing diversity and social interaction
Principle 9: Aesthetics

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guides states that "this clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:
(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

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect."

Comment
This application is in accordance with the SEPP however is not in accordance with Council`s DCP for the following:

List of LEP/ DCP non-compliances

- FSR
- Ground Floor Entry
- Private Balcony Area Size
- Car Parking
- Building Depth

In accordance with the provisions of Clause 6A of the SEPP, Council`s DCP cannot be inconsistent with SEPP provisions and the SEPP will prevail to the extent of the inconsistency.
Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent states that "if an application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

(a) If the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide

(b) If the internal area for each apartment will be equal to, or greater than the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide

(c) If the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Comment
The proposed development complies with the minimum amount of car parking, minimum internal areas for each apartment type and minimum ceiling heights as specified in the SEPP compared to Council's DCP. As this application complies with the provisions of Clause 30, Council cannot refuse development consent for this application based on non-compliance with Council's DCP.

Design Quality Principles
An Architectural Design Statement has been prepared by Aleksandard Jelicic and accompanies the application. His statement responds to SEPP 65`s Schedule 1 Design Quality Principles. This section provides a summary of their responses.

The following town planning comments are made on each principle:

Principle 1: Context and neighbourhood character
The site is well located to local amenities and public transport being 550m or 9 minute walk from Carlingford railway station and is in close proximity to a major multi-level shopping centre in Carlingford Court Shopping Centre. The development site adjoins low density

housing and is sited across the road and within the visual catchment of other large RFB's that are slowly transitioning the character of this neighbourhood.

Principle 2: Built form and scale
The building has been designed to be in keeping with the desired scale and built form character of the Carlingford precinct. The building steps down the site in response to the topography and the height conforms with the height controls.

Principle 3: Density
The proposed residential flat buildings provide for 118 residential apartments that are contained within an FSR of 1.59:1, 0.10:1 above the permissible 1.49:1 development standard. The number of units provided are of a comparable density to other new apartments developments within the Carlingford Precinct as Council has allowed variations to the FSR development standard in the past. The site is ideally located to serve the needs of future residents in terms of local shopping, transport, jobs, parks schools and residential amenity.

Principle 4: Sustainability
The proposed development achieves the requirements for solar access 107 or 91% of the 118 units receiving a minimum of 2 hours of sunlight during the winter solstice. Further, 86 or 73% of units are cross ventilated, which will reduce the heat load on the building. In addition, shading devices and overhands have been incorporated into the building design. Energy, thermal comfort and water initiatives have been identified within BASIX requirements.

Principle 5: Landscape
Extensive landscaping is proposed for private and public areas within the development within a focus on creating a development in harmony with the existing streetscape. Quality landscaping is provided throughout the site.

Principle 6: Amenity
The site is well located in close proximity to public transport, shopping and local amenities and the proposed residential flat buildings are designed to maximise visual and acoustic privacy to future residents and ensure existing neighbouring properties to the north and west to maintain a satisfactory level of residential environment.

Principle 7: Safety
Safety is enhanced within the proposed development with the design of pedestrian entry points separate to vehicular access points. Pathways leading to each building from Young Road are clearly visible and well-lit to improve safety and ease of access. In addition, passive surveillance to the street is enhanced through the placement of windows and balcony areas.

Principle 8: Housing diversity and social interaction
The proposed development provides for a diverse mix of 1, 2 and 3 bedroom apartments that vary in size, design and layout. Provision is made for 12 adaptable units, which is in keeping with market expectations for the area. The apartments cater to a large diversity of people and house hold types with stair cases and lifts and common areas providing opportunities for social interaction within each building.

Principle 9: Aesthetics
The proposed buildings are of high quality residential design with appropriate scale and articulation. The design reflects a modern approach with flat roofs and simple forms.

Apartment Design Guide
An assessment against the relevant design principles contained within the Apartment Design Guide has been prepared by the project architects, Aleksandar Design Group Pty Ltd and accompanies their architectural design verification statement.
The project architect, Aleksandar Jelicic is a registered architect and has carried out a comprehensive assessment of the proposal against the 9 design principles.
Aleks has determined that the proposal is a responsive design approach that will ensure the proposed building forms will comfortably fit within their surrounding transitional context.

A detailed Design Verification Statement prepared by Aleksandar accompanies the application.

State Environmental Planning Policy (SEPP) (Infrastructure) 2007
SEPP (Infrastructure) 2007 was gazetted on 21 December 2007 and aims to facilitate the effective delivery of infrastructure across the State by:

- *"improving regulatory certainty through efficiency through a consistent planning regime for infrastructure and the provisions of services;*
- *providing greater flexibility in the location of infrastructure and service facilities, and*
- *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development, and*
- *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing."*

Comment
The subject site fronts Young Road, which is a local road, orientated in a north-south direction and generates a low volume of traffic. The site is approximately 120m (radius) west from Pennant Hills Road, which is a State Road.
The proposal closes eight (8) existing driveways along Young Road and replaces them with two (2) driveways, each approximately 6m in width.
There are "No Parking" signs erected on the western side of Young Road out-side the development site.
SEPP (Infrastructure) 2007 has been considered in the assessment of this application and does not trigger a referral onto the RMS for the following reasons:

- Young Road does not connect to Pennant Hills Road, being a State Road;
- The development site in Young Road is 223m from Pennant Hills Road, not within the 90m control prescribed under the SEPP.

Because the proposal does not exceed the threshold test, Clause 104 of the SEPP is not triggered and therefore there is not statutory requirement for Council to refer the DA onto the RMS for consideration.

A traffic report prepared by Traffix Pty Ltd accompanies the application under separate cover.

Local Environmental Plan (LEP)

The Hills LEP 2012

The site is zoned R4 High Density Residential under the provisions of The Hills Local Environmental Plan (THLEP) 2012. See extract of zoning map at **Figure 26**

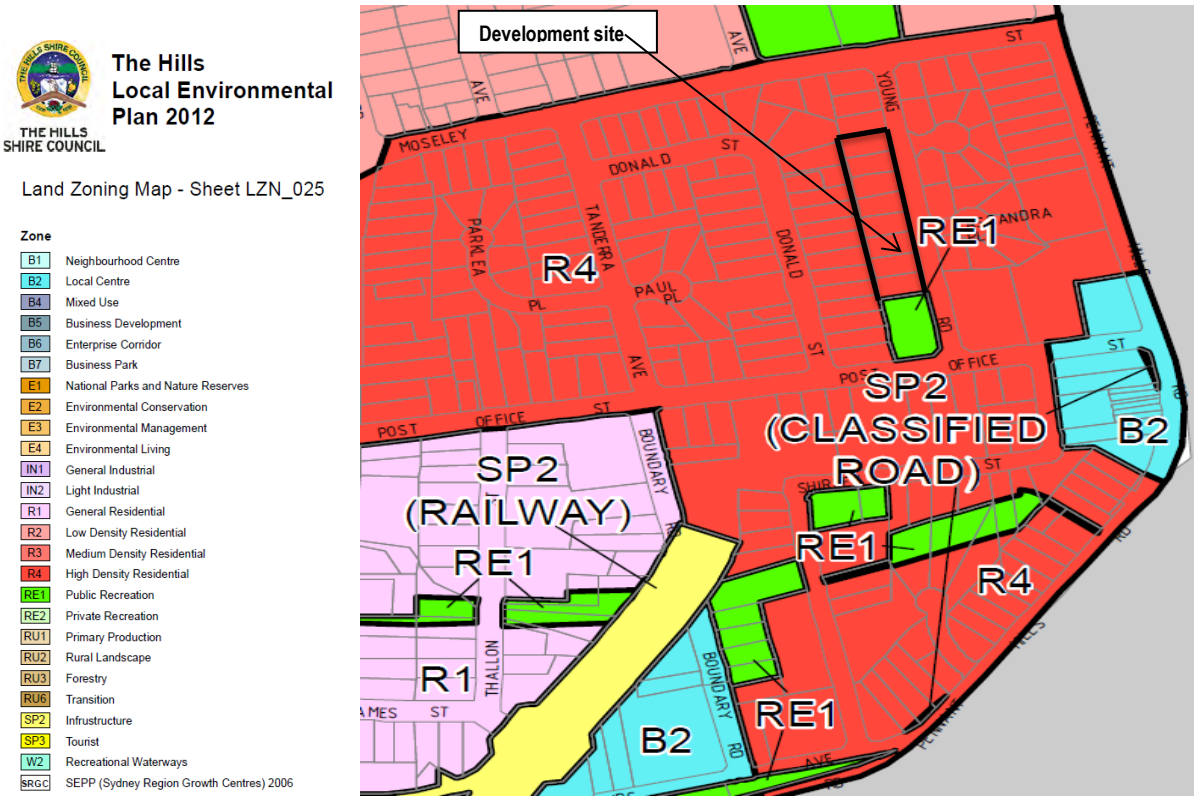


Figure 32
Source: THLEP Zone Map - 2012

Zone R4 High Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Home-based child care; Multi dwelling housing; Neighbourhood shops; Places of public worship; ***Residential flat buildings;*** *Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Comment

The proposed buildings are defined as residential flat buildings under the THLEP 2012 dictionary and as such the proposal is a permissible form of development with the consent of Council. The objectives of the Residential R4 zone as set out above are addressed as follows:

The subject site is located on the outer edge of the Carlingford business centre, within approximately 9minutes walk of the Carlingford shopping centre which contains numerous shops and commercial premises, including Carlingford Court which is a large multi-level consolidated shopping centre with below and at grade car parking.

Daily bus services are provided along Pennant Hills Road, which is located approximately 120m (walking distance) to the east of the site which should ensure that residents of this new residential complex will place less reliance on the use of motor vehicles and more emphasis on walking or use of public transport to these services and other business centres including the Sydney CBD.

Large areas of open space, churches, primary and secondary schools are sited within the surrounding area. Clearly, these fundamental services promote increased densities.

The proposed RFB's promote housing choice and in keeping with the height, bulk and scale of other new residential flat buildings within the visual catchment of the site.

Given there is excellent separation distance between buildings and properties, the apartments should not give rise to causing any unreasonable amenity loss to those residential neighbours.

The units have been well designed to ensure the residents within other RFB in neighbouring properties are not affected by overlooking, overshadowing or view loss. Further, balconies and windows have been orientated to ensure that good passive surveillance is afforded to all areas within both the public and private domains.

The proposed RFB's have been orientated so that the apartments receive quality levels of day light throughout the winter months. Windows on each elevation are of good size and shape to maximize the amount of solar access received into each unit.

A large number of trees on the development site are to be removed as they are either within the buildings footprint or are of poor health and a new native species introduced to enhance the leafy environment.

Given the above comments, the proposal is considered to be consistent with the objectives of the R4 High Density Residential zone.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

Comment

The proposal does not involve the subdivision of the land or the proposed units.

4.1AA Minimum subdivision lot size for community title schemes

Comment

The proposal does not involve a community title subdivision scheme.

4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Table 1

Column 1	***Column 2***	***Column 3***
Residential Flat Building	*Zone R4 High Density Residential*	*4,000 square metres*

Comment

The subject site has a total site area of 5820.9m2 and as such complies with the prescribed site area of 4000m2 as set out under column 3 of table 1.

4.1B Exceptions to minimum lot sizes for certain residential development

Comment

This standard is not applicable to this application as the minimum lot size for RFB's is exceeded.

4.1C Subdivision of dual occupancies

Comment

This standard is not relevant to this application because the proposal involves residential flat development not the subdivision of dual occupancy.

4.2 Rural subdivision

Comment

This standard is not applicable to an application for RFB's.

4.2A Erection of dwelling houses or dual occupancies on land in certain rural and environmental protection zones

Comment

This standard is not applicable to an application for RFB's.

4.3 Height of Buildings

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

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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

Comment

The Height of Buildings Map is set out at **Figure 33.**

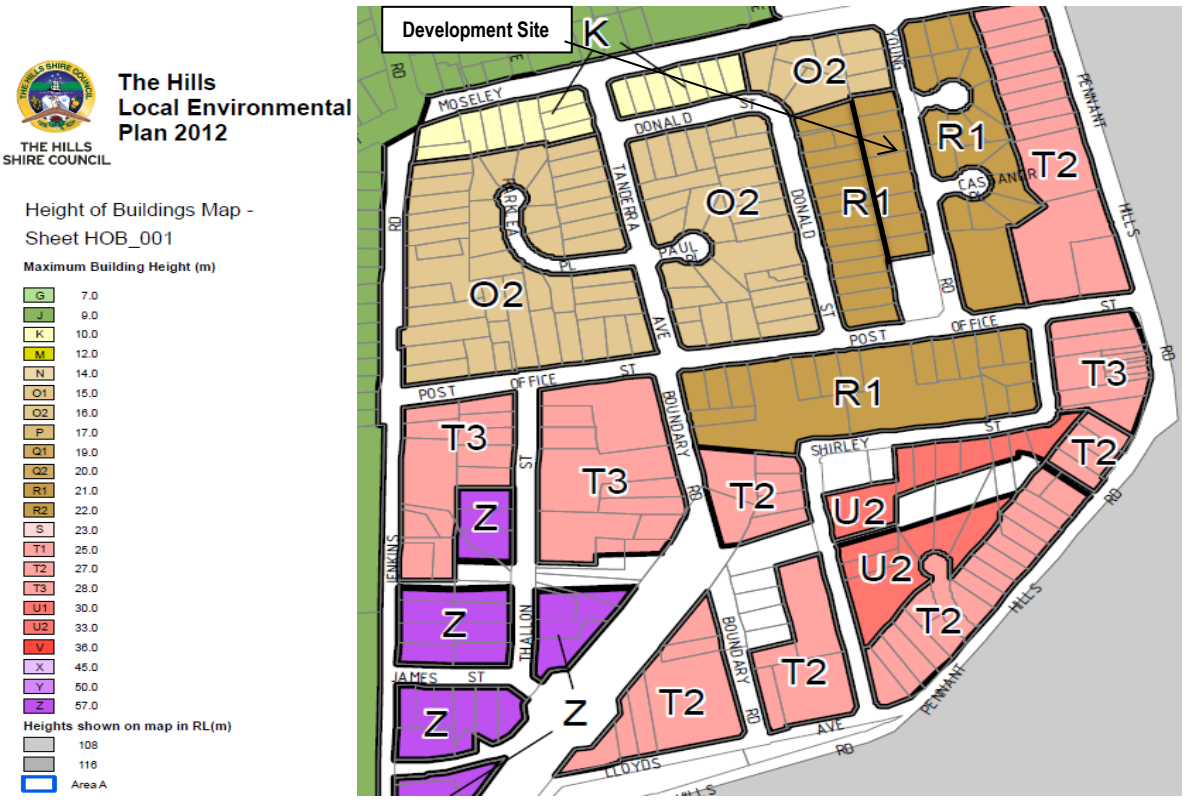


Figure 33
Source: Height of Buildings Map - THLEP 2012

The building height map identifies the site as being within a precinct that is afforded a maximum building height limit of 21m. Because the land falls towards the rear, the proposed RFB's have a maximum building height of between 19.5m to 21.0m, the proposal is at or below the 21m maximum standard set by this control and is therefore compliant with this control.

4.4 Floor space ratio

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

(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,

(b) to provide for a built form that is compatible with the role of town and major centres.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Comment

The FSR map is provided at **Figure 34.**

Figure 34
Source: FSR Map - THLEP 2012

The development site is subject to a floor space ratio (FSR) of 1.49:1. The proposal provides for an FSR of 1.59:1and therefore exceeds the development standard by 0.10:1 or 6.3% or 582.09m2, which on average 194.03m2 is spread out over the three (3) RFB's.
The application is accompanied by a Clause 4.6 Exception to this development standard and seeks to vary the FSR standard. See Appendix 3.

4.5 Calculation of floor space ratio and site area

Comment

The calculation of FSR and site area conforms with the controls contained within this standard.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental
planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
(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 Director-General has been obtained.

In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4,
(ca) clause 6.1 or 6.2.

Comment

The proposal seeks to vary the FSR control within THLEP 2012 and as such the proposal involves the use of this control to vary the FSR standard. See Clause 4.6 Exception to Development submission at Appendix 3.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

Comment

Not relevant to this application for the construction of multi-storey RFB's.

5.1A Development on land intended to be acquired for public purposes

Comment

Not applicable to this application.

5.2 Classification and reclassification of public land

Comment

Not applicable to this application.

5.3 Development near zone boundaries

Comment

Not applicable to this application.

5.4 Controls relating to miscellaneous permissible uses

Comment

Not applicable to this application.

5.5 Development within the coastal zone

[Not applicable]

5.6 Architectural roof features

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

(a) to allow architectural roof features that will integrate with building composition and form and encourage a high quality built form.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

Comment

None of the proposed RFB's are provided with any architectural roof feature and as such this control is complied with.

5.7 Development below mean high water mark

Comment

Not applicable to this application.

5.8 Conversion of fire alarms

Comment

Not applicable to this application.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
(a) development consent, or
(b) a permit granted by the Council.
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
(a) that is or forms part of a heritage item or that is within a heritage conservation area, or
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Comment

The subject site contains numerous trees and other types of vegetation, including noxious weeds on the site and adjoining properties.
The majority of trees on this site are to be removed as they either sit within the footprint of the RFB's or are in poor condition and the sites development would be better served if they were removed and replaced by a more suitable native species that will better survive in the hot dry climate of this region.
The applicant has engaged the services of Horticultural Resources Consulting Group who has undertaken a detailed assessment of the trees within the site and their report accompanies the application.

5.9AA Trees or vegetation not prescribed by development control plan

Comment

This standard is not relevant to the proposed development because those trees to be loped or removed from the site are covered under Clause 5.9 of this LEP.

5.10 Heritage Conservation

(5) ***Heritage Assessment***

The consent authority may, before granting consent to any development:
(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

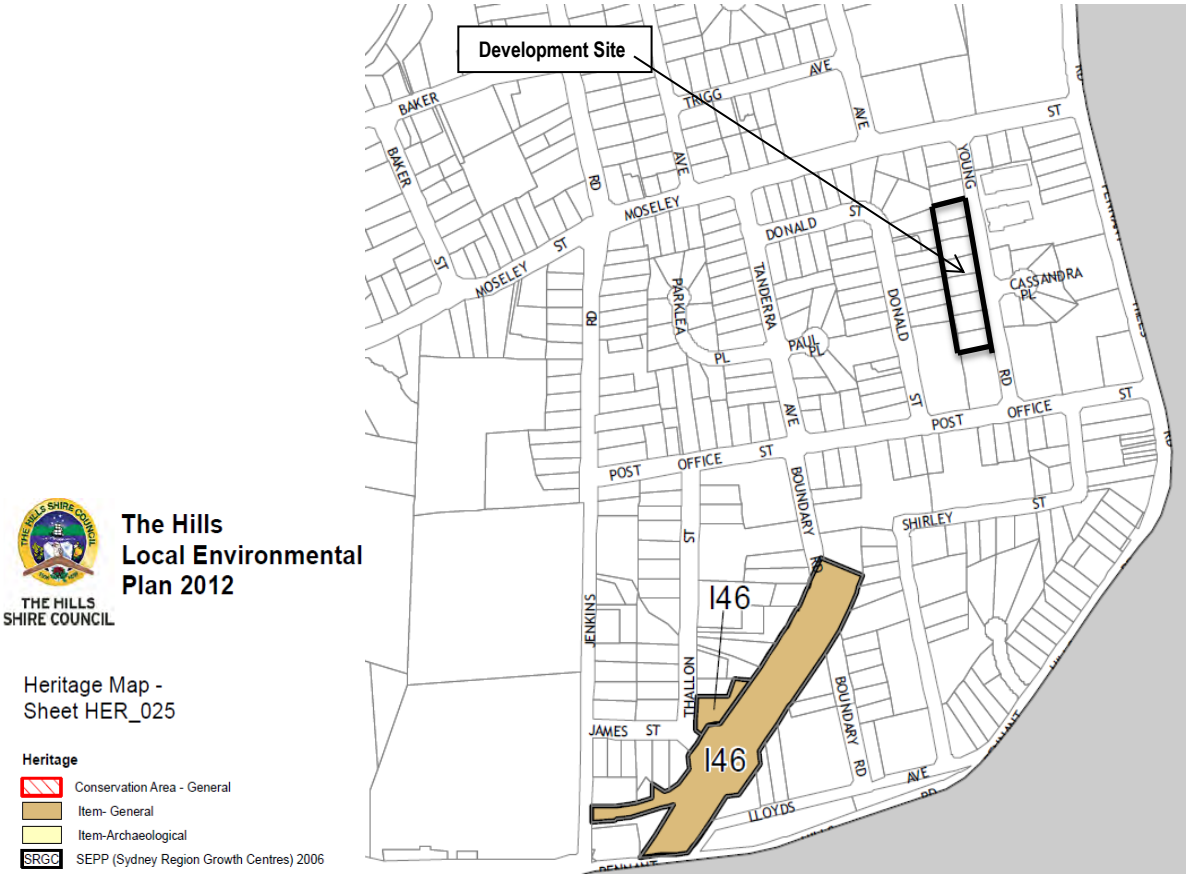


Figure 35
Source: FSR Map - THLEP 2012

Comment

The subject site is not located within the vicinity of any heritage items or within a heritage conservation area and as such this clause is satisfied.

5.11 Bush fire hazard reduction

Comment

Not applicable to this application as the neighbourhood is not bushfire prone.

5.12 Infrastructure development and use of existing buildings of the Crown

Comment

Not applicable to this application.

5.13 Eco-tourist facilities

Comment

Not applicable to this application.

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

Comment

Not applicable to this application.

6.2 Public utility infrastructure

Comment

Not applicable to this application.

6.3 Relationship between Part and remainder of Plan

Comment

Not applicable to this application.

Part 7 Additional local provisions

7.1 Acid sulfate soils

Comment

The acid sulphate soils map for this precinct has been reviewed. It is noted that it does not reveal the site is affected by acid sulphate soils. Accordingly, this control is met.

7.2 Earthworks

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring a separate development consent.

(2) Development consent is required for earthworks unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment
This proposed development does not depart from these objectives because:

- development consent is sought by the applicant to carry out earth works to construct basement car parking;
- the proposed works will not impact upon any heritage items;
- although the site is within an area that is subject to an overland flow path. The area of flow path is being maintained and augmented so there will be no increased impacts;
- the overland flow path of stormwater can only be enhanced by the proposal because it will be captured on-site and directed to the rear of the site through a drainage line on the western boundary. This will substantially reduce the amount of existing stormwater flowing through those properties at the rear of the site;
- no natural watercourses or rivers are being adversely impacted upon by the proposed development.

7.3 Flood planning
Comment
Part of the site is subject to overland flooding from the local catchment and the application is accompanied by Flood Risk Management Report prepared by SGC Engineering Value that confirms the proposed design appropriately responds to the flood constraint on the land.

7.4 Biodiversity (Terrestrial)
Comment
Not applicable to this application.

7.5 Limited development on foreshore area
Comment
Not applicable to this application.

7.6 Landslide risk
Comment
Not applicable to this application.

7.7 Design excellence
Comment
Not applicable to this application as the site is not identified in THLEP 2012 as a Key Site.

7.8 Underground power lines at Carlingford
Comment
The site is not located within Area A on the key sites map however the proposal will provide power lines below ground level.

7.9 Location of sex services premises
Comment
Not applicable to this application.

Section 79C (1) (a) (ii)
The provision of any draft environmental planning instrument.
There are no draft environmental planning instruments applicable to this site or the form of development proposed.

Section 79C (a) (iii) any Development Control Plan (DCP)
The Hills DCP Part B Section 5 – Residential Flat Buildings and Part D Section 12 – Carlingford Precinct are the main DCP's that control the form of development proposed. Each DCP seeks to ensure the form of development proposed is undertaken in an orderly and economic manner by:

- *Responding to its natural and built environments;*
- *Providing a building design that will have no impact upon the public domain;*
- *Providing a quality development within a high density precinct that is economically, socially and environmentally sustainable;*
- *Respecting the needs of the general community;*
- *Responding to the constraints of the site and context;*
- *Responding well to the existing and likely future character of the neighbourhood;*

Part B Section 5 – Residential Flat Building
1.2 State Environmental Planning Policy No.65 (SEPP 65) Design Quality of Residential Flat Development
Comment
This clause has already been addressed above under relevant planning instruments set out under Clause 5 - Statutory Planning Section of this report. The proposed RFB's have been designed to comply with all of the controls contained within SEPP 65 and its companion Apartment Design Guide (ADG).
A Design Verification Statement has been prepared by Aleksandar Design Group and accompanies the application.

3.1 Site Requirements
The land has a total site area of 5820.9m2, which is above the 4000m2 minimum standard of both the LEP & DCP.
The minimum street frontage control of 30m is exceeded because the sites street frontage has a width to Young Road of 158.48m.

3.2 Site Analysis
A comprehensive site analysis has been prepared by the project architect and accompanies the architectural drawings.

3.3 Setbacks – Building Zones
Side and Rear Setbacks
Setbacks vary according to the building context and type of residential development being proposed. Side and rear setbacks are used to create useable land, which contributes to the amenity of the side and rear buildings through landscape design and open space.

The northern side setback is:

- 9.20m.

The southern side setback is:

- 6m and abuts a pocket park

The western rear setback is:

- 9m.

The setbacks proposed are considered sufficient to achieve the required result in minimising the overall impact of the building and ensuring that the existing scale of the general area is acknowledged and sympathetically treated, as recommended in the site analysis.

3.4 Building Heights

The maximum building height to the ridge of the building is 21m while the proposed building height varies between varies between 19.5m and 21m, which provides for a fully compliant RFB development.

3.5 Building Separation and Treatment

The separation distance between buildings A and B is 18m which exceeds the 12m control from ground floor to level 4. The control between buildings on levels 5 and 6 is 18m, which the proposal fully complies with.

The separation distance between Buildings B and C is 12m from ground to level 4 and 18m on level 5 and 6 and also complies with the control. This clause is further discussed under Part D Section 12 – Carlingford Precinct later in this report.

3.6 Landscaped Area

The applicant's landscape architect, Jane Irwin has prepared detailed landscape drawings and an arboricultural assessment report has been undertaken by Horticultural Resources Consulting Group, which justifies the need for the removal of the trees and the replacement of more suitable species. The landscape plan and Arborists report accompany the application.

This DCP's control requires the provision of 50% of the site area to be dedicated as landscaped area, meaning provision is to be made for 2910.45m2.

As previously mentioned, this site is subject to Part D Section 12 – Carlingford, Precinct DCP, which only requires 30% of the site area. In view that Part D is a precinct specific DCP its controls prevail over Part B Section 5 – Residential Flat Building DCP.

The proposed development is required to provide 1746.27m2 of landscaping whereby the proposal provides 2031m2 of landscaping, exceeding the control. .

3.7 Building Length

The maximum linear length of any apartment building is not to exceed 50m. Each building block has a linear building length of approximately 35.82m and is well below the standard.

3.8 Building Design and Streetscape

The built form is determined by a number of variable parameters determined by the existing built form in the area. The influences determining the built form of in-fill development include the setbacks from the boundaries, proportion of the development, type of development and the building elements.

The built form consists of the facades of the development, roof design, fenestration and awnings.

The facades are the external faces of the building in the public realm and within a site. The composition and detailing of the building façade has an impact on its apparent scale as well as appearance.

The pattern or rhythm established by the proportions of the façade, modulation of the external walls and features, the design of the façade elements, their materials and detailing are all important features. This area in the facade is known as the articulation zone.

The design of the building elements in the articulation zone utilises a segmented contemporary style with a number of building elements being used to provide the strong architectural character proposed for the development.
The ultimate form of development is achieved in the articulation of the elevations by composing a strong base or podium, with greater modulation of the facades.

The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades to inter-relate and provide a dominant façade to the street frontages.

3.9 Urban Design Guidelines

4.4 Desired Future Character – Urban Design Guidelines

The provisions of Council's Multi Unit Housing – Urban Design guidelines are not considered to be applicable to this application as this precinct is governed by a separate DCP that looks at this precinct in a micro manner.

3.10 Density

The maximum population density identified pursuant to this DCP control is 175 persons per hectare with a desirable range between 150 – 175 persons per hectare set out below:

Dwelling Type	Occupancy Rate (Persons)
Existing Dwelling	3.5
1 bedroom	1.3
2 bedroom	2.1
3 bedroom	2.7
4 bedroom	3.5

Comment

This control is not applicable in the assessment of the proposal because the site is governed under THLEP 2012 by an FSR control of 1.49:1. Most areas governed by this RFB DCP are not subject to an FSR control.

3.11 Unit Layout and Design

The minimum internal floor area for each size unit should not be less than the following:

1 bedroom > 75m2

2 bedroom >110m2

3 bedroom > 135m2

Comment

This control is to be discussed later in this report under the DCP heading of Part D Section 12 Carlingford Precinct, including an assessment of the unit size controls in the Apartment Design Guide (ADG). Unit sizes within a DCP can no longer be used as a reason to refuse RFB DA's.

3.12 Building Materials

The proposed development has been carefully considered with respect to the surrounding natural and built environments. Material finishes such as cement render, cladding and an 'earthy' and bright colour palate reflect the colours of the surrounding vegetation in the area. These materials are considered appropriate for the local climate and are consistent with high standard and contemporary development throughout this neighbourhood.

3.13 Common Open Space

A total of 2151m2 is provided as common open space throughout the site. These areas are well landscaped with planter beds and sprinkles of trees.

This open common open space area is orientated in such a manner to receive excellent sunlight each day.

Provision is made for large community lawns, community gardens, outdoor fitness area seating/picnic areas for residents and their visitors in between each Block.

The pathways provide direct and easy access to the common open space areas.

There are a number of units within the complex that overlook this common open space area and therefore this area will receive good passive surveillance and as such should be well used.

3.14 Solar Access

Each unit has its main living area facing either, east or west and as such, maximizing access to natural light into each unit's living area.

Because of the orientation of the lots, the common open space area at the rear of the site has good access to sunlight from midday onwards during mid-Winter.

The applicants shadow diagrams that accompany this application demonstrate that the shadow cast by the proposed buildings fall towards the west of a morning and from 12midday in Mid-Winter cast shadows upon itself and the adjoining reserve to the south and later into the afternoon at about 2pm cast shadow onto Young Road and the adjoining reserve to the south. Shadow diagrams accompany the application.

3.15 Ventilation

The orientation of the buildings and the design of the units allows 86 units or 73% of all units in the development to be fully cross ventilated, which exceeds the minimum standard of 60% set by the provisions within the ADG.

3.16 Lighting

The orientation of rooms, windows, glass doors and larger window sizes ensures natural lighting is received into each unit, thereby placing less emphasis on the use of electricity.

3.17 Stormwater Management

The application is accompanied by conceptual stormwater drawings prepared by SGC Engineering Value. These plans make provision for on-site detention and rainwater facilities in the form of 500litre stormwater tanks.

These on site detention tanks will reduce the volume of water being dispersed from the site and into the local water catchment at any one time.

The disposal of stormwater will be directed through below ground pipes utilizing a modified stormwater easement.

An overland stormwater flow path exists between Block A and Block B. This flow path is to be retained and augmented to slow the flow of water through this area and enhance its natural water presentation. A new pathway is proposed to be erected over the top of the flow path which will be designed in the form of a dry creek bed with pebbles or turfed and landscaped.

The site is provided with 2006m2 of deep soil throughout the site, which will promote drainage of stormwater into the natural surface.

Best practice guidelines for erosion and sedimentation control will be introduced into the development. A sediment control fence will be erected around the front, rear and sides of the site to control soil erosion and prevent unnatural substances entering local waterways during construction.

3.18 Vehicular Access

The proposed points of vehicular access to the site are off Young Road. Block A is serviced by a combined 6m wide concrete driveway at the northern end of the building, while Blocks B & C are serviced by a combined 6m wide concrete driveway at the southern end of the site.

The two (2) driveways are designed to meet AS2890.1 - 1993 and Council's Parking DCP.

Council's RFB DCP control requires a central driveway to be provided that is setback 10m from any side boundary or street. It is noted that the proposed driveways are located approximately 9m from the southern side boundary and approximately 3.2m from the northern side boundary.

This control in Council's RFB DCP was not designed to accommodate a RFB development of this size with a site street frontage of 143m with overland flow flooding constraints.

3.19 Carparking

Car parking rates prescribed by this control are:

1 bedroom - 1 car space = 30
2 and 3 bedroom - 2 car spaces = 176
Visitor car parking - 2 spaces per 5 dwellings = 48

If the car parking rates for this DCP are applied, the proposal would need to provide for 206 resident car spaces and 48 visitor spaces for a total of 254 car spaces.

As previously mentioned, SEPP 65 and its companion ADG controls now override Council's DCP if it can be demonstrated that the land is within 800m of a railway station. Because the site is located 550m from the Carlingford Railway Station the ADG controls for car parking will prevail.

On-site car parking is provided for 153 car parking spaces, which includes 153 resident spaces inclusive of 12 accessible spaces and 24 visitor car spaces and two (2) separate car wash bays. The proposal also provides for a separate loading bay.
It needs to be recognized that compliance with Council's DCP control would require an additional 101 car spaces to be provided on site for a development of this size, substantially increasing the traffic movements generated by the development.
It is noted that the applicant has engaged the services of Traffix to consider traffic movements and car parking requirements as a result of the proposed development. This report accompanies the application to Council.
The car parking sizes and manoeuvring isles are in accordance with Council's requirements for this form of development.

3.20 Storage
Lockable storage cages are proposed within each blocks basement car park and storage space is provided within each apartment.
The control requires the provision of 10m3 of storage for each unit, which is well in excess of the ADG standard. The proposal provides for 6m3 for 1 bedroom, 8m3 for each 2 bedroom and 10m3 for each 3 bedroom of which 50% is provided in each unit.

3.21 Access and Adaptability
A total of 10.1% or 12 units have been designed in the form of adaptable units, which meets the provisions of AS1428.1. See nominated units on the drawings.
Each level in the development is serviced by a lift and the provision of 12 accessible car spaces. An access report has been prepared by Building Control Group accompanies the application.

3.22 Pedestrian/Bicycle Links
Pathways throughout the site are clearly defined and well-lit of an evening by low-level lighting. Bike racks are provided in the basement of each building block.

3.23 Privacy – Visual and Acoustic
Windows have been offset or are orientated so that overlooking into living areas is not achievable from upper floors. The proposed development has been generously setback from all boundaries to prevent loss of privacy to existing and future neighbours.
The apartment building is to be constructed of a mix of face brickwork with cement rendered and painted masonry, which can only ameliorate noise from any adjoining units and surrounding properties.
Noise from cars in the basements will also be reduced as doors shutting and car radios can impact upon residential amenity if nearby to living areas and bedrooms.
Acouras Consultancy Pty Ltd has undertaken an acoustic assessment of the proposed development against the controls within The Hills DCP and EPA noise guidelines, which included an environmental noise survey of the site, which has revealed that the noise limiting criteria for mechanical plant/equipment noise emission is acceptable based on The Hills Shire DCP and EPA NGLG.
Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.1 and Section 3.2
It is considered that provided the proposal is constructed in accordance with the recommendations within the acoustic report the proposal will have no aural impacts within the development or on the surrounding neighbourhood.

3.24 Services

Consultation with relevant utility supply authorities, Sydney Water, Energy Australia, Telstra, Australian Postal Services and AGL, has been made prior to the commencement of the development process.

The electricity supply and telecommunications services are readily available to the site without restrictions. The power supply is located along the Young Road frontage and will be via overhead cabling into the site electricity pole, before being laid underground into the development. A pad-mount sub-station is required for this development and its location in front of Building C is shown on the drawings.

The supply of water and sewerage services has also been investigated. All services are available to the site and reticulation of water and sewerage will be provided in accordance with the requirements of Sydney Water.

The existing services have been surveyed and located in the street frontages and include "Telstra" pillar and pit locations, grated storm-water drains, sewer manholes, water stop valves, hydrant and electricity pillar. The existing sewer line traverses the site and will be relocated to by-pass the proposed basement levels.

3.25 Waste Management – Storage & Facilities

There are two (2) garbage housing rooms provided on the ground floor car parking areas. These rooms provide for perishable and recycled waste. The containers will be wheeled into and out of the holding bays when required.

The garbage housings room locations ensures containers are not wheeled lengthy distances on garbage nights causing noise disturbances and also safety issues.

Because of the size of the development, all garbage collection will be carried out on street by a private contractor.

The proposal provides for 120 garbage bins and complies with the 120 standard.

Maintenance of the bin holding rooms and the process of garbage collection management will be undertaken by a part time caretaker employed by the Body Corporate.

3.26 Waste Management Planning

A waste management plan accompanies the application and sets out the strategy to be used when building works commence and what materials are to be recycled or removed from the site. It also identifies the strategy for the recycling of card board and other materials and also the removal of perishable waste from the site.

3.27 Fencing

Side and rear boundary fencing will be replaced by lapped and capped timber fencing to a height of 1.8m.No front fencing is proposed.

3.28 Section 94 Contributions

The applicant will be required to pay all Section 94 contributions that are generated by the proposed development.

The numerical standards are set out in compliance Table 1 below:

Table 1

Development Standards	Proposed	Residential Flat Building DCP	Complies With Standard Yes/No/N/A	Comments
Site Area. Site Frontage	5820.9m2 158.48m	4000m2 30m (min)	Yes Yes	
Density	N/A	➢ 150-175 persons per ha	N/A	Site has an FSR control which controls density.
Building Separation	18m (Bld A & Bld B). 12m-18m (Bld B & Bld C)	12m	Yes	See also Part D Section 12 - Carlingford Precinct DCP and ADG.
Number of Units/dwellings	30 x1 bedroom 77 x 2 bedroom 11 x 3 bedroom 118 Total	N/A	Yes	12 adaptable units.
Car Parking	129 Resident Spaces & 24 Visitor spaces	206 Resident Spaces & 48 Visitor spaces	No No	ADG Compliant
Storage	1 bedroom = 1m3 2 bedroom = 8m3 3 bedroom = 10m3	10m3 per unit	No	ADG Compliant
Building Length	35.82m approximately	50m - maximum	Yes	
Landscaped Area	1746.27m2 or 30%	50% of site area = 2910.45m2	No	See DCP Section 12 Part D – Carlingford Precinct
Building Heights in Metres	19.5m to 21m	21m Ridgeline	Yes	See LEP 21m height control and also Part D Section 12 - Carlingford Precinct DCP
Building Setback Front Rear South Side North Side	 6m 9m 6m 9.02m	 10m 8m 6m 6m	 No Yes Yes Yes	See DCP Section 12 Part D – Carlingford Precinct
Height	7 storey's	4 storey	No	See DCP Section 12 Part D – Carlingford Precinct.
Adaptable Housing	12 or 10.1%	5	Yes	See also access report accompanying application.
Solar Access Adjoining Buildings	2 hours	4hours	No	ADG Controls prevail
Solar Access Common Open Space	2 hours - Minimum	4 hours	No	ADG allows 2 hours in high density neighbourhoods.
Water Efficiency	Rainwater tanks provided.	Appliances need to be fitted.	Yes	See SW drawings & BASIX

Part D Section 12 Carlingford Precinct

The aim of this plan is to provide parameters to guide development in the precinct for a range of building forms that allow for a mix of units, styles, commercial, retail and community uses.

The objectives of this Section of the DCP are:

(i) To provide a clear vision and the desired future character for the revitalization of the Carlingford Precinct;

(ii) To formulate structure plans and a Master plan in response to the opportunities and constraints identified and incorporating the following design concepts for the Carlingford Precinct:

- *Streetscape character, particularly in the vicinity of Thallon and James Streets, including the concept of street level activity with living above and that adjacent public spaces be augmented and upgraded;*
- *Increased height and density, in targeted locations, will be used as a mechanism to ensure that the desired future character for the Precinct and public infrastructure can be achieved;*
- *Integration of floodplain management with adjoining development to achieve high quality open spaces;*
- *Alternative development approaches/patterns to address site specific issues within the Precinct; and*
- *Undergrounding of local and 132kv power lines to improve streetscape appearance and street lighting.*

(iii) To create a high quality, aesthetically pleasing, and functional Precinct for future residents.

Where any provision of this Section of the DCP is inconsistent with any provision of any other Section of the DCP, the provisions of this Section of the DCP shall prevail to the extent of that inconsistency.

The relevant clauses in this DCP are set out and addressed as follows:

4. PRECINCT-WIDE BUILT FORM CONTROLS

The site is located in the Northern Precinct. See **Figure 36**

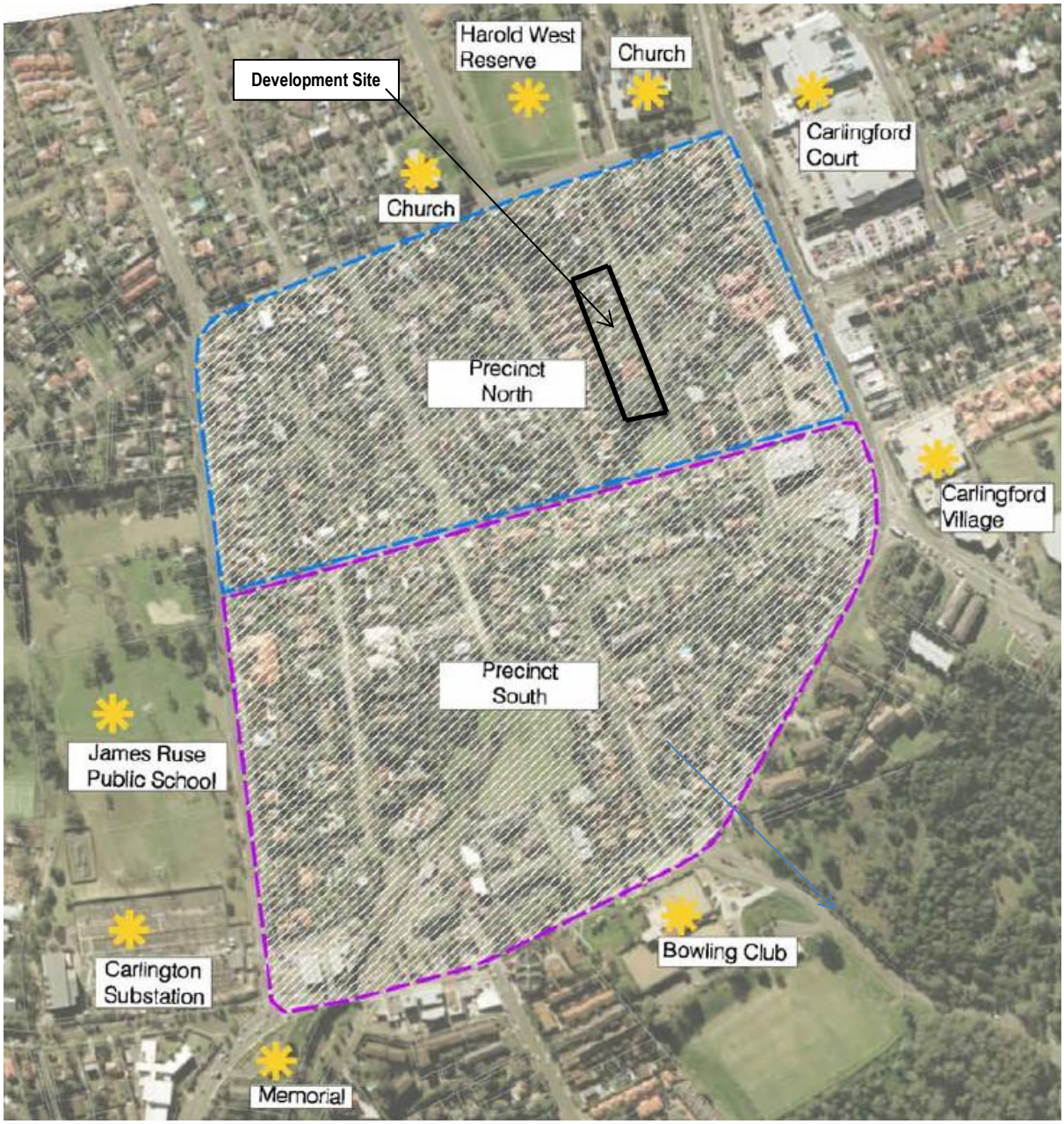


Figure 36
Source: Part D Section 12 Carlingford Precinct DCP

4.1. FLOOR SPACE RATIO
Comment
Proposed = 1.59:1 Permissible = 1.49:1
A variation to the FSR controls
is sought pursuant to clause 4.6
of THLEP 2012. See Appendix 3.

4.2. BUILDING HEIGHT
Comment
Compliance – Proposed 19.5 - 21m Ridgeline Permissible = 21m

4.3. SITE COVERAGE
Comment
Compliance – Proposed 2037.3m2 Permissible = 2037.3m2

4.4. SITE REQUIREMENTS

Comment

Compliance – Proposed 5820.9m2

The development site involves the consolidation of 8 single allotments. Figure 8 of the DCP suggests that the sites fronting Young Road should also amalgamate with the rear lots in Donald Street. This suggestion is not possible because of the fall of the land towards Donald Street. Buildings would become segmented and detract from the streetscape and functionality of the units, which would include amenity loss between buildings on each street frontage.

Overall, a complex of that size would be a dominant and likely overbearing feature in the streetscape along both street frontages, which would not enhance the transitional character that this precinct is undergoing.

4.5. DEEP SOIL ZONES

Comment

Compliance – Proposed 2006m2 Control = 873.15m2 (15% of site area)

4.6. RESIDENTIAL FLAT BUILDING - APARTMENT SIZE

Comment

The minimum unit size for each type are set out as follows:

75m2 (1 Bedroom)
110m (2 bedroom)
135m2 (3 bedroom)

The proposed unit sizes are a response to the sites location adjacent to the Carlingford business centre and the excellent public transport (bus and rail) within a short walk (5-9minute walk) of the site.

As Council is aware, pursuant to Clause 6A of SEPP 65, Council is unable to refuse a DA on the basis that the size of each unit do not meet Council's DCP standards. The bedroom types and minimum sizes are set out below. Full compliance is achieved with the ADG standard.

SCHEDULE OF RESIDENTIAL UNIT SIZE - BLOCK A

Summary of Units	**11 x one-bedroom = 50m2 (min)**
	25 x two-bedroom = 70-75m2 (min)
	4 x three-bedroom = 90m2 (min)
Total =	**40**

SCHEDULE OF RESIDENTIAL UNIT SIZE - BLOCK B

Summary of Units	**10 x 1 bedroom = 50m2 (min)**
	27 x 2 bedroom = 70-75m2 (min)
	3 x 3 bedroom = 90m2 (min)
Total =	**40**

SCHEDULE OF RESIDENTIAL SIZE AREAS - BLOCK C

Summary of Units	**9 x 1 bedroom = 50m2 (min)**
	25 x 2 bedroom = 70-75m2 (min)
	4 x 3 bedroom = 90m2 (min)
Total =	**38**

4.7. SETBACKS

Comment

The eastern, Young Road front setback is 6m whereby the standard is 10m. The variation to the standard is appropriate because other variations to this control have been allows in this precinct. In this respect and quite relevant to the streetscape of Young Road is that part of the RFB across the road has a front setback of 6m.

The reduced front setback is reasonable in this instance because quality landscaping is provided within the front setback and moving the building closer to the street allows a generous 9m building setback from the rear of the site. This exceeds the prescribed 6m separation distance to the rear boundary for the first 4 levels.

The 6m setback from Young Road should be replicated for those sites to the north of the subject site that are yet to be developed ensuring a rhythm or pattern is adopted for Young Road.

The northern side setback is as follows:

- 9.20m.

The southern side setback is as follows:

- 6m abuts pocket park

4.8. BUILDING SEPARATION AND TREATMENT

Comment

As previously mentioned in this report, the separation distances between buildings complies or is in excess of the minimum standard prescribed by this DCP and the ADG.

4.9. BUILDING DEPTH

Comment

The building depths of the proposed RFB's vary. See as follows:

Building A = 15m, 18m and 22m.
Building B = 18m and 21m
Building C = 18m and 21m

Whilst Council has adopted an 18m standard, the circumstances of this case are unique in that each building has front and rear slots and the depth of building that exceeds the 18m is either located on a corner or has a frontage to one of the slots, ensuring natural light and airflow are not reduced as a consequence of the additional building depth.

Having regards to the merits of the architectural design, the proposal is considered appropriate as it meets the objectives of the standard in that:

i. *To ensure that the scale of the development is consistent with the existing or desired future context;*
ii. *To provide adequate amenity for building occupants in terms of solar access and natural ventilation; and*
iii. *To provide for dual aspect apartments*

4.10. LANDSCAPE DESIGN

Comment

As discussed previously, fully compliant.

4.11. OPEN SPACE

Comment

The proposal provides for 37% or 2151m2 of communal open space, which exceeds the 1746.27m2 or 30% of the standard prescribed by this control.

4.12. BALCONIES

Comment

The standard of this control requires all balconies to have a minimum balcony area of 10m2 with a depth of 2m.

This DCP control exceeds the controls contained within the ADG. All proposed balconies or terraces either comply or exceed the numeric standards for balcony sizes contained within the ADG.

4.13. SOLAR ACCESS

Comment

As previously mentioned, the orientation of the buildings on the site in a general east-west direction does not lend itself to achieve 4 hours of direct sunlight into living rooms and balconies/courtyards. The ADG makes allowances for new high density unit development in dense urban environments and recommends that 2 hours of solar access to 70% of units is acceptable during mid-winter.

Because the proposal provides 107 or 91% of the 118 units with a minimum of 2 hours of sunlight during the winter solstice, the proposal exceeds the 70% prescribed by the ADG. Because this DCP control exceeds the ADG standard of 2 hours, the ADG control prevails.

4.14. CAR PARKING PROVISION

Comment

Car parking rates prescribed by this control are:

1 bedroom - 1 car space = 30

2 and 3 bedroom - 2 car spaces = 176

Visitor car parking - 2 spaces per 5 dwellings = 48

If the car parking rates for this DCP are applied, the proposal would need to provide for 206 resident car spaces and 48 visitor spaces for a total of 254 car spaces.

As previously mentioned SEPP 65 and its companion ADG now override Council's DCP if it can be demonstrated that the land is within 800m of a railway station. Because the site is located 550m from the Carlingford Railway Station the ADG controls for car parking will prevail.

On-site car parking is provided for 153 car parking spaces, which includes 129 resident spaces inclusive of 12 accessible spaces and 24 visitor car spaces and two (2) separate car wash bays (not dual use as visitor).

It needs to be recognized that compliance with Council's DCP control would require an additional 101 car spaces to be provided on site for a development of this size, substantially increasing the traffic movements generated by the proposed development.

4.15. VEHICLE ACCESS

Comment

As mentioned previously, the development is afforded 2 points of vehicular ingress/egress points, which comply with Council's standards.

4.16. FENCES AND WALLS

Comment

As mentioned previously, new lapped and capped timber fencing to a maximum height of 1.8m will be provided along the side and rear boundaries of the site. No fencing is proposed along the street frontage.

4.17. ORIENTATION

Comment

The buildings are orientated in a general east-west direction allowing units with clear views over the public domain. Ideally, they address the street and make the street a safer and more secure environment to live.

Each building is provided with 2 slots (front and rear), which enhances each buildings design and also allows greater opportunities for solar access and natural ventilation.

4.18. PLANTING ON STRUCTURES

Comment

The application is accompanied by a detailed landscape plan prepared by Jane Irwin Landscape Architectural Pty Ltd.

It is noted that large deep soil zones totalling 2006m2 are provided around the perimeter of the site so as to accommodate large trees to promote shading, aesthetics and screening. Planting on structures has been kept to a minimum to ensure a quality landscaped setting is achieved.

4.19. STORMWATER MANAGEMENT

Comment

On-site detention is provided together with rainwater tanks in the basement.

4.20. BUILDING ENTRY

Comment

Each unit block is afforded a clear single entry statement off Young Road. These designs ensure there is no ambiguity in finding the correct point of entry to each building.

4.21. CEILING HEIGHT

Comment

Ceiling heights are a minimum of 2.7m which comply or exceed the minimum standards of 2.4m and 2.7m.

4.22. FLEXIBILITY

Comment

The design is reasonably flexible with floor to ceiling heights meeting best practice standards.

4.23. GROUND FLOOR APARTMENTS

Comment

Each ground floor unit has a generous private courtyard or terrace, which are readily accessible off living rooms.

The proposal does not provide for small entry pathways to each of the ground floor units facing Young Road. The single point of entry to each building provides a superior entry point that offers safety and security for future residents.

4.24. INTERNAL CIRCULATION

Comment

The complexes internal layout is good with pathways, ramps and meeting places provided to allow good interaction with other residents and visitors.

Central meeting places are provided for between buildings with large communal open space eating areas and provided to promote a communal sense of ownership.

The units on each floor of all three (3) buildings provides a maximum of 8 units off a single corridor and therefore complies with this control in the DCP as well as the ADG.

4.25. MIXED USE DEVELOPMENTS

Comment

Not applicable

4.26. STORAGE

Comment

Discussed previously, lockable storage cages are provided in each building basements. Additional storage is able to be provided within each unit and fully complies with this control.

4.27. NATURAL VENTILATION

Comment

A total of 86 or 73% of all units are fully cross ventilated, which exceeds the standard prescribed by the DCP and also the ADG. This is achieved by the introduction of two (2) slots into each building design as well as maximising corner units.

4.28. AWNINGS

Comment

No awnings are proposed.

4.29. FACADES

Comment

The proposed building form is determined by a number of variable parameters determined by the existing built form in the area. The influences determining the built form of in-fill development include the setbacks from the boundaries, proportion of the development, type of development and the building elements.

The pattern or rhythm established by the proportions of the façade, modulation of the external walls and features, the design of the façade elements, their materials and detailing are all important features that form the proposal.

The design of the building elements in the articulation zone utilises a segmented contemporary style with a number of building elements being used to provide the strong architectural character proposed for the development.

The ultimate form of development is achieved in the articulation of the elevations by composing a strong base or podium, with the residential floors detached above, with a greater modulation of the facades.

The selection of colours and materials enhances each buildings appearance and provides distinct yet harmonious building facades to inter-relate and provide a dominant façade to the street.

4.30. ROOF DESIGN

Comment

The proposal provides for a flat roof to reduce overshadowing towards the rear. This design is a general characteristic of modern urbanism and will allow the buildings to integrate into the transitional character that this neighbourhood is undergoing.

4.31. ADAPTABLE HOUSING

Comment

Compliance – 10% or 12 units

4.32. SITE FACILITIES

Comment

Site facilities such as garbage housing areas are provided in accordance with Council's controls.

4.33. ECOLOGICALLLY SUSTAINABLE DEVELOPMENT

Comment

ESD principles involve the economic demolition of the existing structures by recycling the available materials, products and re-use of site foundation materials.

The main emphasis in the design of any residential development is the utilisation of appropriate and sustainable materials in the construction of the project. The incorporation of recyclable building products and sustainable resources will ensure that the future quality of life and environment will be protected.

The design of the development is also influential in the achievement of ESD principles. The integration in the design to achieve natural ventilation and good heat insulation will minimise the dependency on energy resources in heating and cooling a space.
The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of long term costs.

Energy Efficiency

The energy rating of the residential units being proposed has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

This target has been met by integrating the following inclusions :-

- Energy efficient gas hot water systems
- Internal planning of each level
- Easterly orientation

- Natural ventilation
- Solar access

Water Efficiency
The project will integrate a system of rainwater collection and storage from the roof drainage system and be utilised in the irrigation system proposed for deep-soil areas, within the development. The BASIX Certificate is confirmation on the water efficiency achieved.

The design will also incorporate the following water saving devices :-

- AAA-rated shower heads
- AAA-rated taps
- Dual-flush toilet systems
- Rainwater tank storage system
- Australian native trees and shrubs

4.34. BASIX
Comment
Addressed previously, full compliance.

4.35. ACCESS, SAFETY AND SECURITY
Comment
See safety by design assessment later in this report.

4.36. VISUAL AND ACOUSTIC PRIVACY
Comment
Visual and acoustic privacy issues have been addressed through the orientation or offsetting of windows and doors away from private amenity areas.
The proposed materials will reduce noise transmition between units.
The separation distance between buildings is generous and varies between 12m and 18m, either complying or exceeding the standards.

4.37. GEOTECHNICAL
Comment
A geotechnical report is provided.

4.38. UNDERGROUNDING OF EXISTING POWER LINES
Comment
Existing above ground power lines are to be modified so that future electricity services for this development will be from underground power lines.

4.39. DEVELOPER CONTRIBUTIONS
Comment
The applicant will pay all relevant Section 94 contributions.

4.40. DEVELOPMENT NEAR RAIL CORRIDORS
Comment
It is understood that the Parramatta to Epping Rail corridor runs under the small reserve to the south of the site and will be referred onto Transport for NSW for comment.

Part C Section 1 – Parking

Car parking rates prescribed by this control are:

1 bedroom - 1 car space =	30
2 and 3 bedroom - 2 car spaces =	176
Visitor car parking - 2 spaces per 5 dwellings =	48

If the car parking rates for this DCP are applied, the proposal would need to provide for 206 resident car spaces and 48 visitor spaces for a total of 254 car spaces.

As previously mentioned SEPP 65 and its companion ADG now override Council's DCP if it can be demonstrated that the land is within 800m of a railway station. Because the site is located 550m from the Carlingford Railway Station the ADG controls for car parking will prevail.

On-site car parking is provided for 153 car parking spaces, which includes 129 resident spaces inclusive of 12 accessible spaces and 24 visitor car spaces and two (2) separate car wash bays.

It needs to be recognized that compliance with Council's DCP control would require an additional 101 car spaces to be provided on site for a development of this size, substantially increasing the traffic movements generated by the development.

The applicant engaged the services of Traffix to review the provision of on-site car parking, ramp grades, manoeuvrability of car spaces and has formed the view that the design before Council meet best practice standards.

Part C Section 3 – Landscaping

The provisions of this DCP have been considered in the preparation of the landscape drawings by Jane Irwin Architectural Design and complies with both the numeric standards and objectives of the DCP.

Section 79C (1) (a) (iii) (a)

Any Planning Agreement That Has Been Entered Into Under Section 93F, or any Draft Planning Agreement That a Developer Has Offered to Enter into Under Section 93F

Not Applicable to this application.

Section 79C (1) (a) (iv)

Matters Prescribed by the Regulations

There are no prescribed matters pursuant to the Environmental Planning and & Assessment Regulations 2000 that relate to this application.

Section 79C(1) (a) (v)

Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*), that apply to the land to which the development application relates.

Not applicable to the proposal

Section 79C (1) (b)

Likely Impacts of That Development

Amenity

The proposed development has been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain. As discussed in detail in the SEPP 65 Design Statement, the development is responsive to the opportunities and

constraints of the site and it surrounds with regard to topography, vegetation, neighbouring buildings, noise, impact of street traffic, solar access and views. This has culminated in generating a unique design which creates a sense of space, connectivity to public and private space, and fixed and manoeuvrable mechanisms to enable users to control acoustics, solar access and privacy to their units. This is achieved by the following design initiatives:

- providing suitable separation not only between proposed buildings but also neighbouring properties, and separation to living areas and bedrooms;
- short paths of travel between units to access stairs and lifts, enable ease of access and minimises the volume of persons travelling past each unit;
- resilient floor finishes to the walkway to minimise foot traffic noise;
- the access framework throughout the site is efficient and legible;
- generous open floor plans;
- floor plan layout will afford a high level of privacy for residents;
- balconies to all of the units are provided with an attractive outlook to the surrounding areas or to the landscaped common open space areas at the sides and rear of the site;
- generous pockets of usable common spaces, resident meeting places, exercise facilities, seating, pathways, expansive landscaping and deep soil zones;
- accessible vehicular entry/exit points and a legible parking and circulation network; and
- safety by design initiatives to enhance a sense of safety and security.

The design of the development results in a positive outcome with regard to residential amenity. In this respect, careful consideration has been undertaken to mitigate potential aspects of the design which could degrade the quality and live ability of the units both individually and for the development as a whole.
We consider the amenity of the development to be of high quality and will, given its proximity to the Carlingford business centre and nearby public transport (rail and bus), be a much desirable complex to live within.

Nuisance During Construction
All building works on site will be carried out in accordance with the State Governments statutory construction hours for building works.

Initial excavation work is to be carried out on site to prepare the proposed basement car parking levels, which will require excavation machinery on site for a short period of time, much depending on the prevailing weather at the time.
Trucks leaving the site will be checked by a designated worker to ensure soil and other material does not spill onto the public road, however should this occur for some unforeseen circumstance, the matter will be quickly cleaned from the road surface by the designated worker.
While concrete and material trucks will be servicing the site at various times these will be supervised by an on-site foreman to ensure vehicles are able to unload and depart from the site as quickly and safely as is reasonably possible.

Overall, the amount of nuisance caused by the proposed development would not be unreasonable to cause undue loss of amenity to local businesses or residents.

Safety, Security and Crime Prevention
The proposal has been designed to incorporate principles of Crime Prevention Through Environmental Design (CPTED), with these design measures supplemented by future security management strategies.

The design of the residential apartments and their internal layout have addressed potential safety problems such as potential entrapment and hiding places.

The design responds to crime reduction and prevention issues through the use of the four principles for CPTED which are required to be addressed in the assessment of development application pursuant to Section 79C of the Environmental Planning & Assessment Act 1979. These principles are set out and addressed below:

- Surveillance;
- Access Control;
- Territorial Reinforcement;
- Space Management:

Surveillance
The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance. Good surveillance means that people can see what others are doing.
People feel safe in public areas when they can easily see and interact with others. Would be offenders are often deterred from committing crime in areas with high levels of surveillance. From a design perspective, 'deterrence' can be achieved by:
• clear sightlines between public and private places
• effective lighting of public places
• landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.

Comment
The proposed development encourages casual surveillance by providing an appropriately designed single pedestrian entrance to each building along the eastern side of the site off Young Road, creating a vibrant, well lit and active environment for residents and their visitors to walk through.
Balconies and primary living spaces are designed and orientated to overlook the street and the private domain within the site. This design will better activate the communal open space and walkways off Young Road.
The landscaping strategy ensures a high level of amenity whilst maintaining clear sight lines and minimising potential hiding places.

Access into the lobby of each building is through a security coded door lock or swipe card entry. Access to each level will only be available to residents, meaning visitors will not be allowed access to the building without the permission of a resident who is already within the building.
All access ways will be well lit of an evening in order to provide residents and users of the site's pedestrian links with a sense of security.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound. Effective access control can be achieved by creating:

- landscapes and physical locations that channel and group pedestrians into target areas
- public spaces which attract, rather than discourage people from gathering
- restricted access to internal areas or high risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.

Comment

The use of physical barriers to attract, channel or restrict the movement of people has been incorporated into the design.

The pathways throughout the site will be clearly visible from living areas and balconies. All pathways are to be well lit of an evening.

Access to the building and basement parking levels will be controlled through security doors and an intercom system, limiting access to residents and permitted visitors only. This type of access control minimises opportunities for crime and increase the effort required to commit crime.

The proposal incorporates clear sight lines between public and private domains, with external lighting throughout the site, specifically following through site links. All lighting will be carefully placed to further improve security and at the same time ensure light spill does not occur.

Territorial Reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership also increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.

Territorial reinforcement can be achieved through:

- design that encourages people to gather in public space and to feel some responsibility for its use and condition
- design with clear transitions and boundaries between public and private space
- clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

Comment

Territorial reinforcement will be focused on the open landscaped zone through shared ownership.

Boundaries between private and public spaces are to be clearly defined.
The proposed common open space is to have high quality and attractive landscaping elements which will ensure regular use, and in turn, enforce the principle of 'territorial reinforcement'.
The central common open space between each building is provided with shrubs, trees and low level lighting, which will provide a secure, active environment where residents will feel safe and secure.

Space Management
Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti.

Comment
The creation of well-kept and attractive spaces will help to attract more people, and thus reduce the likelihood of crime occurring.

A security system will be installed in the development which will consist of security cameras at the point of entry to each lobby and swipe card access to each building. The Body Corporate when formed will put in place guidelines to reinforce to residents of their obligations and responsibilities to maintain a secure environment.

Communal open space is proposed to be established and maintained to a high quality level so these spaces will remain attractive for residents and visitors to use.

Crime Prevention through Environmental Design (CPTED) is a recognized model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the proposed development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The increase in residential population in this neighbourhood can only have positive benefits because it will allow greater passive surveillance of both the public and private domains.
The proposal offers a high level of public surveillance over the public domain by designing balconies and primary living areas to overlook Young Road, central common open space amenity areas between buildings and the rear common open space, in particular, each buildings main point of entry off the street.

Section 79C (1) (c)
The Suitability of The Site For The Development
The site is suitable for the proposed mixed use development for the following reasons:

- The proposed development will improve safety in the surrounding neighbourhood by increasing the population and as such greater passive surveillance;
- The site is located within a short walk of the Carlingford Business Centre with regular public bus services on both sides of Pennant Hills Road, 7 days a week. Further, the site is close to other major business centre in Epping, Parramatta and Castle Hill;

- The Carlingford railway station is approximately 550m (straight line) from the site or 750m or 9 minutes walk;
- All utility services will be augmented suitable to accommodate the proposed development;
- No important views or vistas will be interrupted by the proposed buildings;
- The site is not contaminated or subject to major natural constraints;
- The public domain will be upgraded and enhanced through the provision of new street trees, kerb and guttering and footpath paving;
- No environmental constraints have been identified that would not allow the development as proposed to be approved;
- The site is appropriately zoned R4 High Density Residential under THLEP 2012;
- Vehicle access arrangements are provided through a network of local roads, linked to collector and State roads, that will continue to operate at satisfactory levels following the proposed development;
- The site has exceptional views towards the south and west and many of the apartments will benefit from these views;
- The site is located within easy walking distance of local parks and schools and churches. In this respect, the site abuts a small reserve to the south.

Public Utilities

The public utility infrastructure required to support the proposed development includes:

- water;
- sewerage;
- electricity;
- gas;
- telecommunications;
- stormwater systems; and
- roads.

Public Domain

The proposal has been designed to enhance the quality and amenity of the public domain. Public domain improvements are to include:

- upgraded streetscapes, including new turf, kerb and guttering and concrete footpath paving;

Given the sites proximity to the Carlingford business centre, public transport in bus and rail services, the increase in density proposed is suitable for its location.

Section 79C (1) (d)

Submissions Made in Accordance With The Act or The Regulations.

To be determined by Council after the application is notified.

Section 79C (1) (e)

The Public Interest

The public interest is well served by the proposed development as it assists in providing additional residential apartments within a short walk of local and regional public train and bus transport. The overall building design has been well thought through and makes a positive architectural statement to the betterment of the Carlingford precinct and business centre in terms of design quality and how the buildings function.

Pursuant to case law of ***Ex Gratia P/L v Dungog Council (NSWLEC 148),*** the question that needs to be answered is "*Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*".
The assessment of this application needs to give balanced consideration to the social and economic benefits of this proposal in the form of redeveloping a low density site to provide a high density residential development with a high degree of accessibility and usability with consideration of any environmental impacts arising from its physical form and the resultant public benefit.
The proposal has been designed as in fill development, recognising the proximity to the Carlingford business centre and the outer residential neighbourhood.
The physical appearance of the built form will contribute to the streetscape and complement the transitional environment that is strategically envisaged for this precinct.

Large balconies overlook a large open pedestrian area between buildings and at the rear of the site which is visually appealing and will contribute to the amenity of residents and their visitors.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

6.0 Conclusion
The proposed high density residential development is permissible under the R4 High Density Residential zone with consent of Council.
The proposal responds well to its neighbourhood context and proximity to the Carlingford business centre and nearby public transport that is within a short walk of the site.
The proposal will provide the neighbourhood with new, affordable housing stock that compliments the former Hills Shire Council's residential housing strategy, which promoted and increase in residential densities in strategically identified locations to better utilize the excellent public transport network, schools, open space and business centres.
The subject proposal seeks to provide a built form which will in due course integrate with the desired future character of this neighbourhood by providing three (3) well designed buildings that will afford future residents with a high quality residential environment.

In summary the proposal is considered to:

- provide a built form which strengthens the neighbourhood's sense of identity, and visual appearance. This includes maintaining an appropriate scale to the street frontages without adverse overshadowing or amenity impacts on surrounding properties;
- provide an increase in housing density and choice to meet a strong demand for units in this neighbourhood;
- provide an opportunity for high densities in a transitional residential neighbourhood, which will reduce pressure for the rezoning of land in other areas for higher density purposes;
- provide high quality residential units which are afforded a high level of amenity to the future occupants;

- be an appropriate response to the context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act, 1979;
- allow a good opportunity to redevelop a unique site, which will assist in achieving the desired regional objectives by contributing towards additional housing and
- have no adverse environmental impacts on adjoining properties and is an innovative and appropriate response to the desired future character of the locality.

The proposed development is subject to a number of statutory planning instruments and policy controls of which the proposal has been assessed against, enabling a conclusion that the proposal generally complies with the controls and procedures that are applicable to this form of development. While it is recognized that there are some minor departures from Council's controls, these have been adequately justified.

Other plans and reports comprising the project application address key aspects of the development and implications of the proposed development, such as design, traffic, environmental, drainage, accessibility, stormwater management, acoustic, access and landscaping.
Collectively, these reports and the assessment of other issues in this report confirm that the development will have no unreasonable impact upon the environment in which it is to be set.
Accordingly, it is considered that the proposal will deliver a suitable and appropriate form of development within the Carlingford precinct and should in our view be approved.

Appendix 1

Parramatta Design Excellence Advisory Panel Recommendation

Property:	2-16 Young Rd Carlingford
Application No.	PL/89/2016
Assessing Officer In attendance:	Sasi Kumar
Applicants Name and/or Representative:	Stone Bai – Yifang Chang Liu – Yifang Allan Caladine – Planner Aleks Jelicic – Architect Reg No 7167 Michelle Jelicic – Architect
Date of Meeting:	23 June 2016
Item No:	1
Members Present:	Rohan Dickson, Tony Caro, David Epstein
Chair:	Rohan Dickson
Apologies:	
Other Persons in Attendance at Meeting:	

GENERAL INFORMATION

The Parramatta Design Excellence Advisory Panel (the Panel) comments are provided to assist both the applicant in improving the design quality of the proposal, and Parramatta City Council in its consideration of the application.

The nine design quality principles provided in SEPP65 Amendment No.3 are generally used to formulate the Panel's Report, notwithstanding that SEPP65 may not directly apply to the application. The absence of a comment related directly to any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed.

PROPOSAL:

Prelodgement application. JRPP approved the demolition of existing structures and the construction of 3 x 6 storey Residential Flat Buildings containing 88 apartments and 2.5 levels of basement car parking.
Seeking to increase the number of units from 88 to 123, reduce the number of basement car parking spaces, change approved built form, increase site coverage, and a minor increase to overshadowing.

PANEL COMMENTS

The nine SEPP65 design principles were considered by the Panel in discussion of the development application. These are: **Context and Neighbourhood Character, Scale and Built Form, Density, Sustainability, Landscape, Amenity, Safety, Housing Diversity and Social Interaction, and Aesthetics.**

The Design Excellence Advisory Panel makes the following comments in relation to the project:

- The Panel asked the project planner to provide a summary of the proposed changes to the scheme that has been approved by Baulkham Hills Council. The Panel acknowledge that the approved scheme was prepared to meet RFDC requirements and Baulkham Hills Council DCP. The revised scheme seeks to increase the proposed density to 1.65:1.

- As the revised scheme is to become a new DA, it should be designed to comply with the ADG. The Panel consider there is now an opportunity to also consider a revised site layout if better design quality outcomes are possible.

- The allowable maximum yield under the current LEP is FSR 1.49:1. After consideration of the proposed amendments to the approved scheme, the Panel recommend that the design should be adjusted to comply with the existing FSR control. The additional building bulk, reduced building separation and expanded car-park footprint do not offer an overall level of design quality that is possible with an LEP compliant scheme.

- The Panel are concerned about the design quality of communal open spaces across the development. Deep soil should be provided for substantial trees in the areas between the buildings, which may necessitate an additional partial basement level.

- Communal open space to ADG requirements is required, and this may necessitate provision of some facilities at roof level to achieve required solar access and good usable spaces.

- The Panel recommend that a minimum 3 metres of continuous deep soil area is provided along the entire western boundary, together with generous advanced species indigenous tree plantings. The same requirement must be applied to the adjacent site when it is re-developed. This is to provide a minimum of 6 metres aggregated width for substantial continuous tree plantings along both boundaries, to ensure solar protection and visual privacy to neighbours.

- The units appear to be very efficient and well-planned.

- All common corridor areas should be counted in GFA.

- The Panel have concerns that the scheme does not achieve ADG natural cross ventilation requirement (60% minimum). Note that units adjacent to building slots are no longer accepted as corner apartments under the ADG.

- The Panel notes that some fire exit locations exceed required BCA travel distances.

- Further consideration should be given to the quality of the design interface of the building to the public park to the south.

- The proposal offers an improved aesthetic outcome compared to the previously approved scheme. The Panel suggest however that the architect investigate a 2:3:1 façade compositional strategy (currently 2:2:2). The two lower floors facing the street could also be considered as double storey portals by recessing or deleting the first floor spandrels.

- The upper roof could be set back further to reduce the visual scale and bulk of the scheme.

- The “indicative fencing” on the CGI’s is notional, but is too dense and high. This should be developed with the landscape concept.

- The Panel also suggests that the architects look at ‘merging’ the central and southern buildings. This may allow multiple cores and possibly improved natural cross ventilation to units, as well as a much larger and more interesting consolidated communal open space.

- The Panel are appreciative of having this opportunity to comment prior to a full DA submission. It is recommended that a suitable landscape architect is now engaged to develop a well-integrated overall site strategy for the overall site design, communal open space and street trees species selection.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Advisory Panel, the amended plans should be referred back to the Panel for comment.

Appendix 2

Parramatta Design Excellence Advisory Panel Recommendation

Property:	2-16 Young Road Carlingford
Application No.	Recon PL/89/2016
Assessing Officer In attendance:	Sasi Kumar
Applicants Name and/or Representative:	Allan Caladine – Town Planner Aleks Jelicic – Architect Reg No. 7167 Michelle Jelicic – Architect Jane Irwin – Landscape Architect Chang Liu - Developer
Date of Meeting:	25 August 2016
Item No:	4
Members Present:	Rohan Dickson, Jan McCredie, David Epstein
Chair:	Rohan Dickson
Apologies:	At 3.05pm Jan McCredie left the meeting.
Other Persons in Attendance at Meeting:	

GENERAL INFORMATION

The Parramatta Design Excellence Advisory Panel (the Panel) comments are provided to assist both the applicant in improving the design quality of the proposal, and Parramatta City Council in its consideration of the application.

The nine design quality principles provided in SEPP65 Amendment No.3 are generally used to formulate the Panel's Report, notwithstanding that SEPP65 may not directly apply to the application. The absence of a comment related directly to any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed.

PROPOSAL:

Prelodgement application - 2-16 Young Rd, Carlingford NSW 2118. -JRPP approved the demolition of existing structures and the construction of 3 X 6 storey Residential Flat Buildings containing 88 apartments and 2 1/2 levels of basement car parking.
Seeking to increase the number of units from 88 to 123; reduce the number of basement car parking spaces; change approved built form, site coverage, private and communal open space areas and a minor increase to overshadowing.
Previously considered at the Panel meeting held 23.6.16.

PANEL COMMENTS

The nine SEPP65 design principles were considered by the Panel in discussion of the development application. These are: **Context and Neighbourhood Character, Scale and Built Form, Density, Sustainability, Landscape, Amenity, Safety, Housing Diversity and Social Interaction, and Aesthetics.**

The Design Excellence Advisory Panel make the following comments in relation to the project:

1. The application was considered previously by the Panel.

2. The application is still a pre-DA proposal and has been further modified to comply with the ADG and to address the concerns raised at the previous Panel meeting.

3. Notwithstanding the above, a number of concerns are still relevant to the current proposal namely:
    a. The common open space at the rear needs to be designed to ensure that it is sufficiently removed by distance, level change and / or planting from the ground floor apartments so that the use of the space is not inhibited by the adjacent apartments and conversely the use does does not impact negatively on the adjacent units.

b. The relationship of the proposal to the surrounding street pattern. The buildings are set out to conform to the ADG separation distances and the previous DA however this layout does not address the spatial structure of the existing street pattern. Ideally a larger space should have been located between the two southern most buildings so that it responded to the 'space and alignment' of Correy Place and set up a view corridor into the site
c. The relationship of the buildings to the surrounding context, in particular to the dwelling houses to the west.

4. The proposal has been amended by increasing the setback of the carpark basement with increased landscaping and deep soil.

5. A Landscape Architect has been engaged as recommended by the Panel.

6. The communal open space comprises 37% of the site of which 70% receives 2 hours sunlight access.

7. The landscape proposal addresses the Panels previous concerns regarding level changes from front to rear and privacy between the common open space and ground floor units.

8. A regular spaced and uniform row of trees should be planted along the rear boundary and street edge footpath.

9. The Panel is concerned about the lack of integration with the street pattern. The potential to align the open space to the south with Cassandra Place is encouraged however the Panel acknowledges the stage of the development prevents significant changes to the overall layout.

10. Common corridor areas have now been included in the GFA calculations.

11. Solar access complies for buildings B & C. Building A does not comply. Simple adjustments to the design of building A similar to those made for buildings B and C should resolve the solar access issues.

12. The changes to the design of the layouts in blocks B and C have also addressed issues relating to solar access and façade articulation.

13. The front elevation has been amended to provide 2.3:2 façade composition.

14. The Panel supports the applicants suggestions for material variation between buildings.

15. The applicant is encouraged to use stronger vertical articulation to break the horizontal lines of the building such as at the entrances to the buildings.

16. Visual and acoustic privacy between balconies adjacent to the entry slots need to be resolved.

17. The application remains substantially over the FSR. The applicant is required to provide justification via CL4.6 for the non-compliance with the FSR standard and any benefits of providing additional FSR need to be demonstrated at the DA stage.

18. A VPA is being considered. This is a matter for the Council to consider independent of the Panel.

This application does not need to be reviewed by the Panel again unless required for DA approval purposes.

Appendix 3

Clause 4.6 Exception to Development Standards
The Hills Local Environmental Plan 2012
Clause 4.4 – Floor Space Ratio
Residential Flat Building Development
2 – 16 Young Road Carlingford

1.0 Introduction

This written request has been prepared by Allan Caladine, Consultant Town Planner on behalf of Yifang CF Pty Ltd.

This submission seeks to provide written justification to contravene a development standard that applies to a DA lodged with The City of Parramatta Council for the development of the subject site for three (3), seven (7) storey residential flat buildings (RFB) containing 118 residential apartments.

This written request is made pursuant to Clause 4.6 "*Exceptions to Development Standards*" under The Hills Local Environmental Plan (THLEP) 2012 and seeks to vary the Floor Space ratio (FSR) control set out under Clause 4.4 of the THLEP 2012 that applies to the development site. The applicable FSR control for the site is 1.49:1, generating 8673.14m2, whereby the proposal seeks to increase the FSR to 1.59:1, generating 9255.23m2, a variation to the FSR control by 0.10:1 or 582.09m2 or 6.3% above the standard.
Given that the proposed development consists of three (3) RFB's, on average, each building contains 194.03m2 of GFA above the standard.

The buildings proposed FSR, whilst marginally increases the buildings overall bulk, has in our view been sympathetically designed and demonstrates the buildings high standard of architecture and detail. It provides a quality urban design outcome that can only enhance the streetscape of Young Road.

Given the additional GFA of 194.03m2 within each of the detached RFB's, the additional building bulk on the top floor of each building is setback from the lower levels and does not adversely impact upon the surrounding natural and built environments as each RFB is contained within the 21m building height control and the additional bulk on the top floors will only be visible from oblique angles, and not at street level. Additionally, the increase in FSR does not cast any unreasonable additional shadow onto the neighbouring properties to west to that of a fully compliant 1.49:1 FSR scheme.

This written request seeks to demonstrate that compliance with the FSR standard governing the subject site is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

2.0 Definition of Development Standards

Clause 4.6 "Exception to Development Standards" requires the consent authority to be satisfied of three matters before granting consent to a development that contravenes a development standard, these being:

- *"that the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
- *that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard;*
- *that 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".*

The consent authority's satisfaction to those matters must be informed by the objective of providing flexibility in the application of the relevant control.

The definition of a development standard is set out as follows:

"Development Standards" has the following definition under Section 4(1) of the *Environmental Planning & Assessment Act 1979*:

> *"development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*
>
> > *(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
> >
> > *(b) the proportion or percentage of the area of a site which a building or work may occupy,*
> >
> > *(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
> >
> > *(d) the cubic content or floor space of a building,*
> >
> > *(e) the intensity or density of the use of any land, building or work,*
> >
> > *(f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
> >
> > *(g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
> >
> > *(h) the volume, nature and type of traffic generated by the development,*
> >
> > *(i) road patterns,*
> >
> > *(j) drainage,*
> >
> > *(k) the carrying out of earthworks,*
> >
> > *(l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
> >
> > *(m) the provision of services, facilities and amenities demanded by development,*
> >
> > *(n) the emission of pollution and means for its prevention or control or mitigation, and*

(o) such other matters as may be prescribed.

Comment
Clause 4.4 "Floor Space Ratio" control is the relevant development standard within THLEP 2012, which is a statutory planning instrument and as such can be varied by the use of Clause 4.6.

3.0 Varying Development Standards: A Guide August 2011

In accordance with the notification given under Clause 12 of Circular B1 states that:

"As numerical standards are often a crude reflection of intent, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small and in other cases it may be numerically large, but nevertheless be consistent with the purpose of the standard…

In deciding whether to consent to a development application the Council should test whether the proposed development is consistent with the State regional or local planning objectives for the locality; and in particular the underlying objective of the standard. If the development is not only consistent with the underlying purposes of the standard, but also with the broader planning objectives of the locality, strict compliance with the standard would be unreasonable and unnecessary"

Director General's Concurrence
The Director-General has notified metropolitan councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument or a similar clause providing for exceptions to development standards. It is considered that the City of Parramatta Council enjoys a similar delegation.

Planning Circular PS08 – 003 issued 9 May 2008 contains notification of assumed concurrence of the Director General pursuant to clause 64 of the Environmental Planning and Assessment Regulation 2000.

On demonstrating that the development standard is unreasonable or unnecessary in the circumstances of the case, the consent authority may assume the Director-General's concurrence to the objection pursuant to the provisions of Clause 4.6 Exceptions to Development Standards of THLEP 2012 in the circumstances of this objection.

4.0 Development Standards Within THLEP 2012 To Be Varied
Comment

The development standard to which this objection relates is Clause 4.4 FSR control. The objectives of this control and an extract of the FSR map is at **Figure 1** as set out below:

Clause 4.4 Floor Space Ratio
(1) The objectives of this clause are as follows:
(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,
(b) to provide for a built form that is compatible with the role of town and major centres.
The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the floor space ratio map.

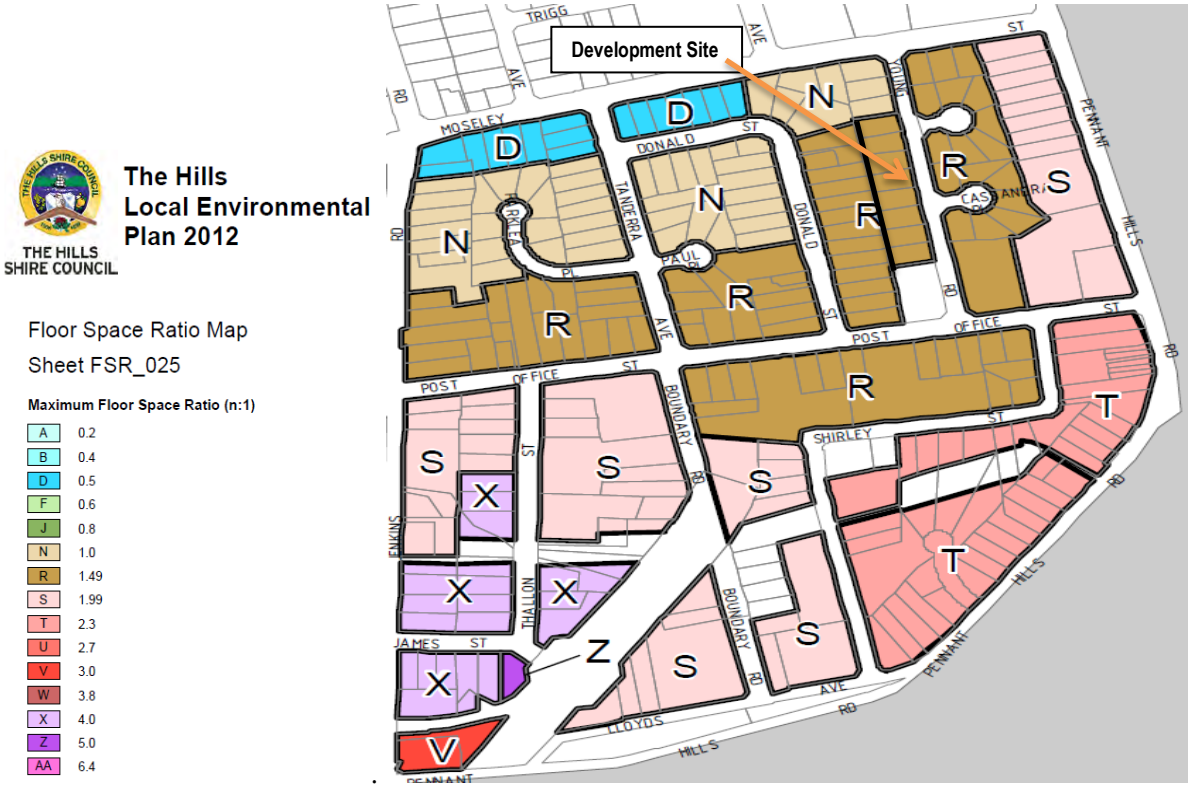


Figure 1
Source: FSR Map – THLEP 2012

Comment

The applicable FSR control for the site is 1.49:1, which generates 8673.14m2 of GFA for the development site whereby the proposal seeks to increase the FSR to 1.59:1, increasing the FSR to 9255.23m2, a variation to the FSR of 0.10:1 or 582.09m2 or 6.3% above the standard.
Given that the proposed development consists of three (3) RFB's, on average, each building contains 194.03m2 of GFA above the standard. Given this small amount is spread out over three (3) buildings, the additional bulk on top of the building will not be noticeable.

The buildings proposed FSR, whilst marginally increases the buildings overall bulk, has in our view been sympathetically done, demonstrating the buildings high standard of architecture and detail.
The proposed development provides a quality urban design outcome that can only enhance the streetscape of Young Road and complement the changing character of the this neighbourhood, complementing the nearby Carlingford business centre, public parks, quality public transport (rail and bus) and the proposed new light rail network, that is within a short walk (9minutes) from the site, which links Westmead railway station, Westmead hospital, the Parramatta CBD, North Parramatta, Western Sydney University, Telopea Village to Carlingford. All of these fundamental services promote higher densities because of their location to quality public amenities and services.

In averaging out the additional GFA of 194.03m2 over each of the three (3) detached RFB's, the additional building bulk on the top floor is setback from the lower levels and does not

adversely impact upon the surrounding natural and built environments as each RFB is contained within the 21m building height control and the additional bulk will only be visible from oblique angles, and not at street level, additionally, the increase in FSR does not cast any unreasonable additional shadow onto the neighbouring properties to west to that of a fully compliant 1.49:1 FSR scheme as almost all of the additional shadow is cast over a fully compliant FSR design scheme.
Having regards to the above, the proposed development readily fits within the building height control of 21m and because the land falls away from the street, each building is below the maximum height control at the front and rear of the site.
The buildings are well setback from the rear of the site to the extent that a greater separation distance of 9m is provided instead of the 6m separation distance allowed for under the ADG from ground to level 4. The generous separation distances between each building (above the ADG standard) further enhances the developments presentation to the street by breaking up the bulk and scale of the overall development.

This precinct has for some years been identified as having substantial development opportunities in terms of the desired future building bulk, scale, form, density and character envisaged by the former Council's strategic vision (The Hills Shire Council) and the Sydney Metropolitan Strategy, given its close proximity to public transport, services and amenities to meet the Hills Shire Council's environmental capacity for development in this neighbourhood. This is reinforced by the objectives of the THDCP for this Carlingford Precinct, which are:

i. *To provide a clear vision and the desired future character for the revitalization of the Carlingford Precinct;*
ii. *To formulate structure plans and a Master plan in response to the opportunities and constraints identified and incorporating the following design concepts for the Carlingford Precinct:*
- *Streetscape character, particularly in the vicinity of Thallon and James Streets, including the concept of street level activity with living above and that adjacent public spaces be augmented and upgraded;*
- *Increased height and density, in targeted locations, will be used as a mechanism to ensure that the desired future character for the Precinct and public infrastructure can be achieved;*
- *Integration of floodplain management with adjoining development to achieve high quality open spaces;*
- *Alternative development approaches/patterns to address site specific issues within the Precinct; and*
- *Undergrounding of local and 132kv power lines to improve streetscape appearance and street lighting.*

Iii To create a high quality, aesthetically pleasing, and functional Precinct for future residents.

Therefore, full compliance with the 1.49:1 FSR control undermines the provision of increased density in this neighbourhood, which is inconsistent with the objects contained in Section 5 of the Environmental Planning and Assessment Act 1979 by not better promoting and co-ordinating the orderly and economic use of land.

5.0 Clause 4.6 Exceptions to Development Standards of THLEP 2012

Comment

Clause 4.6 of THLEP 2012 replaces *State Environmental Planning Policy 1* (SEPP 1) in the City of Parramatta LGA. SEPP 1 previously gave the decision maker jurisdiction to grant development consent to a DA notwithstanding contravention of the development standard contained in an environmental planning instrument.

SEPP No 1 no longer applies to the subject land and Clause 4.6 now confers a similar planning discretion upon the consent authority.

The provisions of SEPP 1 differ from the provisions of clause 4.6. The decision in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 now* confirms that the decision of Preston CJ in *Wehbe v. Pittwater Council* [2007] NSWLEC 827 is only of indirect assistance in determining ways of establishing that compliance with a development standard in an environmental planning instrument might be seen as unreasonable or unnecessary.

In *Wehbe* [42] [46] Preston CJ did say however that a way of proving a well-founded objection under SEPP 1 is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting development consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable. The principle should apply to Cl. 4.6 of the THLEP 2012 as well.

The Chief Judge referred to the decision in *North Shore Gas Company v North Sydney Municipal Council* (Land and Environment Court, New South Wales, 15 September 1986, unreported) in which Stein J similarly held that compliance with a development standard was not required where the standard had been virtually abandoned or destroyed by Council's own action.

In addressing the relevant objectives in Clause 4.6, to achieve a variation to the FSR standard, the following specific clauses must be met:

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*

- *there are sufficient environmental planning grounds to justify contravening the development standard;*

- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.*

Response

The variation to increase the FSR control from 1.49:1 to 1.59:1 for the development proposed is appropriate for the following reasons:

- The amount of additional GFA (582.09m2) is relatively small and is spread out over all three (3) buildings (i.e. 194.03m2), the additional bulk on top of each building will not be noticeable from Young Road, and only noticeable from oblique angles some

distance from the site. A variation from a fully compliant FSR scheme would therefore not be noticed;

- is able to satisfy all applicable objectives of the FSR standard as the bulk and scale of the development is not substantially different to a fully compliant FSR scheme;
- will complement the existing and transitional character that this neighbourhood is undergoing in terms of additional bulk, scale, form and height;
- will allow for a building design that is more in keeping with modern architecture as the proposed buildings will enhance and create variety in the streetscape and have no amenity impacts upon the surrounding environment to that of a fully compliant 1.49:1 FSR scheme;
- the modern design responds to the context of the Carlingford town centre, which promotes quality building forms that will enhance the character of this neighbourhood making this neighbourhood a more desirable place to live and work;
- demonstrates that the additional bulk and scale generated by the increased FSR on the top floor of each building, is stepped back and will not be readily visible from the public and private domains. Only distant oblique views will be offered;
- the increased bulk and scale does not cast any substantial increase in over shadowing onto the neighbouring properties to the west, and both the public and private domains to that of a fully compliant scheme. Additional shadow cast by the top floor is primarily cast within the shadow of a fully compliant scheme;
- does not interrupt views or vistas through the site. The design of the proposed three (3) buildings provides generous view corridors between buildings through the site to the rear;
- does not increase overlooking opportunities from future residents living on the top floor;
- is in the public interest because it provides a modern urban design that responds to its context and public amenities and services within walking distance of the site;
- provides for appropriate housing stock and unit types in close proximity to excellent public transport, employment zones and other services and amenities that will support the increase in population to this neighbourhood and for the LGA of Parramatta as a whole;
- is consistent with the objectives of the sites R4 High Density Residential zone, which promotes a more compact society that is better located close to quality public amenities and services;
- Is in the public benefit as it is consistent with Section 5 (a) (ii) of the Environmental Planning and Assessment Act 1979 as it represents the orderly and economic use of land

The combined effect of these assessments confirms that the flexible application of the FSR standard is appropriate in this instance, that the variation is well founded and that the FSR standard is unreasonable or unnecessary in the circumstances of this application and that the justification provided is well founded.

5.1 Relevant Environmental Planning Grounds

As mentioned previously, the subject site is zoned R4 High Density Residential under the provisions of THLEP 2012. The proposed RFB's are permissible in the zone.

The zone objectives are set out and addressed as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

Response

The proposed development provides for 118 residential apartments, which includes:

- 30 x 1 bedroom units
- 77 x 2 bedroom units;
- 11 x 3 bedroom units.

Of the 118 units, 12 units are adaptable. All units comply or exceed the minimum bedroom unit size, which promotes a compact urban environment where the provision of quality fundamental public amenities and services are provided, for better use by a larger more dense population who may live and work in this area.

The site is located on the edge of the Carlingford town centre and is within easy walking distance of the Carlingford Railway Station and public bus services along major classified roads in Pennant Hills Road and Carlingford Road, that operate seven days a week.

The site has excellent accessibility to employment opportunities not only in the Carlingford town centre but also other nearby major business centres in the Parramatta and Epping CBDs. In this respect, the site has excellent access to education facilities in local primary and secondary schools that are within walking distance of the site. With the arrival of the new light rail, local residents will be able to readily access the Parramatta CBD, universities and other identified precincts along the light rail line.

The development is consistent with the aims and objectives for additional housing and population density under the "A Plan for Growing Sydney" and also the recently released draft Central City District Plan that also promotes increased densities in this Carlingford precinct.

The development site is regular in shape and located on the western side of Young Road. This land like others in the visual catchment of the site are undergoing urban renewal and revitalization as strategically envisioned by Council and the Department of Planning & Environment in the making of THLEP 2012 and The Hills Shire Council in adopting the Carlingford precinct companion DCP.

The proposed development will facilitate the redevelopment of a number of sites at the one time, and increase densities in accordance with the Council's strategic planning objectives.

The requirement for consideration and justification of Clause 4.6 Exception to Development Standard necessitates an assessment of a number of criteria. It is recognized that it is not merely sufficient to demonstrate a minimization of environmental harm to justify a variation under Clause 4.6, although in the circumstance of this case, the absence or lack of material impacts on adjacent properties is of considerable merit.

The buildings bulk and scale and flow on effects of increased overshadowing and overlooking impacts do not substantially change to that of a fully complying FSR scheme on the Winter solstice.
The building is able to fit within a building envelope with no readily noticeable increase in bulk and scale when viewed from the street to that of a fully complying scheme.

In considering the transitional streetscape on the western side of Young Road, the following is noted:

- the future development of sites in this precinct, particularly neighbouring sites to the west and east are afforded planning controls that promote high rise residential flat buildings that will be of similar bulk and scale to that of the proposal;
- the proposal will have no impact upon these buildings or the desired future character mooted by Council in up-zoning this precinct a number of years ago;
- the design of the proposed building is well articulated and will provide visual interest along Young Road and the reduction in floor plates from Level 5 upwards creates a stepping affect away from the front and rear of each RFB;
- The buildings as proposed are well setback from the rear of the site, in excess of that required by the ADG;
- the proposed buildings comply with the objectives and exceeds the design guidance controls outlined in the ADG so as to afford future residents in each building and those within future high rise developments adjacent the site with a level of amenity suitable for the scale of the development proposed;
- the design pays due regard to minimise view loss or other planning impacts, such as overlooking and overshadowing into properties to the north and west of the site;
- as can be seen from the submitted drawings, the proposed RFB's designs also allows for excellent opportunities for passive surveillance over the public and private domains and does not unreasonably reduce view loss because the design of the building responds to the location, shape and generous size of the site.

In response to ensuring the proposed development has been designed to enable sunlight access to surrounding streets and nearby properties, the proposal demonstrates the ADG controls relevant to solar access can be adequately maintained. The ADG requires:

> *"Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area.*

The shadow diagrams prepared demonstrate the development can achieve a minimum of 2 hours of direct solar access between 9am and 3pm in midwinter for 107 or 91% of

the of apartments within the development. As such, the design of the proposed development inclusive of the breach in FSR is consistent with this objective in that the development has been designed to ensure sunlight access is adequately maintained.

Having regards to the above comments, it is therefore considered that the variation sought to the FSR control is consistent with the sites R4 High Density zone objectives.

6.0 Land and Environment Courts Assessment

Winten Property Group Ltd v North Sydney Council (2001) NSWLEC 24

Justice Lloyd's Questions - Winten Property Group v North Sydney Council 2001

Justice Lloyd raised in this case, five questions that must be considered in the assessment of a SEPP 1 Objection, in the subject application, it relates to Clause 4.6 of SLEP 2012 because SEPP 1 does not apply to this new planning instrument.

Question 1

Is the Planning Control in Question a Development Standard?

Environmental Planning Instrument

Clause 4.4 FSR control is contained within an Environmental Planning Instrument (THLEP 2012) that was prepared in accordance with the provisions contained within the Environmental Planning & Assessment Act 1979 and therefore is a development standard that controls FSR.

Question 2

What is the Underlying Object or Purpose of The Standard?

As mentioned in clause 3.0 of this clause 4.6 submission, the Department of Planning Circular B1, numerical requirements may be departed from, if the purpose behind the control is achieved and the locality objectives of the relevant planning instruments are satisfied.

See Clause 4 of this Clause 4.6 submission.

Question 3

Is compliance with the development standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Environmental Planning & Assessment Act 1979.

Comment

Section 5(a)(i) and (ii) is set out as follows:

> ***5 Objects***
>
> *The objects of this Act are:*
>
> *(a) to encourage:*
>
> *(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns*

and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

Response

This issue in itself would hinder the attainment of the of the objects of Section 5 (i) and (ii) of the Environmental Planning & Assessment Act 1979 objective, which seeks to promote and co-ordinate the orderly and economic use and development of land. See previous comments under clause 4 and 5 of this submission.

Question 4: Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Comment

Compliance with the development standard is deemed to be unreasonable or unnecessary under the circumstances because the departure sought does not create any unreasonable environmental impacts upon the built and natural environments.

The density control does not align itself with the height control as the proposed increase in FSR fits within the 21m building height control envelope.

The proposed development provides for a high quality, environmentally and ecologically sustainable form of development that will make a positive contribution to the visual amenity and transitional character of the streetscape;

The application before Council clearly demonstrates that the proposed building can readily fit within a neighbourhood that is undergoing substantial change in bulk, scale, form and height. See also previous comments set out under clause 4 and 5 of this submission.

Question 5: Is the objection well founded?

In the decision (*Wehbe v Pittwater Council [2007] NSW* LEC *827*) Chief Justice Preston expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. These are:

1) *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2) *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3) *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4) *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or*
5) *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and*

unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

We are of the view that the objection is well founded because:

- The objective of the standard is met because the building has been designed so that it does not substantially increase overshadowing or reflect a greater bulk and scale to that of a fully compliant development;
- The proposed development is consistent with the sites R4 High Density Residential zone;
- Council has not been consistent in applying the FSR control in this precinct. There are other development in this precinct that have been granted departures from the FSR control;
- The departure sought will have no unreasonable impacts upon the amenity of neighbours in this precinct or create an undesirable precedent as the development site is large in size (5820.9m2 with a street frontage of approximately 155m);
- the proposed increase in density is able to fit within the existing building envelope controls without having any unreasonable impacts upon adjoining land;
- The proposal has been designed to respond to opportunities and constraints of the site and is considered to provide an appropriate environmental outcome having regard to the context of the site;
- A reduction in the FSR would not result in any meaningful difference in relation to the impact of the proposal or its fit within its context, but would harm the capacity to fulfil the environmental capacity of the site, particularly the sites location within close proximity of quality public amenities and services, both existing and planned (rail, bus, proposed light rail, Carlingford Court retail and employment precinct, public open space and local primary and secondary schools), all within walking distance of the site;
- The arrangement of heights within the precinct are intended to fulfil the development capacity of the precinct, and to provide a hierarchy of building types;
- Compliance with the ADG car parking controls generate 153 spaces and is significantly lower to that of the car parking controls set out in both DCP's that govern this site. Compliance with the DCP's would have required an additional 101 car spaces to be provided, which would substantially increase traffic movements in this precinct.

7.0 Conclusion

It is considered that the objection to the strict application of the development standard in this instance has been demonstrated to be unreasonable and unnecessary under the circumstances because:

- The applicable FSR control for the site is 1.49:1, generating 8673.14m2, whereby the proposal seeks to increase the FSR to 1.59:1, generating 9255.23m2, a variation to the FSR control by 0.10:1 or 582.09m2 or 6.3% above the standard, which is minor in the context of the scheme, overall site area, street frontage and transitional neighbourhood;
  The proposed development consists of three (3) RFB's, on average, each building contains 194.03m2 of GFA above the standard.

The buildings proposed FSR, marginally increases each buildings overall bulk (top floor), has in our view been sympathetically designed and demonstrates the buildings high standard of architecture and detail. It provides a quality urban design response that can only enhance the streetscape of Young Road.

Given the additional GFA of 194.03m2 within each of the detached RFB's, the additional building bulk on the top floor of each building is setback from the lower levels and does not adversely impact upon the surrounding natural and built environments as each RFB is contained within the 21m building height control and the additional bulk on the top floors will only be visible from oblique angles, and not at street level. Additionally, the increase in FSR does not cast any unreasonable additional shadow onto the neighbouring properties to west to that of a fully compliant 1.49:1 FSR scheme.

- The proposed building does not unreasonably increase the buildings bulk and scale to that of other development approved in this precinct ;
- The car parking demand generated by the proposed density is fully compliant with Council's controls and it has been demonstrated that the traffic generated by the proposed development will have no impact upon the local road network or safety to that of traffic generated by a RFB that complied with an FSR of 1.49:1 and Council's DCP's for this form of development;
- The proposal promotes the orderly and economic development of land;
- The proposal does not increase the building footprint to that of a complying scheme and the provision of landscaping and open space are enhanced by the provision of large deep soil zones and generous setbacks;
- There is no public benefit in maintaining the development standard in terms of State and regional planning objectives. As noted in the preceding sections, the proposed additional FSR generally reflects the building envelope intended for the site and the proposed variation would not give rise to any adverse environmental impacts;

  There would be no public benefit achieved if the FSR was reduced, particularly where key planning issues deriving from height, privacy and overshadowing, have been resolved through the architectural design response;
- Compliance with the 1.49:1 FSR standard would not support the regional plans such as "A Plan for Growing Sydney" or the "draft Central City District Plan" currently on exhibition. Both seek to promote housing in this precinct where fundamental quality public amenities and public services are provided for;
- The design satisfies the Land and Environment Court's test judgments for a well-founded objection to depart from a development standard;
- The change to the FSR control does not undermine the objects contained in Section 5 (a) (i) & (ii) of the Environmental Planning & Assessment Act 1979.

The variation to the FSR development standard that is contained within the THLEP 2012 will not raise any matter which could be deemed to have State or Regional significance.

The variance of this development standard will not contravene any overarching State or Regional objectives or standard, rather it will contribute to the achievement of unit choice and population targets expected around areas in transition.

Accordingly, Council as the consent authority can be satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 and that the proposed development will be in the public interest.

Appendix 4

SOCIAL IMPACT ASSESSMENT

2 – 16 Young Road Carlingford

1.0 Introduction

This Social Impact Assessment (SIA) has been prepared to assess the social impact potential of the proposed high rise residential flat building development at 2 – 16 Young Road Carlingford.

The proposal involves the demolition of eight (8) dwelling houses and other structures on the land, remove a number of trees and construct three (3) detached, seven (7) storey residential flat buildings (RFB) containing 118 residential apartments over basement car parking.

The proposal also includes the provision of both common and private open space areas, and extensive native landscaping throughout the site.

The SIA looks at the nature of the proposed development and the characteristics of the proposed use.

This SIA assesses the proposal in social impact terms, including the potential impact on the local community, and any potential positive or negative social impacts.

2.0 Likely Characteristics of Residents of the Proposed Development

The residents of the proposed development are likely to be similar in socioeconomic and demographic terms to the existing residents of Carlingford. As such, the proposed development will respond to a need for quality accommodation.

The development will also contribute to population growth in an area where there appears to be substantial population growth. This growth will ensure the continued provision of essential service and facilities in the area.

3.0 Community Facilities & Services

Carlingford is well served by community facilities and services. The proposed development is located within walking distance to the Carlingford Court multi-level shopping complex, bus stops along Pennant Hills Road and Carlingford Road, Carlingford Railway Station, and other services and facilities.

The proposed development is unlikely to generate any significant increase in demand on community facilities and services as the development is unlikely to result in any material change to the characteristics of the area.

4.0 Public Interest Benefits

The proposed development is likely to provide a number of public interest benefits to the local community, including:

- the provision of quality housing in an area that is in transition where the socio-economic and demographic characteristics indicate that this type of housing is in need;
- increase in the diversity of the mix of housing in the area;
- generation of employment in the construction of the proposed development;
- increase in patronage to Carlingford Court, small retail outlets, sporting fields, churches and public transport;
- increased security through increased pedestrian movements on the site and through the surrounding streets;
- greater use of the small pocket park that abuts the sites southern boundary and
- improvements to the existing site, including extensive landscaping and open space.

5.0 Social Impact Statement

The proposed development is unlikely to result in any material social impacts for the existing or future residents of Carlingford because:

- the residents of the proposed development are likely to have similar socioeconomic and demographic characteristics as the existing residents;
- the existing residents of Carlingford experience relative high levels of advantage and the proposed development responds to a need within the community for middle income housing;
- the Parramatta LGA as a whole is experiencing high levels of growth and that level of growth is expected to continue. The proposed development goes some way to contributing to growth in the area which will ensure the continuation and improvement of services and infrastructure;
- the proposed development is appropriately located in close proximity to established services and facilities including public transport (rail/bus), schools, retail outlets and parks.

6.0 Conclusion

The proposed RFB development is unlikely to have any detrimental impact on the character of the area or result in any negative implications for the safety and wellbeing of the community. Rather, the proposed development provides a number of positive public interest benefits for the area, such as:

- the provision of quality housing in an area where the socio-economic and demographic characteristics indicate that this type of housing is in need;
- increase in the diversity of the mix of housing in the area;
- generation of employment in the construction of the proposed development;
- increase in patronage to local retail outlets, schools, chucrhes and public transport;
- increased security through increased pedestrian movements on the site and through the development;
- improvements to the existing site, including extensive landscaping. The proposed development has no adverse social implications for the surrounding area and

The social impact assessment concludes that the proposed development will satisfy a need in the community and will provide necessary accommodation in an area where the demographic characteristics indicate there is a need.