



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-119
DA Number	DA/397/2020
LGA	City of Parramatta Council
Proposed Development	<p>Demolition of all structures, site preparation works, excavation and tree removal; construction of 5x 5-8 storey residential flat buildings comprising 321 apartments; construction of 2 x 2-3 level basement car parks comprising 266 car parking spaces, storage and plant rooms; construction of an internal road; a public pedestrian through site link; associated landscaping works; and delivery/augmentation of services.</p> <p>The application is Integrated Development under s138 of the Roads Act 1993.</p>
Street Address	2-16 Epping Road and 2-4 Forest Grove, Epping
Applicant	Austino Epping 2 Pty Ltd
Owner	Austino Epping 2 Pty Ltd
Date of DA lodgement	13 July 2020
Number of Submissions	46
Recommendation	Refusal
Regional Development Criteria	Pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Roads Act 1993• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) 2005• SEPP No. 55 (Remediation)• SEPP (Vegetation in Non-Rural Areas) 2017• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Hornsby Local Environmental Plan 2013• Hornsby Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Architectural Drawings
Report prepared by	Planning Ingenuity (Independent Assessment on behalf of City of Parramatta Council)
Report date	27 November 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **N/A**

1. Executive Summary

This report considers a development application for a development described as “*Demolition of all structures, site preparation works, excavation and tree removal; construction of 5 x 5-8 storey residential flat buildings comprising 321 apartments; construction of 2 x 2-3 level basement car parks comprising 266 car parking spaces, storage and plant rooms; construction of an internal road; a public pedestrian through site link; associated landscaping works; and delivery/augmentation of services.*”

Planning Ingenuity Pty Limited has been engaged by City of Parramatta Council to provide the Sydney Central City Planning Panel (SCCPP) with an independent town planning assessment of this application.

The development application has been referred to Transport for NSW pursuant to Section 138 of the *Roads Act 1993* and in accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007*. Transport for NSW have determined that the application fails to comply with Clause 101 of the SEPP in respect to the proposed vehicular connection to Blaxland Road and have therefore not provided concurrence for the proposed development.

Furthermore, suitable vehicular access to the site is not provided as the proposed access road and cul-de-sac relies upon land that is located on the adjoining site which is zoned RE1. The provision of a private access road on the adjoining land is not consistent with the objectives of the RE1 zone and is inconsistent with the location of the laneway envisaged under Hornsby DCP 2013 and the Epping Town Centre Urban Activation Precinct Structure Plan.

Assessment of urban design, residential amenity, traffic and parking, stormwater management, noise management, contamination, public domain and infrastructure, housing diversity, site requirements, and tree management and landscaping has determined that the proposal cannot be supported.

The proposed development is inconsistent with the planning principles in SEPP 65 and various objectives in the Apartment Design Guide. As such, the proposed apartments are not of the quality anticipated by the controls that apply to the site.

Insufficient information has also been submitted in relation to contamination, tree and landscape design to ensure that the site will be made suitable for the development and biodiversity values on and adjacent to the site can be preserved.

The building height proposed is non-compliant with Clause 4.3 of Hornsby LEP 2013. No variation request has been submitted pursuant to Clause 4.6 of the LEP. Further, the development fails to comply with various controls in Hornsby DCP 2013 relating to site requirements, built form, residential amenity, site isolation, traffic and parking, and development principles. The development is therefore inconsistent with the desired future character of the Epping Road/Forest Grove, Epping Precinct.

46 individual written submissions were received by Council in response to the notification process and have been considered in this assessment.

It is considered that the development application be refused for the reasons listed in the Recommendation section of this report.

2. Key Issues

General:

- **Concurrence** – Concurrence from Transport for NSW has not been received in relation to the proposed connection to Blaxland Road.
- **ADG** – Non-compliances with various parts of the ADG.
- **Access Road** – Access to the site via the proposed access road cannot be provided as it is partly located on the adjoining site, which is zoned RE1.

Hornsby Local Environmental Plan 2013:

- **Height** – Building D is non-compliant with the 17.5m maximum height. No Clause 4.6 variation request has been submitted (Clause 4.3).

Hornsby Development Control Plan 2013:

- **General** (Part 1) – Non-compliances with various controls.
- **Residential** (Parts 3.4 and 3.5) – Non-compliances with various controls applicable to the site.

Insufficient Information:

- **Contamination** – Insufficient information has been provided to demonstrate that the site can be made suitable for the development.
- **Retention of Trees** – Insufficient information has been provided to demonstrate that mature Box Brush trees can be retained.
- **Site Isolation** – Insufficient evidence has been provided to demonstrate that a fair market price has been offered to the owners of No. 18 Epping Road, which would be isolated by the development. Further, it has not been demonstrated that the orderly and economic development of No. 18 can occur despite the proposed development.

3. Site Description, Location and Context

3.1 Site

The site is located on the southern side of Epping Road between the intersections with Blaxland Road and Forest Grove. The site is an irregular shape with three street frontages, with the exception of the northwest corner where it excludes a single allotment at No. 18 Epping Road. Accordingly, the site contains eleven (11) allotments, legally described as:

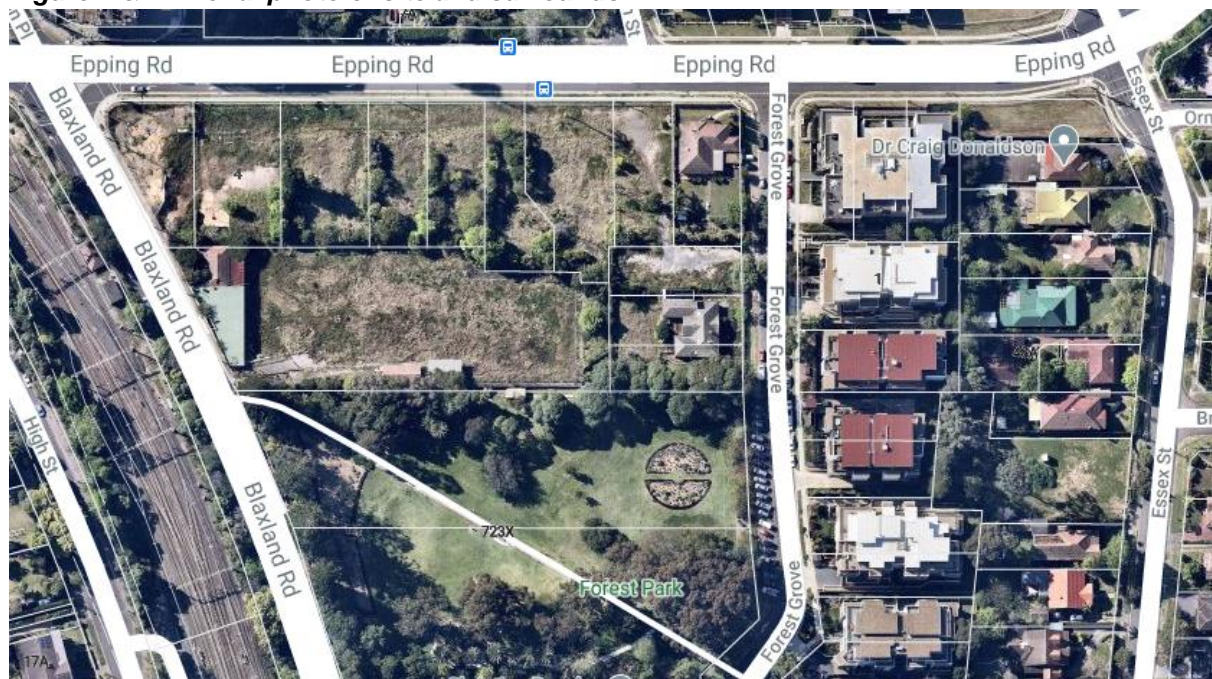
- 2 Epping Road - Lot 10 in DP 1204058;
- 4 Epping Road – CP SP 16921;
- 6 Epping Road - Lot 4 in DP 1204059;
- 8 Epping Road - Lot 7 DP in 1204060;
- 10 Epping Road - Lot 8 in DP1204060;
- 12 Epping Road - Lot 11 in DP 1204061;
- 14 Epping Road - Lot 12 in DP 1204061;
- 16 Epping Road - Lot 15 in DP 1204062;
- 2 Forest Grove - Lot 10 in DP 10385;

- 4 Forest Grove - Lot 11 in DP10385; and
- 4 Forest Grove - Lot 12 in DP10385.

The total area of the site is 11,450.2m². An aerial photograph of the site and immediate surrounds is included in **Figure 1 & 2** with the site marked with blue pins.



Figure 1 & 2 : Aerial photo of site and surrounds



(Source: Near Maps)

The site is relatively undulating, with its highest point (approximately RL 99.43) being a raised bank in the northwest corner. The site generally falls away from Epping and Blaxland Roads. Levels fall moderately by approximately 4m to the east (to the northeast corner on No. 16 Epping Road) along the Epping Road frontage and by approximately 8m to the southeast corner of No. 6 Forest Grove (approximately RL 91.87). There is a steep fall of approximately 4m from the bank on the western side of the site to the southwestern side of No. 4 Epping Road (approximately RL 91.77). The land also falls further to the former bowling club site to the south.

There is vegetation and trees located throughout the site, with 69 trees located on or adjacent to the subject site.

The site does not contain any heritage items and is not located in a heritage conservation areas. Forest Park, adjoining the site to the south at No. 723X Blaxland Road is listed as a local heritage item (Item No. 359) under Hornsby LEP 2013.

All of the allotments, with the exception of No. 4 Forest Grove are currently vacant, with former buildings and structures having been cleared approximately 2 years ago. No. 4 Forest Grove contains a single storey detached dwelling house with vehicular access provided via a concrete driveway from Forest Grove. A further vehicular crossing accesses the site from the east at the location of No. 2 Forest Grove. There are also three (3) existing vehicular crossings that access the site directly from Blaxland Road to the west.

Photographs of the site as viewed from the surrounding streets are provided at **Figures 3 to 7** below.



Figure 3: View eastwards across the site from Blaxland Road



Figure 4: Site viewed from the northern side of Epping Road



Figure 5: Eastern side of the site viewed from Forest Grove



Figure 6: Existing vacant dwelling at No. 4-6 Forest Grove



Figure 7: View towards the site from Forest Park with avenue of Box Brush trees in the foreground

Adjoining and Nearby Properties, Context and Setting

The site is part of the Epping Road/Forest Grove Precinct, which is a strategic precinct and subject to a site-specific section in the Hornsby Development Control Plan 2013 (HDCP 2013). Sites in the precinct are zoned R4 – High Density Residential and have generally

undergoing transition from low density dwellings to residential flat buildings up to 5 storeys in height. The subject site is one of the few sites left in the precinct to not have been redeveloped or be approved for redevelopment.

The Epping town centre is located due northwest of the site, across Epping Road, with Epping Metro and Railway Station located approximately 200m walking distance from the site.

Both Blaxland and Epping Roads are classified roads, zoned SP2 Infrastructure. Accordingly, they are maintained and operated by Transport for NSW (formerly RMS). The Metro North West line and T9 Northern railway line are located on the western side of Blaxland Road on land also zoned SP2.

A layout plan for Epping Road/Forest Grove precinct is included in **Figure 7** and shows the approximate location of the subject site outlined in red.



Figure 8: Extract of HDCP 2013 showing Epping Road/Forest Grove precinct

Adjoining the site in the northeast corner is No. 18 Epping Road (**Figure 9**), which contains a single storey detached brick dwelling house with vehicular access from Forest Grove to an attached garage on its eastern side.



Figure 9: No. 18 Epping Road viewed from Forest Grove

Adjoining the site to the south, is No. 725 Blaxland Road, the vacant former Epping Bowling Club (**Figure 10**), which is also under the ownership of the applicant. The vacant bowling club site contains a single storey brick and weatherboard clubhouse on the western side, accessed from Blaxland Road and two single storey structures on its southern side, with the former bowling green taking up much of the rest of the site. The site is zoned RE1 – Public Recreation.



Figure 10: View eastwards across the vacant former bowling club

Further south, is Forest Park, a local parkland also zoned RE1. The park contains a significant amount of vegetation and provides a pedestrian pathway that traverses the park and connects Forest Grove with Blaxland Road.

Neighbouring sites on the eastern side of Forest Grove have been recently redeveloped to residential flat buildings (**Figures 11 to 13**):

- No 20-24 Epping Road (DA/327/2015/A) – located on a corner lot, a part 5, part 6 storey residential flat building containing 57 dwellings with basement parking accessed via Forest Grove;
- No. 1 Forest Grove (DA/1606/2014) – a 5 storey residential flat building containing 36 dwellings over basement parking accessed directly from Forest Grove; and
- No. 3-7 Forest Grove (DA/852/2016) – two 5 storey residential flat buildings containing 80 dwellings over basement parking, with vehicular access provided from Forest Grove.



Figure 11: No. 20-24 Epping Road viewed from northern side of Epping Road



Figure 12: No. 1 Forest Grove viewed from Forest Grove



Figure 13: No. 3-7 Forest Grove viewed from Forest Grove, with further residential flat buildings within the precinct visible to the south (right-hand side)

Located to the north of the site, on the opposite side of Epping Road is No. 12-22 Langston Place (**Figures 14 and 15**). The site is currently under construction having been approved (DA/468/2016/D) for the construction of 3 mixed use towers (19, 24 and 29 storeys) comprising 464 residential units and 2,526sqm of commercial floor space over 4 basement levels containing 459 car spaces, bicycle and motorcycle parking, storage and services. The

approved development includes public domain upgrades including a 2-way vehicular lane between towers 2 and 3, pedestrian through-site links, and public opens space.



Figure 14: Three towers forming part of No. 12-22 Langston Place currently under construction, viewed from Epping Road to the east



Figure 15: Photomontage of the approved development (DA/468/2016) at No. 12-22 Langston Place, viewed from the intersection of Epping and Beecroft Roads

Adjoining that site to the east is Epping Library Park, a small grassed area with picnic tables, play equipment, and Epping Library. Beyond are a cluster of part 2, part 3 storey residential flat buildings at No. 7 Epping Road (Pembroke Lodge, Pembroke Place and Pembroke Gardens) with vehicular access from Smith Street to the east (**Figure 16**).



Figure 16: Pedestrian access on the southern side of No. 7 Epping Road

3.2 Relevant Site History

An owner-initiated Planning Proposal was lodged for the site in December 2015 with Hornsby Shire Council, then City of Parramatta Council (in 2016 following Council amalgamations).

The Planning Proposal sought to increase building heights on site to a maximum of 68.5m in the northwest corner, stepping down to 20.5m, and to provide varying floor space ratios to parts of the site to reflect the increased building heights.

The Planning Proposal was not forwarded for Gateway determination due to traffic issues raised by the Department of Planning Industry and Environment, Sydney Central City Planning Panel, and City of Parramatta Council.

3.3 Application History

APPLICATION HISTORY	
12 July 2020	Development Application lodged with Council (DA/397/2020).
17 July 2020	Comments received from Council's Environmental Health Officer (Waste).
	Comments received from Council's Environmental Health Officer (Contamination).
	Comments received from Council's Environmental Health Officer (Acoustic).
24 July 2020	Comments received from Council's Biodiversity Officer.

27 July 2020	Comments received from Sydney Metro, confirming that concurrence is not required in relation to Metro infrastructure.
29 July 2020	The DA was advertised for 21 days in accordance with the notification provisions of the Hornsby Development Control Plan 2013, between 29 July 2020 and 19 August 2020.
5 August 2020	Comments received from Transport for NSW, not providing concurrence for the proposed road connection to Blaxland Road.
7 August 2020	Comments received from Council's Social Outcomes Officer.
	Comments received from Council's Landscape Tree Management Officer.
	Comments received from Council's Traffic Engineer.
13 August 2020	The Development Application was considered by Council's Design Excellence Advisory Panel.
14 August 2020	Additional comments received from Council's Biodiversity Officer.
10 September 2020	Comments received from Council's Development Engineer.
20 September 2020	The application was briefed to Sydney Central City Planning Panel.
24 September 2020	A request for additional information letter was issued to the applicant.
8 October 2020	A Class 1 Appeal was lodged by applicant with the Land and Environment Court NSW under Section 8.7 of the Environmental Planning and Assessment Act 1979.
20 October 2020	Comments received from Council's Heritage Adviser.
28 October 2020	An independent Planning consultant (Planning Ingenuity) was engaged to undertake the assessment of the development application.
20 November 2020	Site inspection undertaken by Planning Ingenuity.

4. The Proposal

Development Application DA/397/2020 was lodged with City of Parramatta Council on 12 July 2020. The development application seeks development consent for:

- Demolition of existing structures, site preparation works, and excavation;
- Removal of 35 trees;
- Construction of five (5) residential flat buildings comprising a total of 321 apartments, configured as:
 - Building A comprising 8 storeys and 69 apartments;
 - Building B comprising 8 storeys and 73 apartments;
 - Building C comprising 8 storeys and 74 apartments;
 - Building D comprising part 5, part 8 storeys and 57 apartments; and
 - Building E comprising 5 storeys and 48 apartments;
- Apartment mix comprising of:
 - 72 x 1 bedroom apartments;
 - 216 x 2 bedroom apartments; and
 - 33 x 3 bedroom apartments;
- Construction of two part 2, part 3 level basement car parks, one accessed via Forest Grove and one via the new access road. The basement will contain:
 - 266 car parking spaces;

- 6 motorcycle parking spaces;
 - 96 bicycle parking spaces;
 - Resident storage areas;
 - Waste storage areas; and
 - Plant rooms;
- Part construction of new east-west internal access road connecting to Blaxland Road;
 - Provision of an east-west public pedestrian link from Forest Grove to the proposed access road;
 - Provision of a north-south public pedestrian through site link from Epping Road in between Buildings B and C;
 - Associated landscaping works; and
 - Delivery / augmentation of utilities to service the proposed development.



Figure 17: Proposed site plan identifying the location of the proposed buildings on site



Figure 18: Proposed Epsom Road elevation



Figure 19: Proposed Forest Grove elevation

5. Referrals and Briefing Notes

Integrated Development

The application is identified as Nominated Integrated Development pursuant to the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* as an approval is required from:

- Transport for NSW (formerly RMS) in accordance with the requirements of the *Roads Act 1993*.

Transport for NSW responded to the referral and did not provide concurrence for the proposed development, as outlined in Section 5.3 below.

The application is identified as Nominated Integrated Development pursuant to the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* as an approval is required from:

- WaterNSW in accordance with the requirements of the *Water Management Act 2000*.

Other Referrals and Briefing Notes

5.1 Sydney Central City Planning Panel

Issues Raised	Comment
Briefing 1 – 10 September 2020	
<i>The need to clarify whether Transport for NSW has previously been consulted regarding the location of the new access road, for example in relation to the DCP and LEP, and if the link was supported by them at that time.</i>	Hornsby Council staff have provided the following response: <i>"I have reviewed Council's records and can confirm that Roads and Maritime Services was notified of the DCP amendments. However, the laneway from Blaxland Road to Forest Grove Road was not identified in the exhibited key development principal diagram for this precinct. The laneway was included following the exhibition to achieve consistency with the</i>

	<p><i>exhibited Structure Plan for the Epping Urban Activation Precinct. It is understood that the laneway was intended the support the relocation of existing driveways on Epping Road to a consolidated access way connecting Forest Grove with Blaxland Road.</i></p> <p><i>This matter is addressed in the Council Reports available in Council's business papers: http://businesspapers.hornsby.nsw.gov.au/. Refer to PL35/14 (Council meeting held 14/5/2014) and PL72/14 (Council meeting 1/10/2014)."</i></p>
<i>The heritage trees in the adjacent park and whether a setback and construction management plan could be conditioned, therefore not delaying processing of the application, and requiring unreasonable additional studies by the applicant.</i>	Council's Landscape Officer and Team Leader Landscape Tree Assessment, have reviewed this request and has provided advice that a condition cannot be imposed. This information is required for assessment prior to determination.
<i>Potential conflict of interest in Council assessing this DA given Council's potential interest in the purchase of Bowling Club site, as advised at the meeting. The Panel requested Council to urgently clarify this matter.</i>	The DA has been independently assessed and the report has been prepared by Planning Ingenuity (consultant planners).
<i>The importance of the residential buildings having a direct street address.</i>	This issue is concurred with. Refer to ADG and DCP compliance tables.
<i>Potential safety issues where there is reliance on internalised entry points.</i>	This issue is concurred with. Refer to ADG and DCP compliance tables.
<i>Safety issues if pedestrian entries and pedestrian movements interface with vehicle access to basements.</i>	This issue is concurred with. Refer to ADG and DCP compliance tables.

5.2 Design Excellence Advisory Panel

Issues Raised	Officer Comment
13 August 2020	
<p><u>Through site link</u> <i>The panel noted that there is a through site link connecting Forest Grove Road to Blaxland Road. This connection comprises part road and part pedestrian only with a significant change in grade at the point where road changes to a pedestrian connection to Forest Grove Road.</i></p> <p><i>The Panel believes that:</i></p> <ul style="list-style-type: none"> <i>A vehicular and pedestrians through site link should be provided and designed as a street connecting Forest Grove Road to Blaxland Road (this was clearly notated in the DCP dated 10 January 2019) PP3-113</i> <i>This link should be immediately south of the site on the bowling green site noting that this site is owned by the applicant</i> <i>Concurrence with RMS is required to connect this new street to Blaxland Road</i> 	<p>The issues raised by the DEAP were provided to the applicant as part written correspondence dated 24 September 2020. No formal amended plans or documentation have been provided to Council since.</p>

The panel notes that there are three long communal open spaces and new long public open space separating the four buildings along Epping Road. Each corridor is 12 metres wide to four stories and 18 metres above four stories (when viewed from Epping road) and 36-40 meters long. The change in level along each of the corridors varies from 3-6 metres. Each corridor has a different landscape theme.

The Panel notes that:

- The public corridor forming an entrance to the development and the bowling green site located to the south should be wider and be designed to form an entry to the development. It appears (at the scale of the drawings provided to the panel, plans and elevation) that the proposed design for the space in terms of width and height is similar to the other north south spaces. The design as proposed is missing distinguishing urban elements to inform the passer-by that this is the main entry to the development.
- Each corridor provides an entry to two buildings but not the development as a whole.
- The landscaped courtyards are the only communal open spaces associated with the proposal.
- They are located over structure with a vertical drop of 3-6 metre deepening on the location of the corridor.
- The panel has not received sections that illustrate the structure and the stepping that would occur in these corridors.
- The panel questions the utility of these spaces as communal open space when they are also entranceways and a series of stepped platforms.

Streetscape

The panel notes that:

- A number of units fronting the new road to the south are below grade.
- A number of units fronting Epping Road are below the footpath.
- The rendered architectural drawings illustrate a timber board walk within the front setback, reducing the amount of potential canopy trees suggested in this area by the Landscape Architects.
- The landscape plans propose over 60% deciduous trees throughout the project, it is suggested that more canopy evergreen trees be utilised throughout the project where appropriate.
- The proposed arrangement poses a number of visual privacy issues for units on the ground floor.
- The rendered floor plans and sections require coordination as to fully understand how the development relates to Epping

<p><i>Road and the new east west street.</i></p> <ul style="list-style-type: none"> • <i>It is unclear from the drawings issued to the panel how the boards will actually function and provide occupants and visitors access to the units along Epping Road and the proposed new street.</i> 	
<p><i>Isolation</i> <i>The panel noted during the presentation that the potential building envelope was shown for the site located at the corner of Epping Road and Forest Grove Road. This site could become an isolated site with limited development potential.</i></p> <p><i>The panel requires that building envelopes be developed to demonstrate the site can be redeveloped with a similar FSR as proposed in this application before Council.</i></p>	

5.3 External Referrals

Authority	Comment
Transport for NSW	<p><i>TfNSW has reviewed the submitted application and notes that the development proposes vehicular access to Blaxland Road. In this regard, TfNSW does not provide concurrence for the proposed development due to:</i></p> <p><i>1. TfNSW advises that current practice is to limit the number of vehicular conflict points along the arterial road network to maintain network efficiency and road safety. This current practice is reflected in Section 6.2.1 of TfNSW current publication of the Guide to Traffic Generating Developments, which states ‘access across the boundary with a major road is to be avoided wherever possible’.</i></p> <p><i>Blaxland Road is a major arterial road, which carries a high volume of traffic, where transport efficiency of through traffic is of great importance.</i></p> <p><i>Further to the above, clause 101(2a) of State Environmental Planning Policy (Infrastructure) 2007, states: “The consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:</i></p> <p><i>(a) “where practicable, vehicular access to the land is provided by a road other than the classified road”.</i></p> <p><i>As the subject site has alternative vehicular access via the local road network, TfNSW would not grant concurrence to the proposed connection to Blaxland Road under Section 138 of the Roads Act, 1993. In this regard, the proposed development shall be modified with the removal of the vehicular connection to Blaxland Road.</i></p>
Sydney Metro	No objections. Sydney Metro also has no comments on the DA for the purpose of clauses 45 or 85 of the ISEPP.
Sydney Trains	Concurrence and recommended conditions of consent provided.
Ausgrid	Recommended conditions of consent provided relating to overhead powerlines and underground cables.

5.4 Internal Referrals

Authority	Comment
Biodiversity Planning Officer	<p>Not supported for the following reasons:</p> <p>A row of Brushbox trees (Trees 1-10, 45 and 64) located along the southern boundary must be retained. These trees are a significant landscape feature that provide an important buffer between Forest Park and the proposed development. They are also included in the heritage listing of the park.</p> <p>An updated Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) must be provided to demonstrate that these trees can be viably retained.</p> <p>Landscape Plans are required to be amended to replace the proposed tree species with large canopy tree species and have additional screen planting along the southern boundary. A larger deep soil setback is required to accommodate these plantings.</p> <p>The proposed internal access road should be moved northwards so that it does not impact the RE1 land.</p>
Landscape Tree Management Officer	<p>Not supported for the following reasons:</p> <ul style="list-style-type: none"> • Brushbox trees along the southern boundary must be retained; • No works are permissible on the adjoining land zoned RE1; • Inadequate information in terms of soil volume and area to demonstrate that new trees can be supported on site.
Environmental Health - Contamination	<p>Not supported for the following reasons:</p> <ul style="list-style-type: none"> • Due to historical land uses, the site is likely to have contaminated soil present. • A Detailed Site Investigation (DSI) is required to be undertaken; • A hazardous building survey should be undertaken prior to demolition of remaining structures, and asbestos clearance certificates should be provided; • Waste classification is required to be undertaken to classify material to be excavated.
Environmental Health - Acoustic	Supported, subject to recommended conditions of consent.
Environmental Health – Waste Management	Supported, subject to recommended conditions of consent.
Heritage	<p>Support, as summarised below:</p> <p>Given distance to nearest heritage items and conservation areas, there will be no impact on heritage values. Given proximity to park, archaeological material may potentially be found. In such cases, works should stop and NSW OEH should be notified.</p>

Authority	Comment
	<p>Planning Comment: If approved, a condition of consent would outline the procedures to deal with unexpected archaeological finds.</p>
Social Outcomes	<p>Supported subject to the following comments and recommended conditions:</p> <ul style="list-style-type: none"> • A Social Impact Assessment (SIA) has not been provided and is required as the development proposes more than 100 residential units; • A community room should be provided on site; • Recommendations of Windtech's ventilation treatments should be incorporated; • Communal open space should be enhanced, including provision of play space; • Dwelling mix for adaptable and liveable apartments should be revised to offer 10% adaptable and liveable of 1, 2, and 3 bedroom units; • Proposed internal road is located outside of the site boundary and alternative access should be sought; • Consider the inclusion of affordable housing; • Consider permitting pet ownership.
Traffic	<p>Not supported on the basis that the new access way cannot to be delivered as part of this development. The proposed 3m portion of this road is not sufficient to provide appropriate access to the proposed development.</p> <p>Notwithstanding the above, the remaining issues could be dealt with via condition as summarised below:</p> <ul style="list-style-type: none"> • A surplus of 2 car parking spaces is provided and must be removed; • A car share space is not provided or required; • There is a shortfall of 2 bicycle spaces which should be provided; • 6 motorcycle spaces are provided which is compliant; • Parking layout (to be conditioned) and manoeuvring appears to comply with AS2890; • Vehicular driveway and gradients appears to comply with AS2890. Condition required for roller shutter door; • Condition required for sight lines.
Development Engineer	<p>Not supported for the following reasons:</p> <p>The location of the OSD in the basements shown in the Stormwater management report prepared by Adams Engineering positions them well below top of kerb RL, which is the required reference point when calculating head within the OSD system. The location of the OSD tanks cause the following issues that require addressing:</p> <ol style="list-style-type: none"> i. Drowned orifice, ii. Possible reverse flow in outlet and emergency overflow pipes, iii. No surface emergency overflow path presented or possible.

Authority	Comment
	In this regard, the OSD tanks shall be relocated to a position that allows for the above issues to be rectified. i.e. OSD access grates at or near natural surface level and OSD tanks located towards the downstream side of the lot etc.

6. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

6.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

6.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$30 million.

6.3 Section 4.15: Evaluation

This section specifies the matters that a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 9
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 10
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 12
Section 4.15(1)(c) - Site suitability	Refer to section 13
Section 4.15(1)(d) – Submissions	Refer to section 14
Section 4.15(1)(e) - The public interest	Refer to section 15

6.4 Section 4.46: Integrated Development

The application is Nominated Integrated Development under Section 138 of the *Roads Act 1993* in relation to the proposed road connection to Blaxland Road, which is a classified road. Transport for NSW have raised an objection to the proposal (as outlined in Section 5.3 above) and have not provided concurrence or General Terms of Approval.

The application is Nominated Integrated Development under Section 89 and 90(2) of the *Water Management Act 2000*. The application was accompanied by a Geotechnical Investigation which identified the presence of groundwater. The application was referred to WaterNSW for General Terms of Approval. No response has been received to date. As the application is recommended for refusal the application is to be determined in its current form without General Terms of Approval from WaterNSW.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Sydney Harbour Catchment) 2005
- SEPP No.55 - Remediation of Contaminated Land
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP No. 65 (Design Quality of Residential Apartment Development)
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

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

This Policy seeks to ensure that new development is designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water consumption reduction targets which are based on a NSW average benchmark. The Policy sets out minimum performance levels for the thermal comfort of a dwelling.

BASIX Certificates have been submitted with the application and demonstrate compliance with the relevant BASIX requirements. Were the application recommended for approval, conditions relating to the BASIX commitments would be included in the conditions.

7.3 State Environmental Planning Policy (Infrastructure) 2007

The subject development was referred to Ausgrid pursuant to Clause 45 of ISEPP. Ausgrid have provided recommended conditions of consent relating to existing electricity transmission and distribution infrastructure adjacent to the subject site.

The subject site is located within 25m (measured horizontally) of the T9 Northern Line, which is located on the western side of Blaxland Road. Accordingly, Clauses 86 and 87 of ISEPP are relevant to the proposed development. The application was referred to Sydney Trains who have provided concurrence to the proposed development subject to recommended conditions of consent.

The proposal has a frontage to Blaxland Road and Epping Road, both of which are classified roads. Therefore, Clauses 101 and 102 of ISEPP apply to the proposed development. Further, as the development proposes more than 75 dwellings and a car park with more than 50 car spaces, it is classed as “traffic generating development” and Clause 104 of ISEPP is also applicable. Accordingly, a referral has been issued to Transport for NSW (TfNSW) for comment.

TfNSW have reviewed the application and have raised an objection to the proposed provision of a connection to the proposed internal access road directly from Blaxland Road given that access to the site can be provided from a lower order road (Forest Grove). The proposal is inconsistent with Clause 101(2)(b) of the ISEPP, which states:

“(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road”

In light of the above, the proposed access to the site from Blaxland Road is not supported and it has not been demonstrated that there is no alternative practicable and safe vehicular

access to the site that can be provided. The proposed access road is a cul-de-sac and does not connect to Forest Grove, therefore not enabling local traffic to pass through the site, as envisaged in HDCP 2013. Concurrence of TfNSW has therefore not been provided and the development does not satisfy Clause 101 of ISEPP.

In terms of noise and vibration from the adjacent classified roads and rail corridors pursuant to Clauses 87 and 102 of ISEPP, the application is accompanied by an Acoustic Assessment prepared by Renzo Tonin & Associates. The assessment considers the impacts of noise and vibration on the proposed residential dwellings, including recommendations to mitigate adverse noise impacts on future occupants. With regards to internal noise, the assessment notes that:

“Internal noise levels with windows opened for habitable rooms on the Epping Road facades (Buildings A-D) and Blaxland Road (Building A) cannot be achieved through standard design. An alternative form of ventilation is to be considered for these spaces.”

However, the report does not specify what the alternative forms of ventilation are and to which apartments these design treatments are to be applied. As such, insufficient information has been provided to demonstrate that the proposed development can satisfy the internal noise level requirements set out in Clauses 87 and 102 of ISEPP.

7.4 State Environmental Planning Policy (State and Regional Development) 2011

As this proposal has a Capital Investment Value of more than \$30 million, Part 4 of this SEPP provides that the Sydney Central City Planning Panel is the consent authority for this application.

7.5 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality.

If approved and subject to recommended conditions, the objective of the deemed SEPP can be achieved.

7.6 State Environmental Planning Policy No. 55 – Remediation of land

A Preliminary Site Investigation (Phase 1) has been prepared by *JK Environments* and identified the following potential contamination sources/AEC on or near the site:

- Imported fill material across the site;
- Groundwater impacted by TRH beneath the site;
- FCF presumed to contain asbestos upon the site surface;
- Historic service station and mechanics business within the western portion of the site (2 Epping Road);
- Use of pesticides in and around buildings, and within the associated yards;
- Hazardous building materials present within current and former structures on site;
- A service station historically located approximately 30m up-gradient of the site; and
- A dry-cleaner business historically located approximately 90m up-gradient of the site.

Considering the above, JKE are of the opinion that there is a potential for site contamination.

Based on the potential contamination sources/AEC identified, further investigation of the contamination conditions is considered to be required. As the site has been historically used as a service station and for engine works (mechanics business), which are listed in Table 1 of the SEPP55 Planning Guidelines as activities that may cause contamination a detailed (Stage 2) site investigation (DSI) will be required.

Council's Environmental Health Officer has reviewed the information and considers that a Detailed Site Investigation (Phase 2) is required but has not been undertaken as part of the development application and therefore, the level of contamination present and remediation required is not known.

As such, the application fails to adequately demonstrate that site can be made suitable for the proposed use in accordance with the requirements of SEPP No. 55.

7.7 State Environmental Planning Policy (Vegetation In Non-Rural Areas) 2017

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of non-native and native vegetation from the site. In total, there are 69 trees located on or adjacent to the site. The submitted Arborist Report prepared by Naturally Trees states that 35 site trees are proposed to be removed as part of the application.

The trees proposed for removal includes six (6) Brush Box trees (Trees 4-9) located along the southern boundary of the site. The Brush Box trees form part of an avenue of trees (identified as Trees 1-10, 45 and 64 on the submitted Arborist Report) located on the southern side of the subject site and northern end of Forest Park, which provide an important buffer between the park and the proposed development. All six (6) trees have been identified as being in good health and of high retention value. Furthermore, the trees are included in the description for the heritage listing of Forest Park.

Council's Landscape and Tree Management Officer and Biodiversity Officer has reviewed the application and have raised concerns regarding the impacts on the twelve (12) Brush Box trees. It is not clear from the information submitted with the application whether or not these trees can be satisfactorily retained. Accordingly, Council's Landscape and Tree Management Officer and Biodiversity Officer have requested additional information, including an updated Arboricultural Impact Assessment and Tree Protection Plan to ensure that these trees are retained and protected as part of the development.

As this information has not been provided, insufficient information has been submitted by the applicant demonstrating that the proposed tree removal is consistent with the aims of this SEPP and protects the biodiversity values and amenity of trees on and adjacent to the site.

7.8 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to developments consisting of buildings that are at least 3 or more storeys in height and that contain at least 4 or more dwellings. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Review Panels

In accordance with clause 28(2) of SEPP 65, the consent authority must take into consideration the following:

- a) *the advice (if any) obtained from the design review panel*

As set out in Section 5.4 of this report, the proposal was reviewed by Council’s Design Excellence Advisory Panel (DEAP) on 13 August 2020. The DEAP have raised a number of issues relating to the proposal, which were provided to the applicant as part of a request for additional information letter issued on 24 September 2020.

The comments provided by Council’s Design Excellence Advisory Panel have not been addressed by the applicant.

The provisions of SEPP 65 have been considered in the assessment of the development application. The applicant submitted a SEPP 65 assessment of the proposed development along with a design verification statement prepared by *PTW*, dated July 2020, verifying that the plans submitted were drawn by a Registered Architect. This document provides a statement about the design quality principles set out in Schedule 1 of SEPP 65.

An assessment of the design principles is addressed below:

ADG design quality principle	Response
1. Context	<p>The design of the proposed development does not adequately respond to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood. The site has been identified for high density redevelopment in accordance with the provisions for HLEP 2013. The proposal does not respond to the topography resulting in ground floor apartments located below the natural ground level.</p> <p>The bulk, scale and setbacks of the development is inappropriate for the context of the area as the proposal is inconsistent with the built form controls desired future character statement outlined within the Hornsby Development Control Plan 2013. Further, the proposed removal of mature trees along the southern boundary of the site is not supported and does not enhance the landscape setting of the site.</p>
2. Built form and scale	<p>The design for the subject site must establish a positive benchmark in terms of the interpretation of Council's planning objectives for high density residential development.</p> <p>The height of the proposed development, is inconsistent with the built form envisaged for the subject site under HLEP 2013 and HDCP 2013. The proposed design is also inconsistent with the requirements of the Apartment Design Guide. The overall built form is incompatible with similar developments and the emerging character of the area as it undergoes redevelopment.</p> <p>The development does not incorporate significant landscaped setbacks to ensure that the urban tree canopy is enhanced on site.</p> <p>Therefore, the proposed development is not consistent with this design quality principle.</p>

3. Density	The site is not subject to a Floor Space Ratio control and as such, the density of development is guided by the building height control, storeys and setback controls. The applicant has not submitted a Clause 4.6 variation request to vary the LEP height control. Furthermore, building separation and setbacks proposed are not complaint with the ADG or HDCP 2013 requirements. The proposed density is not supported and is inappropriate for the site and its context in terms of floor space yield and number of units.
4. Sustainability	<p>All units within the development are designed with open layouts and private balconies/courtyards. A BASIX Certificate was submitted with the application demonstrating the proposal can meet thermal, energy, and water efficiency targets.</p> <p>Compliant solar access is provided to the proposed apartments in accordance with the ADG. However, the development does not provide 60% of apartments with natural cross ventilation.</p> <p>Deep soil zones provided on site are not suitable to accommodate large canopy trees on site. Further, the on-site stormwater detention system proposed does not satisfy Council requirements.</p> <p>Therefore, the proposed development is inconsistent with this design quality principle.</p>
5. Landscape	<p>Landscape Plans have been submitted with the Development Application and comments were received from Council's Tree & Landscape Officer, Biodiversity Officer and the Design Excellence Review Panel.</p> <p>The proposal will involve the removal of a number of mature high retention value trees across the site, including six (6) Brush Box trees adjacent to the southern boundary. Further, areas of deep soil do not have suitable dimensions to support new canopy trees on the site. As such, the landscape setting of the site will not be enhanced by the development.</p>
6. Amenity	There are a number of proposed ground floor units that are located below the existing ground level and with open plan layouts that are in excess of 8m from a window. As such, solar access and amenity of these units will be compromised. A number of ground floor units will also be unreasonably overlooked by the public domain and communal spaces Therefore, the proposed development is not consistent with this design quality principle.
7. Safety	The proposal provides opportunities for passive surveillance to the street frontages through the use of balconies and openings. However, building entries will not be directly from the street and will be via walkways in between buildings that will compromise pedestrian safety. Further, clear and legible pedestrian routes are not provided from the access road to Buildings A and B, thus encouraging pedestrians to access the buildings via the basement, creating unnecessary conflicts with vehicles.
8. Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type and size, however the adaptable and livable units are not evenly split across apartment sizes. Furthermore, communal facilities proposed on site are limited and will not encourage social interaction between future residents.
9. Aesthetics	The proposed built form is inappropriate with regard to the composition of building forms and landscaping. The proposed building does not respond aesthetically to the environment and context, and the design of the building is not compatible with the desired built form and scale of the urban

form for the locality. Therefore, the proposed development is not consistent with this design quality principle.

b) The Apartment Design Guide (ADG).

The ADG is a publication by the State Government which further expands on the design quality principles by providing some detailed practical guidance for the design of residential flat buildings.

The proposal has been assessed against the 32 topic area provisions within Parts 3 & 4 of the ADG and the relevant provisions of note are as follows:

Clause	Design Criteria	Comments	Comply
Part 3 – Siting the Development			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	Buildings A-D are accessed via communal spaces from the side and not directly from Epping Road or Blaxland Road. Further, the ground level FFL's are located approximately 1m below street level of Epping Road. As such, they fail to adequately address the street.	NO
	Where the street frontage is to the east or west, the rear buildings should be orientated to the north.	Forest Grove is to the east. Building E is oriented to the east with units oriented to the north, south and west.	Yes
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	Epping Road is to the north. Buildings A-D have units orientated to the east and west, with south-facing units minimised.	Yes
3C Public Domain interface	Transition between private and public domain is achieved without compromising safety and security.	Entries to Buildings A-D are from communal spaces along the sides of each building rather than directly from the street. The entries are located below street level on Epping Road and are accessed via narrow pathways from the street. This represents a poor outcome in terms of pedestrian safety and activation of the Epping Road frontage. A timber walkway is also proposed along the Epping Road frontage of the site and may give rise to adverse privacy impacts on north-facing units within Buildings A-D. Furthermore, south-facing ground level apartments in Building A-D will be overlooked	NO

	Less than 650m ²	-		as deep soil have a minimum dimension of less than 6m. Indeed, the majority have minimum dimensions of 4m or less. Accordingly, the deep soil areas will not be capable of supporting healthy plant and tree growth, and therefore do not satisfy the objectives of the ADG.													
	650m ² – 1,500m ²	3m															
	Greater than 1,500m ²	6m	7%														
	Greater than 1,500m ² with significant existing tree cover	6m															
3F Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="395 719 831 1086"> <thead> <tr> <th data-bbox="395 719 576 846">Building Height</th> <th data-bbox="576 719 699 846">Habitable rooms and balconies</th> <th data-bbox="699 719 831 846">Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 846 576 913">up to 12m (4 storeys)</td> <td data-bbox="576 846 699 913">6m</td> <td data-bbox="699 846 831 913">3m</td> </tr> <tr> <td data-bbox="395 913 576 981">up to 25m (5-8 storeys)</td> <td data-bbox="576 913 699 981">9m</td> <td data-bbox="699 913 831 981">4.5m</td> </tr> <tr> <td data-bbox="395 981 576 1086">over 25m (9+ storeys)</td> <td data-bbox="576 981 699 1086">12m</td> <td data-bbox="699 981 831 1086">6m</td> </tr> </tbody> </table>			Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>Up to 4 Storeys</p> <p><i>Building A-C (internal):</i></p> <ul style="list-style-type: none"> • 9.1m between balconies at Level 1; • 12m from habitable and balconies at Level 2-4. <p><i>Building D:</i></p> <ul style="list-style-type: none"> • 7.7m from balcony at Level 1 to east boundary; • 9m from habitable at Level 2-4 to east boundary. <p><i>Building E:</i></p> <ul style="list-style-type: none"> • 10.6m internal separation to Building D between balconies and habitable at Mezzanine; • 8m to north boundary at Level Mezzanine; • 10m internal separation to Building D between balconies and habitable at Level 1-3; • 7.9m from balcony to north boundary at Level 1-3. <p><u>4-8 Storeys</u></p> <p><i>Building A-C (internal):</i></p> <ul style="list-style-type: none"> • 18m from habitable and balconies at Level 5-8. <p><i>Building D:</i></p> <ul style="list-style-type: none"> • 12m from habitable to east boundary at Level 5-6; • 20m from habitable to east boundary at Level 7-8. <p><i>Building E:</i></p> <ul style="list-style-type: none"> • 10.7m internal separation to Building D between balconies and blank wall at Level 4; • 9m to north boundary at Level 4. <p>The development does not provide compliant building separation between proposed buildings as described in bold text above. It has not been adequately demonstrated that this non-compliance would not</p>	NO
Building Height	Habitable rooms and balconies	Non-habitable rooms															
up to 12m (4 storeys)	6m	3m															
up to 25m (5-8 storeys)	9m	4.5m															
over 25m (9+ storeys)	12m	6m															

		give rise to unreasonable visual privacy impacts on future occupants of the proposed development. As such, the development is inconsistent with the objectives of this part of the ADG.	
3G Pedestrian access and entries	<p>Building entries and pedestrian access connects to and addressed the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>Building entries for Buildings A-D are located in side elevations and not directly accessed or visible from the street.</p> <p>Pedestrian access to Buildings A-D is difficult with poor wayfinding to all entries via narrow pathways between the buildings, which incorporate significant level changes.</p> <p>Through site links are proposed between Blaxland Road and Forest Grove, and from Epping Road to the proposed internal access road. However, these links incorporate a significant change in levels and an incoherent path through the site, particularly for the east-west through site link where there is a drop of approximately 3m adjacent to Buildings C and D, and a large substation that limits movement through this part of the site. Furthermore, the south-north through site link is not consistent with the location identified in HDCP 2013, which identified the link being further to the west. As such, the through site links are not considered to provide reasonable equitable access through the site.</p>	<p>NO</p> <p>NO</p> <p>NO</p>
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access is provided from Forest Grove and the proposed access laneway (via Blaxland Road). Separate pedestrian access is provided. However, TfNSW have raised an objection to access being provided from Blaxland Road.	NO
3J Bicycle and car parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area: or - on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating</p>	<p>The Hornsby DCP 2013 parking requirements are the lesser requirement (compared to the rates under the RMS Guidelines). A total of 266 car parking spaces are proposed (220 resident and 46 visitor spaces), where only 264 are required by the DCP. In the event of an approval, conditions of consent would require a reduction of 2 car spaces.</p> <p>In terms of bicycle parking, 96 spaces are proposed where 98 are required by the DCP. In the</p>	NO

	Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	event of an approval, conditions of consent would require an increase of 2 bicycle spaces.	
Part 4 - Amenity			
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	The applicant indicates that 230 out of 321 apartments (71.7%) receive 2 hours of sunlight. It is noted that the applicant's calculation include units E104, E204, E304 and E404, however the configuration of these apartments results in them not receiving 2 hours to living rooms. Nonetheless, even discounting these units, 70.4% of apartments would still receive 2 hours.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	44 (13.7%) of apartments receive no direct sunlight.	Yes
4B Natural ventilation	Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The applicant indicates that 176 out of 321 (54.8%) of apartments are naturally cross ventilated. However, the accompanying Natural Ventilation Statement prepared by Windtech provides that only 165 (51.4%) of apartments are naturally cross ventilated. The Statement provides that an additional 43 apartments can be cross ventilated if they include a range of design treatments including openings on orthogonal aspects, operable skylights or vertical ventilation shafts, cross-over plenum ducts, or impermeable screens. Subject to the successful implementation of these design treatments, 208 (64.8%) of apartments would be naturally cross ventilated. However, given the lack of detail provided in the application in relation to these design treatments, it is not possible to determine whether they would satisfactorily achieve cross ventilation whilst maintaining acceptable residential amenity and design outcomes.	NO
		N/A. There are no apartments at 10 storeys or greater.	N/A
		No cross over or cross through apartments exceed 18m in depth.	Yes

	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.																
4C Ceiling heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum Ceiling Height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td></td> <td>2.7m main living area</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.4m second floor where it does not exceed 50% of the apartment area.</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td> </tr> <tr> <td>Located in mixed use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </tbody> </table>	Minimum Ceiling Height		Habitable rooms	2.7m	Non-habitable	2.4m		2.7m main living area	For 2 storey apartments	2.4m second floor where it does not exceed 50% of the apartment area.	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.	Located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.	2.8m-2.9m floor to ceiling heights with slab thickness of 0.25m are provided throughout the development.	Yes
Minimum Ceiling Height																	
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4D Apartment Size and Layout	<p>Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 90m²</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)</p> <p>Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m.</p> <p>Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.</p>	<p>Studio - N/A 1 bedroom - 51m² (min.) 2 bedroom 71m² (min.) 3 bedroom 96m² (min.)</p> <p>Complies.</p> <p>Complies.</p> <p>Refer to below as units have open plan layouts.</p> <p>A number of apartments do not comply, including:</p> <ul style="list-style-type: none"> • A001 – 8.3m • A105, A205, A305, A405, A505, – 8.6m • A003, A108, B102, C109, B206, C206, B306, C306, B406, C406, B505, C505 – 8.7m • E001 – 9.2m • B001, B004, C001 – 9.5m <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A.</p> <p>NO</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>														
4E – Private open space and balconies	<p>Primary balconies as follows</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> <td>-</td> </tr> </tbody> </table>	Dwelling type	Minimum Area	Minimum Depth	Studio	4 m ²	-	All apartments are provided with compliant private open space via balconies and terraces.	Yes								
Dwelling type	Minimum Area	Minimum Depth															
Studio	4 m ²	-															

	<table border="1"> <tr> <td>1 Bedroom</td> <td>8 m²</td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10 m²</td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12 m²</td> <td>2.4m</td> </tr> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level <i>or on a podium or similar structure</i>, a private open space is provided instead of a balcony. It must have a minimum area of 15 m² and a minimum depth of 3m.</p>	1 Bedroom	8 m ²	2m	2 Bedroom	10 m ²	2m	3 Bedroom	12 m ²	2.4m				
1 Bedroom	8 m ²	2m												
2 Bedroom	10 m ²	2m												
3 Bedroom	12 m ²	2.4m												
				Ground floor apartments that face towards internal accesses and walkways do not have private open spaces that are at least 3m deep, thus limiting amenity and privacy to future occupants.	NO									
4F – Common circulation and spaces	<p>Max. apartments off a circulation core on a single level is eight.</p> <p>10 storeys and over, max apartments sharing a single lift is 40.</p> <p>In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.</p>	<p>Building A – max. 9 units per core Building B – max. 10 units Building C – max. 11 units Building D – max. 11 units Building E – max. 10 units</p> <p>However, design guidance allows for up to 12 apartments per level.</p> <p>The building is less than 10 storeys.</p> <p>No community rooms are provided on site.</p>		<p>No, but acceptable</p> <p>N/A</p> <p>NO</p>										
4G - Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> </tr> <tr> <td>1 bedroom</td> <td>6 m²</td> </tr> <tr> <td>2 bedroom</td> <td>8 m²</td> </tr> <tr> <td>3 bedroom</td> <td>10 m²</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Apartment type	Storage size volume	Studio	4 m ²	1 bedroom	6 m ²	2 bedroom	8 m ²	3 bedroom	10 m ²	<p>Adequate storage areas are provided.</p>		Yes
Apartment type	Storage size volume													
Studio	4 m ²													
1 bedroom	6 m ²													
2 bedroom	8 m ²													
3 bedroom	10 m ²													
4H Acoustic Privacy	Various objectives.	The submitted Acoustic Report does not adequately demonstrate that all apartments can be achieve acceptable internal noise criteria whilst maintaining natural ventilation.		NO										
4J Noise and Pollution	Various objectives.	The submitted Acoustic Report does not adequately demonstrate that all apartments can be achieve acceptable internal noise criteria whilst maintaining natural ventilation, particularly with regards to noise from Blaxland and Epping Roads. It is therefore inconsistent with the relevant		NO										

		provisions in the NSW Government's Development near Rail Corridors and Busy Roads - Interim Guideline and ISEPP.	
Part 4 - Configuration			
4K Apartment Mix	Various objectives.	<p>The proposal provides: 72 x 1-bed units (23% mix), 216 x 3-bed units (67% mix) and 33 x 3-bed unit (10% mix) which is consistent with the objectives.</p> <p>However, the proposed dwelling mix does not offer 30% adaptable and liveable 1, 2 and 3 bedroom dwelling stock, thus failing to cater for a diverse range of household types.</p>	NO
4L Ground floor apartments	Various objectives.	A number of the ground floor apartments are not directly accessible from the street, are located below natural ground level, do not incorporate gardens or landscaping into terrace areas, and are overlooked by roads and footpaths. As such, a number of ground floor apartments have unsatisfactory residential amenity and the proposal does not achieve the objectives of this section of the ADG.	NO
4M Facades	Various objectives.	The proposed building façade is well articulated through varying setbacks and materiality.	Yes
4N Roof design	Various objectives.	The proposed flat roof complies with the various objectives.	Yes
4O Landscape design	Various objectives.	The proposed deep soil areas are inadequate in dimension to accommodate canopy tree planting and no green roofing is proposed. Furthermore, the level of information provided does not adequately demonstrate that existing significant trees can be retained on site.	NO
4P Planting on structures	Various objectives.	Planting is proposed within the rooftop communal open spaces. Minimum soil depths are shown and meet the objectives of this section of the ADG.	Yes
4Q Universal design	Various objectives.	The proposed dwelling mix does not offer 30% adaptable and liveable 1, 2 and 3 bedroom dwelling stock, thus failing to cater for a diverse range of household types, in accordance with council requirements.	NO
4R Adaptive reuse	Various objectives.	R4 Zone prohibits non-residential land uses.	N/A.
4S Mixed Use	Various objectives.	R4 Zone prohibits non-residential land uses.	N/A.

4T Awnings and signage	Various controls under SEPP 64 apply.	No signage is proposed.	N/A.
Part 4 - Performance			
4U Energy efficiency	Various objectives.	Refer to 4A Solar and daylight access above.	Yes
4V Water management and conservation	Various objectives.	The proposal meets the objectives.	Yes
4W Waste Management	Various objectives.	Refer to DCP compliance table further in this report.	No design criteria under SEPP 65.
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes

7.9 Hornsby Local Environmental Plan 2013

Development Standard	Proposal	Compliance
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned R4 High Density Residential under the provisions of LEP 2013. The proposed development is defined as a "residential flat building" which constitutes permissible with development consent.	Yes
	The proposed internal access road and part of the proposed communal open space in between Buildings D and E is partly located on the adjoining former bowling club site to the south and as such, cannot be considered as part of this application, despite the fact that the development would not be able to function without the use of the access road, Notwithstanding this, as the proposed road and COS are connected to the proposed residential flat building use, they would be prohibited in the RE1 zone.	NO
Clause 2.7 Demolition requires development consent	The proposed demolition of existing structures is permissible with consent, subject to conditions.	Yes
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is: <ul style="list-style-type: none"> 17.5 metres (16 Epping Road and 2-4 Forest Grove) 26.5 metres (2-14 Epping Road) 	Max. heights proposed are: Building A – 24.2m Building B – 23.9m Building C – 24.5m Building D – 25.1m (west) and 18.45m (east) Building E – 16.9m Building D incorporates an awning structure on its eastern side on Level 6 that encroaches above the 17.5m height limit by 0.95m.	NO
4.4 Floor Space Ratio There is no FSR control applicable for this site.	N/A.	N/A
4.6 Exceptions to development standards	The proposed development seeks a variation to the maximum height limit prescribed by Clause 4.3. However, the applicant has not provided a written request pursuant to Clause 4.6 demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.	NO
5.1 and 5.1A Development on land intended to be acquired for public purposes	Previous parts of the site that are identified on the Land Reservation Acquisition Map have already been acquired by RMS (now TfNSW) when Epping Road was widened to 3-lanes westbound adjacent to the site.	N/A

	It is noted that the RE1 zoned land adjoining the site to the south is identified on the Land Reservation Acquisition Map. Whilst this does not form part of the site, the proposal indicates that part of the proposed access road will encroach onto the adjoining land. Given that the adjacent land has not been dedicated, the proposed access road solely designed to service a private residential use is inconsistent with the envisaged use of that land for public recreation.	
5.10 Heritage Conservation	The site is not a listed heritage item and not located in a heritage conservation area. However, Forest Park adjoining to the south is listed as a local heritage item (item no. 359). Council's Heritage Adviser has reviewed the application and raised no objections on heritage grounds. In the event of an approval, all of the mature Brush Box trees located along the southern boundary of the site would be required to be retained and protected to maintain a vegetated buffer between the proposed development and the park.	Yes
6.1 Acid Sulfate Soils Is an Acid Sulfate Soils Management Plan Required?	The site is not identified as containing Acid Sulfate Soils.	N/A
6.2 Earthworks Are the earthworks associated with the development appropriate?	Significant excavation of the site is proposed. The applicant has submitted a geotechnical assessment report for the site. The proposal satisfies the objectives of Clause 6.2.	Yes
6.3 Flood planning Is the site flood prone?	The site is not identified as being flood prone.	N/A
6.4 Terrestrial biodiversity	The site is not identified on this map.	N/A
6.9 Design excellence	The maximum height proposed is less than 29.6m. As such, Clause 6.9 is not applicable to the development.	N/A

8. Draft Environmental Planning Instruments

The following draft environmental planning instruments are relevant to the subject application:

PLANNING PROPOSAL - DRAFT CONSOLIDATED CITY OF PARRAMATTA LOCAL ENVIRONMENTAL PLAN

The site is subject to a Planning Proposal to create a consolidated City of Parramatta Local Environmental Plan. It is noted that the Planning Proposal has received a Gateway determination and is currently being publically exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is harmonisation (or consolidation) of the existing planning controls that apply across the City of Parramatta. It does not propose major changes to zoning or increases to density controls. However, in order to create a single LEP, some changes are proposed to the planning controls applying to certain parts of the LGA.

The draft LEP proposes amendments to the floor space ratio controls that apply to site. Instead of no prescribed FSR, the draft LEP will apply the following maximum FSR's:

- 1.4:1 - to eastern side of site (16 Epping Road and 2-4 Forest Grove)
- 2:1 - to western side of site (2-14 Epping Road)

The applicant has not provided gross floor area (GFA) calculations and plans for the proposed development and therefore, insufficient information has been provided to determine whether the development will be consistent with the draft LEP.

No further amendments to planning controls that are applicable to the site are proposed under the draft LEP.

9. Development Control Plans

9.1 Hornsby Development Control Plan 2013

The proposal has been assessed against the objectives and controls under HDCP 2013 and associated documents. The relevant matters to be considered under HDCP 2013 for the proposed development are outlined below:

Development Control	Comment	Compliance
Part 1 - General		
<p>1B.6 Tree Preservation</p> <p>The prescribed trees that are protected by Clause 5.9 and/or Clause 5.10 of the HLEP and this Section of the DCP include:</p> <ul style="list-style-type: none"> • Tree species indigenous to Hornsby Shire, as listed in Table 1B.6 (b); • Trees on land within a heritage conservation area described within the <i>HELP</i>; and • Trees on land comprising heritage items listed within the <i>HLEP</i>. <p>To damage or remove any tree protected under this DCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Tree Work').</p>	<p>Clause 5.9 of LEP 2013 has been repealed and is therefore not applicable. Notwithstanding, Council's Landscape and Tree Officer has reviewed the proposal and has raised concern with the proposed tree removal, with particular regard to the removal of six (6) mature Box Brush trees along the southern boundary of the site. These trees are of a high retention value and provide an important landscaped buffer between the proposed development and Forest Park. Accordingly, the proposed tree removal is not supported.</p>	<p>NO</p>
<p>1C.1.2 Stormwater management</p> <p><u>Sediment and Erosion Control</u></p> <p>Development should have appropriate controls to stabilise and retain soil and sediments during the construction phase, designed in accordance with <i>Landcom's Managing Urban Stormwater (2006)</i> also known as <i>The Blue Book</i> and/or Council's water management guidelines.</p> <p>Applicants should submit a plan with the development application according to the level of sensitivity and amount of disturbed area on the site as outlined in Table 1C.1.2(a).</p> <p><u>Water Hydrology</u></p> <p>An onsite stormwater management system that deals with detention, retention and</p>	<p>A sediment and erosion control plan has been submitted as part of the Stormwater Management Plans that accompany the application. Were this application recommended for approval, appropriate conditions of consent would be included requiring methods minimising sediment loss and erosion.</p> <p>An on-site detention system is proposed. Council's Development Engineer has</p>	<p>Yes</p> <p>NO</p>

<p>discharge rates is required for all development involving external works to maintain environmental flow* rates in the receiving watercourses.</p> <p>An on-site detention (OSD) system, designed in accordance with the HSC Civil Works Specification, should be provided for the following types of development:</p> <ul style="list-style-type: none"> • Subdivision; • Single dwellings where required by covenant; • Two or more dwellings; or • Non-residential developments with external alterations. <p>Natural flow paths within a site and the discharge point from the site should be retained and directed to its natural catchment.</p> <p>Stormwater should be gravity drained to Council's drainage system, which may require inter-allotment drainage, except for single dwellings on existing lots where inter-allotment drainage is not available.</p>	<p>reviewed the proposal and has raised concerns with the OSD locations, as outlined in Section 5.4 of this report.</p>	
<p>1C.1.4 Earthworks and Slope</p> <p>Development should be sited on the area of land presenting the least topographic constraints and away from ridge lines.</p> <p>Earthworks involving filling should not exceed 1 metre in height from the existing ground level.</p> <p>Excavation that extends outside of the building platform should be limited to a depth of 1 metre from the existing ground level, unless the excavation is required to:</p> <ul style="list-style-type: none"> • Achieve a high quality built form; or • Provide for safe vehicular access to the site; and • It maintains the amenity of adjoining properties and the desired streetscape character. <p>Filling or excavation should not occur on or adjacent to, or have adverse impacts on sensitive environments, such as watercourses*, riparian land, wetlands, bushland, or significant vegetation.</p> <p>Sloping sites with a gradient in excess of 20% require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design.</p>	<p>The proposed development comprises significant excavation in order to accommodate the development and car parking at basement level. There are areas where fill is proposed well in excess of 1m above existing ground level, including adjacent to the RE1 zoned land to the south and a 6m level change between the COS in-between Buildings A, B and C, and the internal access road. This creates steep drops in levels and large retaining walls which are incompatible with the desired character of the site and limit connectivity to adjoining land.</p> <p>Insufficient information has been provided to demonstrate that excavation and fill proposed adjacent to the southern boundary will not adversely impact significant trees located along the southern boundary and within the adjacent Forest Park.</p> <p>The development application is accompanied by a Geotechnical Report that adequately addresses land and structural stability.</p>	<p>NO</p> <p>NO</p> <p>Yes</p>
<p>1C.2.1 Transport and Parking</p> <p>Direct vehicular access to main roads should be avoided and/or access points consolidated.</p> <p>For development (other than single dwelling houses on existing lots), vehicle access and parking should be designed to allow vehicles to enter and exit the site in a forward direction.</p>	<p>A road connection is proposed to Blaxland Road, a classified road and is not supported by TfNSW.</p> <p>Vehicles are able to enter and exit in a forward direction.</p>	<p>NO</p> <p>Yes</p>

<p>Design and dimensions of car parks, loading areas and driveways should comply with AS2890.1 and AS2890.2.</p> <p>Planning and design layout of parking areas for people with disabilities should be in accordance with AS2890.6 and AS1428.1.</p> <p>Planning and design layout of loading and manoeuvring areas should be provided in accordance with AS2890.2 and:</p> <ul style="list-style-type: none"> • Preferably be located to the side or rear of buildings; • Screened from view from local and main roads; and • Located so that vehicles do not stand on any public road, footway, laneway or service road. <p>Planning and design layout of bicycle parking (rails, racks or lockers) should be designed in accordance with AS2890.3.</p>	<p>The proposal is capable of compliance, subject to conditions.</p> <p>The proposal would be able to comply subject to conditions.</p> <p>See above.</p> <p>See above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>														
<p><u>Car Parking rates</u></p> <table border="1" data-bbox="225 898 683 1294"> <thead> <tr> <th>Type of Development</th> <th>Max. Car Parking Requirement</th> </tr> </thead> <tbody> <tr> <td colspan="2">Residential Accommodation</td> </tr> <tr> <td colspan="2">High Density Dwellings (site <800m from Railway Station)</td> </tr> <tr> <td>1 Bedroom</td> <td>0.4 spaces per dwelling</td> </tr> <tr> <td>2 Bedrooms</td> <td>0.7 spaces per dwelling</td> </tr> <tr> <td>3 or more Bedrooms</td> <td>1.2 spaces per dwelling</td> </tr> <tr> <td>Visitors</td> <td>Minimum of 1 space per 7 dwellings</td> </tr> </tbody> </table>	Type of Development	Max. Car Parking Requirement	Residential Accommodation		High Density Dwellings (site <800m from Railway Station)		1 Bedroom	0.4 spaces per dwelling	2 Bedrooms	0.7 spaces per dwelling	3 or more Bedrooms	1.2 spaces per dwelling	Visitors	Minimum of 1 space per 7 dwellings	<p>Floor plans indicate 266 parking spaces are proposed (220 resident spaces and 46 visitor spaces) within the basement levels. Only 264 car spaces are required by the DCP. In the event of an approval, conditions of consent would require a reduction in car spaces to comply with the maximum rates in the DCP.</p>	<p>NO</p>
Type of Development	Max. Car Parking Requirement															
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Type of Development	Minimum Bicycle Parking Requirement															
Medium and High Density Residential Development	1 space per 5 units for residents to be located in a safe, secure and undercover area. 1 space per 10 units for visitors															
<p><u>Motorcycle Parking Rates</u></p> <table border="1" data-bbox="225 1727 683 1966"> <thead> <tr> <th>Type of Development</th> <th>Minimum Motorcycle Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>On site car parking with more than 25 parking spaces</td> <td>4 spaces (area equal to a minimum of one car parking space)</td> </tr> </tbody> </table>	Type of Development	Minimum Motorcycle Parking Requirement	On site car parking with more than 25 parking spaces	4 spaces (area equal to a minimum of one car parking space)	<p>6 motorcycle spaces are proposed.</p>	<p>Yes</p>										
Type of Development	Minimum Motorcycle Parking Requirement															
On site car parking with more than 25 parking spaces	4 spaces (area equal to a minimum of one car parking space)															
<p><u>Accessible Parking Rates</u></p>		<p>Yes</p>														

Land Use	Minimum Accessible Parking Requirement	35 accessible spaces are proposed, with 32 adaptable apartments proposed.	
Medium and High Density Residential Development	1 for each Adaptable Design unit as per AS 2890.6		
<p>1C.2.2 Accessible Design</p> <p>All new building work should comply with the accessibility provisions of the <i>Building Code of Australia (BCA)</i> and the <i>Disability (Access to Premises - Buildings) Standards 2010</i> where required.</p> <p>Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the <i>Disability (Access to Premises - Buildings) Standards 2010</i>.</p> <p>Access ways for pedestrians and for vehicles are to be separated.</p> <p>For developments with 10 or more dwellings:</p> <ul style="list-style-type: none"> • At least 10% of proposed dwellings should be Adaptable Housing, designed to meet the needs of residents as they age; • At least 20% of proposed dwellings should be Universal Design housing in accordance with the Livable Housing Guidelines (2012) silver level design features; and • Adaptable Housing and Universal Design Housing should be equitably distributed through all types and sizes of dwellings. 		<p>The proposal is able to comply with the controls in this section.</p> <p>Continuous unobstructed paths of travel are not provided throughout the site. Steep drops in site levels from the east-west and north-south pedestrian links to the internal access road will require the use of lifts, which is not preferable. Due to the location of entries, access to Buildings A and B from the internal access way is unclear and convoluted.</p> <p>Due to the location of the building entries, people accessing the buildings from the access road will likely enter through the basement car park lifts, creating unnecessary conflicts with vehicles.</p> <p>32 apartments (10%) are identified as adaptable. However only 32 (10%) are identified as Livable. Further, the adaptable and universal design housing is not evenly distributed through all types and sizes of dwellings, as follows:</p> <p><u>Adaptable:</u> 1-beds – 15 (47%) 2-beds – 10 (31%) 3-beds – 7 (22%)</p> <p><u>Livable:</u> 1-beds – 12 (38%) 2-beds – 18 (56%) 3-beds – 2 (6%)</p> <p>As such, the adaptable and universal design housing will not cater for a wide range of households, in particular family housing, which is inconsistent with the objectives of this part of the DCP.</p>	<p>Yes</p> <p>NO</p> <p>NO</p> <p>NO</p>
<p>1C.2.3 Waste Management</p> <p><u>Waste Facility Design</u></p> <p>The location and design of waste storage and collection areas and facilities should:</p> <ul style="list-style-type: none"> • Accommodate a sufficient number of mobile waste containers to contain the volume of waste and recycling expected to be generated between collection services, and sufficient aisle space to access and manoeuvre the containers within the Material Separation Area (see Note 1); and 		<p>A Waste Management Plan was submitted with the application detailing the types and volumes of waste generated during demolition, construction and ongoing waste management.</p> <p>Waste management facilities have been designed in accordance with Council's controls.</p> <p>Council's Environmental Health Officer has raised no objection to the Waste Management Plan. Were this application to</p>	<p>Yes</p>

<ul style="list-style-type: none"> Incorporate an additional bulky waste storage area of at least 8m² and every 50 dwellings or part thereof for residential flat buildings, multi dwelling housing and town houses. <p><u>Garbage Chute Systems</u></p> <p>Buildings containing more than 3 storeys should incorporate a garbage chute system for waste and an interim recycling bin storage in either a room or a cupboard on each floor.</p> <p>Where a required garbage chute system is unable to be provided, an interim waste storage room is to be provided on each floor that is serviced by a goods lift to transfer the waste to the communal waste storage facility in the basement.</p> <p>The location, design and construction of garbage chute systems and storage rooms should be in accordance with Council's guidelines.</p>	<p>be approved, appropriate waste management conditions of consent would be included.</p>	
<p>1C.2.6 Air Quality</p>	<p>Were this application to be approved, relevant conditions of consent regarding air quality would be included.</p>	<p>Yes</p>
<p>1C.2.7 Crime Prevention</p> <p><u>Surveillance</u></p> <p>Development should be designed to provide or enhance opportunities for effective surveillance by providing:</p> <ul style="list-style-type: none"> Clear sight lines between public and private places; Effective lighting of public places; and Landscaping that makes places attractive but does not provide offenders with a place to hide or entrap victims. 	<p>The proposal provides opportunities for passive surveillance to the street frontages and communal areas of the site through the use of balconies and glazed openings. However, entries to the buildings are provided via narrow pedestrian walkways which are generally below street level of Epping Road and limit clear sight lines through the development. Furthermore, access to the ground floor areas on the southern side of Building A will be via a narrow walkway that will largely be below the finished level of the internal access road, thus providing an unsafe environment with poor passive surveillance.</p>	<p>NO</p>
<p>1C.2.8 Building Sustainability</p> <p>A certificate should be submitted, when required, demonstrating that the building complies with <i>SEPP - Building Sustainability Index (BASIX)</i>.</p>	<p>A BASIX certificate was submitted demonstrating compliance with SEPP BASIX 2004.</p>	<p>Yes</p>
<p>1C.2.9 Landscaping</p> <p>Landscaping on site should be incorporated into the site planning of a development to (where appropriate):</p> <ul style="list-style-type: none"> reinforce the desired future character of the locality, maintain significant landscape features, provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP), soften the visual impact of buildings, carparks and roads, cater for outdoor recreation areas, separate conflicting uses, screen undesirable elements, and 	<p>The proposed landscaped areas are confined to narrow strips within front, side and rear setbacks that are intersected by walkways and hard surfacing. This severely limits opportunities for canopy tree planting and healthy tree growth to screen the development. Furthermore, it is proposed to remove a number of mature Box Brush trees along the southern boundary which is not supported.</p> <p>Communal open spaces at ground level provided limited opportunities for outdoor recreation, with minimal communal facilities and no play space provided.</p>	<p>NO</p>

<ul style="list-style-type: none"> improve the aesthetic quality of the development. <p>Landscape planting should achieve a mature height in scale with the structures on the site.</p> <p>Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants.</p>	<p>Due to the narrowness and lack of soil volume provided for many of the deep soil zones provided, particularly adjacent to the proposed internal access road, it is unlikely that canopy trees can be accommodated along the southern side of the development.</p> <p>An excessive proportion of trees that are proposed as part of the proposed landscape concept are deciduous trees.</p>	<p>NO</p> <p>NO</p>
<p>1C.2.12 Avoiding Isolated Sites</p> <p>Where a development may result in the creation of an isolated site, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> Negotiations for amalgamations of sites commenced early, prior to the lodgement of a development application, If negotiations are not successful, details of the negotiations should be provided with the development application submission, including at least one recent independent valuation (which considers the property as being part of a complying amalgamated site) and include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property, and The orderly and economic development of the isolated site can be achieved that is consistent with the provisions of the HLEP and DCP. This should include the applicant providing an envelope for that site, indicating height, building form, setbacks and separations (building and basement) sufficient to understand the relationship between the proposed development and the isolated site and the streetscape implications. 	<p>The development will result in the isolation of No. 18 Epping Road. Evidence of negotiations provided with the application is considered to be outdated and it has not been satisfactorily demonstrated that the orderly and economic development of No. 18 can be achieved. Refer to discussion below this table.</p>	<p>NO</p>
<p>Part 3 – Residential 3.4 Residential Flat Buildings (5 Storeys)</p>		
<p><i>NOTE: This part of the DCP applies to parts of the site on No. 16 Epping Road (part of Building D) and Nos. 2-4 Forest Grove (Building E).</i></p>		
<p>3.4.1 Desired Future Character</p> <p>The locality is characterised by 5 storey residential flat buildings in landscaped settings with underground car parking.</p> <p>Development footprints maintain landscape corridors around and through development sites. The established tree canopy is complemented by new trees and shrubs throughout all gardens.</p> <p>Facade widths are limited or divided into well-articulated pavilion forms, avoiding the appearance of a continuous wall of development.</p>	<p>Building E and part of Building D are five storeys and provide underground car parking.</p> <p>The proposed development footprint does not maintain adequate landscape corridors around and through development sites due to narrow deep soil zones. Mature Brush Box trees adjacent to the southern boundary are proposed for removal.</p> <p>Façade widths are limited and well-articulated.</p> <p>The proposal complies.</p>	<p>Yes</p> <p>NO</p> <p>Yes</p> <p>Yes</p>

<p>Mid-level and upper storey building facades incorporate walls of windows, steel framed balconies with balustrades of steel or glass and operable louvres for privacy, shade and glare control.</p> <p>Roofs are flat pitched without parapets to minimise the height of exterior walls, incorporating eaves which cast shadows across the top storey walls.</p> <p>Balconies provide outdoor living areas which wrap around the corners of the buildings, providing usable open space as well as articulation in built form.</p> <p>Developments embody active living principles including bicycle parking and storage, prioritised pedestrian and cyclist entrances to buildings, and connectivity to the public domain.</p>	<p>The proposal incorporates a flat roof.</p> <p>Balconies wrap around the corners of the building and provide useable open space. The balconies assist in articulating the built form.</p> <p>Bicycle parking and storage is proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>						
<p>3.4.2 Design Quality – SEPP 65</p>	<p>Refer to assessment of proposal against SEPP 65 earlier in this report.</p>	<p>NO</p>						
<p>3.4.3 Site Requirements</p> <p>The minimum site width should be 40 metres measured at the street frontage.</p> <p>Where a development proposal results in an adjoining site within the precinct with no street frontage or a primary street frontage of less than 30 metres, proponents should demonstrate that orderly and economic development of the site can be achieved under this DCP.</p> <p>Where a property is likely to be isolated by a proposed development and it cannot be demonstrated that the site can be developed to its full potential; applicants should provide documentary evidence that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.</p>	<p>The site width is in excess of 40m.</p> <p>No.18 Epping Road has a site width to Epping Road of 20.2m. The applicant has not submitted concept building footprints for the site to demonstrate the orderly and economic development of the site. Refer to discussion below this table.</p> <p>The proposal results in an adjoining isolated site at No. 18 Epping Road, Epping with a street frontage of less than 30m. The applicant has not submitted up-to-date documentary evidence demonstrating that genuine and reasonable attempts have been made to purchase the isolated site. Refer to discussion below this table.</p>	<p>Yes</p> <p>NO</p> <p>NO</p>						
<p>3.4.4 Height</p> <p>Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 3.4.4(a).</p> <p>Table 3.4.4(a)</p> <table border="1" data-bbox="225 1585 683 1758"> <thead> <tr> <th>HLEP Area Maximum Building</th> <th>Height (m)</th> <th>Maximum Storeys (excluding basement car parking)</th> </tr> </thead> <tbody> <tr> <td>P</td> <td>17.5m</td> <td>5 storeys</td> </tr> </tbody> </table> <p>Basement car parking that protrudes more than 1 metre above existing ground level is counted as a storey.</p> <p>A transition in building height should be provided at sensitive interface areas adjacent to heritage items.</p>	HLEP Area Maximum Building	Height (m)	Maximum Storeys (excluding basement car parking)	P	17.5m	5 storeys	<p>The proposal has a height of five storeys but exceeds the maximum height by 0.95m.</p> <p>The proposed basement does not protrude more than 1m above the existing ground level.</p> <p>The removal of mature Brush Box trees adjacent to the southern boundary will remove an important landscaped buffer between the proposed development and locally listed Forest Park.</p>	<p>NO</p> <p>Yes</p> <p>NO</p>
HLEP Area Maximum Building	Height (m)	Maximum Storeys (excluding basement car parking)						
P	17.5m	5 storeys						

<p>To protect the amenity of future residents the finished floor level of ground floor apartments should be at or above the natural ground level.</p> <p>Flat-pitched roofs without parapets to minimise the height of exterior walls, incorporating eaves which cast shadows across the top-storey walls.</p> <p>Roof fixtures and lift overruns or service plants should be incorporated into the design of the roof, to minimise visual intrusiveness and support an integrated building design.</p>	<p>A number of the proposed apartments at ground level are below natural ground level. This results in unsatisfactory amenity being provided to these apartments, particularly south-facing apartments and those overlooked by Forest Grove and the proposed through site links.</p> <p>No parapets are proposed.</p> <p>The proposed lift overruns are incorporated into the roof design.</p>	<p>NO</p> <p>Yes</p> <p>Yes</p>												
<p>3.4.5 Setbacks</p> <p>The minimum setbacks of all buildings and structures to the boundaries of the site should comply with Table 3.4.5(a).</p> <p>Table 3.4.5(a): Minimum Boundary Setbacks</p> <table border="1" data-bbox="225 869 683 1854"> <thead> <tr> <th>Setback</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Front boundary</td> <td>10m, which can be reduced to 8m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Side boundary</td> <td>6m, which can be reduced to 4m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Rear boundary</td> <td>10m, which can be reduced to 8m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Top Storey Setback</td> <td>3m additional setback for exterior walls of the top-most storey, measured from the walls of the lowest storey</td> </tr> <tr> <td>Basement Parking Setback</td> <td>7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.</td> </tr> </tbody> </table> <p><u>Corner Sites</u> For buildings with a corner frontage:</p> <ul style="list-style-type: none"> front and rear boundary setbacks apply to the shorter street frontage (the primary frontage), and 	Setback	Minimum Setback	Front boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width	Side boundary	6m, which can be reduced to 4m for a maximum of 1/3 of the building width	Rear boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width	Top Storey Setback	3m additional setback for exterior walls of the top-most storey, measured from the walls of the lowest storey	Basement Parking Setback	7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.	<p>Both Building D and E are setback 10m from Epping Road and Forest Grove, respectively, with encroachments to 8m for less than 1/3 of the building width and for balconies.</p> <p>Building E is setback only 4m from the southern side boundary to balconies.</p> <p>Building D is setback 10.4m and Building E 9m from the rear boundary with the RE1 zoned land.</p> <p>Top storey setback: Building E:</p> <ul style="list-style-type: none"> Front – 11m Rear – 10m Side (south) – 9m <p>Basement parking setback: Building D:</p> <ul style="list-style-type: none"> Front – 7m Rear – 14.4m Side (east) – 6m <p>Building E:</p> <ul style="list-style-type: none"> Front – 8m Rear – 7m Sides – 4m <p>The 5 storey part of the site is not a corner site.</p>	<p>Yes</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
Setback	Minimum Setback													
Front boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width													
Side boundary	6m, which can be reduced to 4m for a maximum of 1/3 of the building width													
Rear boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width													
Top Storey Setback	3m additional setback for exterior walls of the top-most storey, measured from the walls of the lowest storey													
Basement Parking Setback	7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.													

<ul style="list-style-type: none"> side boundary setbacks apply to the longer of the two street frontages (the secondary frontage). <p><u>Setback Encroachments</u> Balconies are able to encroach to within 7 metres of the front and rear boundaries provided there is no impact on the achievement of daylight access, visual privacy, and acoustic privacy.</p> <p>Notwithstanding the table above, where a secondary frontage adjoins an existing laneway (with no verge), all buildings and structures should be setback a minimum of 6 metres from the boundary.</p> <p>The following minor structures are able to encroach into the prescribed setbacks:</p> <ul style="list-style-type: none"> Driveways or basement ramps up to 6 metres wide with deep soil verges at least 2 metres wide adjacent to the side boundary. <p><u>Setbacks to Heritage Items</u> A transition in setbacks should be provided at sensitive interface areas adjacent to heritage items.</p> <p>Variations to the setback controls may be considered where the variation assists the protection of heritage qualities.</p>	<p>The proposed balconies encroach to within 7m of front and rear balconies.</p> <p>Both Epping Road and Forest Grove are primary frontages.</p> <p>Setbacks have been calculated in accordance with these controls.</p> <p>The site is located adjacent to a heritage item to the south (Forest Park). The setback of 4m from Building E to the southern side boundary is considered to unsatisfactory and will result in the loss of mature Brush Box trees which provide an important landscaped buffer between the proposed development and the park.</p>	<p>Yes</p> <p>N/A</p> <p>Noted</p> <p>NO</p>
<p>3.4.6 Building Form and Separation</p> <p>Floorplates should have a maximum dimension of 35 metres measured in a perpendicular direction between opposing exterior walls at any point. Balconies, terraces and ground floor lobbies may project beyond this maximum.</p> <p>Floorplates exceeding 25 metres should incorporate a distinct indentation which measures at least 4 metres by 4 metres recess, and creates the appearance of two separate “building pavilions” rather than a single building mass. The appearance of separate pavilions should be accentuated by individual roofs above each pavilion element.</p> <p>On large sites where the floorplate control requires more than one building, adjoining buildings should be separated by a minimum of 9 metres.</p> <p><u>Articulation</u> Balconies should appear as open structures with lightweight balustrades. Solid masonry walls should be minimised.</p> <p>Facades should incorporate corner treatments such as wrap-around balconies, flat roof forms with eaves and other elements to cast shadows and visually break up the built form.</p>	<p>Building D – 36.7m (measured south-north) Building E – 35m (measured south-north)</p> <p>Building E provides 4m x 4m indents on eastern and western facades, however Building D has indents on the eastern and western facades that are only 3.1m wide in parts.</p> <p>Building D and E are separated by only 7.8m at mezzanine level.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>Facade elements should not be repetitive and should:</p> <ul style="list-style-type: none"> • use a range of materials and finishes, with a minimum of 30% exposed brick or natural material cladding (such as sandstone or timber); and • not be fully rendered. <p>Top storeys should be visually-recessive: exterior walls should employ light weight cladding and extensive glazing.</p>	<p>The proposal complies.</p> <p>The proposal complies.</p>	<p>Yes</p>								
<p>3.4.7 Landscaping</p> <p>Vertical gardens, green roofs and walls should be incorporated into the design of the development where practicable.</p> <p>Landscaped areas should adjoin property boundaries, in accordance with Table 3.5.7(a), and be designed to accommodate:</p> <ul style="list-style-type: none"> • Deep soil areas for a minimum of 50% of the front setback; • Canopy trees that will reach mature heights of at least 10 to 12 metres in the front and rear setback; and • Trees that will reach a mature height of at least 6 to 7 metres in the side setbacks. <p>Table 3.4.7(a): Deep Soil Landscaped Areas</p> <table border="1" data-bbox="225 1043 683 1240"> <thead> <tr> <th>Setback</th> <th>Property Boundary Landscaped Area (deep soil)</th> </tr> </thead> <tbody> <tr> <td>Front Boundary</td> <td>8m wide</td> </tr> <tr> <td>Rear Boundary</td> <td>7m wide</td> </tr> <tr> <td>Side Boundary</td> <td>4m wide</td> </tr> </tbody> </table> <p>Paving within deep soil areas should be minimal. Any paving should be permeable.</p> <p>Notwithstanding the above, where a secondary property boundary adjoins an existing laneway without a landscaped verge, the landscaped area (deep soil) setback is to increase to at least 6 metres wide to provide a landscaped setting that accommodates trees and maintains the integrity of the laneway.</p> <p>Landscaped areas should be provided between 2 or more buildings located on a development site, designed to:</p> <ul style="list-style-type: none"> • have a minimum total width of 8 metres; • accommodate trees that will reach a mature height of at least 6 to 7 metres; • provide a minimum soil depth of 1 metre; • be located in a deep soil area or above a basement car park; and • include a component of deep soil area (i.e. no basement intrusions) that measures at least 7 metres by 7 metres (sufficient for at least one canopy tree). 	Setback	Property Boundary Landscaped Area (deep soil)	Front Boundary	8m wide	Rear Boundary	7m wide	Side Boundary	4m wide	<p>No green roofs are proposed.</p> <p>Deep soil areas proposed to the rear boundary to the RE1 zoned land are insufficient to accommodate mature canopy trees. Walkways within the front setback to Epping Road will also limit healthy tree growth.</p> <p>Significant areas of paving intersect deep soil zones, thus limiting potential soil volumes for healthy tree growth.</p> <p>The site does not adjoin a laneway.</p> <p>While sufficient landscaped separation is provided between buildings on the site, these areas are proposed for communal open space areas and do not include a component of deep soil that measures a minimum of 7m x 7m. Further, the areas do not include suitable planters to accommodate canopy tree growth in-between buildings on site.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>N/A</p> <p>NO</p>
Setback	Property Boundary Landscaped Area (deep soil)									
Front Boundary	8m wide									
Rear Boundary	7m wide									
Side Boundary	4m wide									

<p>Driveways should be flanked by continuous landscaped area verges at least 2 metres wide.</p> <p>Existing healthy trees should be retained and protected wherever possible. Any trees removed as part of the development should be replaced elsewhere on site wherever possible.</p> <p><u>Fencing</u> Within street setbacks, front fences should be avoided. Planting at grade, or low walls screened by planting and/ or planter boxes may be permitted at the interface between the private and public domain land, subject to privacy, security and environmental impacts.</p> <p>Enclosure of private courtyards within the front setbacks must achieve at least 50 percent transparency and be a maximum height of 1.5m above the adjacent communal space.</p> <p>Side and rear boundary fences should be a maximum of 1.8 metres high, sited behind the front building line.</p>	<p>The proposal complies.</p> <p>15 high retention value trees are proposed for removal. The removal of 6 Brush Box trees adjacent the southern boundary is not supported.</p> <p>The proposal complies with the DCP fencing controls.</p>	<p>Yes</p> <p>NO</p> <p>Yes</p>												
<p>3.4.8 Open Spaces</p> <p><u>Private Open Space</u> Every dwelling should be provided with a principal private open space area in accordance with Table 3.4.8(a):</p> <p>Table 3.4.8(a): Minimum Private Open Space</p> <table border="1" data-bbox="225 1171 684 1424"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Principal Private Open Space Area</th> <th>Minimum Width</th> </tr> </thead> <tbody> <tr> <td>0-1 bed unit</td> <td>10m²</td> <td>2.5m</td> </tr> <tr> <td>2 bed unit</td> <td>12m²</td> <td>2.5m</td> </tr> <tr> <td>3+ bed unit</td> <td>16m²</td> <td>2.5m</td> </tr> </tbody> </table> <p>Private open spaces should be designed as "outdoor rooms" that adjoin interior living areas, with L-shaped or irregular floorplans that would accommodate a number of outdoor activities plus extensive screening to provide privacy and shade.</p> <p>Enclosure of private open space areas as 'wintergardens' should be avoided. Wintergardens may be considered where the elevation of a building fronts Epping Road or a rail corridor.</p> <p><u>Clothes Drying Area</u> Each dwelling should have an external air clothes drying area that is separate from the principal private open space area. This facility is to be screened from public places and communal areas.</p> <p><u>Communal Open Space</u></p>	Dwelling Type	Minimum Principal Private Open Space Area	Minimum Width	0-1 bed unit	10m ²	2.5m	2 bed unit	12m ²	2.5m	3+ bed unit	16m ²	2.5m	<p>A number of the POS's do not comply, however they are consistent with the ADG requirements. Refer to ADG table earlier within this report.</p> <p>Private open spaces adjoin interior living areas.</p> <p>Insufficient information has been provided to demonstrate whether or not wintergardens will be required along the Epping Road frontage.</p> <p>No clothes drying areas are indicated on the submitted plans.</p>	<p>NO, but acceptable</p> <p>Yes</p> <p>INSUFFICIENT INFORMATION</p> <p>INSUFFICIENT INFORMATION</p>
Dwelling Type	Minimum Principal Private Open Space Area	Minimum Width												
0-1 bed unit	10m ²	2.5m												
2 bed unit	12m ²	2.5m												
3+ bed unit	16m ²	2.5m												

<p>Communal open space should be provided at ground level, equivalent to a minimum of 25 percent of the site area.</p> <p>A principal communal open space area should be provided for each residential flat building of 10 or more dwellings as follows:</p> <ul style="list-style-type: none"> • be located at ground level; • have a minimum area of 50m²; • have a minimum dimension of 4 metres; • be landscaped for active and/or passive recreation and encourage social interaction between residents; • receive at least 2 hours of sunlight during mid winter; • be located to provide direct sight lines and convenient access from the building lobby; and • be sited and designed to protect the amenity of adjacent dwellings. <p>Roof terraces should include a minimum 25% planted area, with the majority of the planting around the edge to reduce opportunities for overlooking and improve the visual amenity of the building when viewed from the public domain.</p>	<p>Many of the COS areas are limited to front setbacks and through site links, which are not suitable.</p> <p>Many of the COS areas are limited to front setbacks and through site links, with limited functionality and very few communal facilities provided. There are also adverse privacy impacts to lower ground level apartments as the private open spaces of these apartments are visible from terraced areas and walkways within COS areas. In this respect, the ground floor communal open space does not meet the objectives of this section of HDCP 2013.</p> <p>COS roof terraces on Buildings B and D have limited planting to edges, thus failing to limit potential overlooking impacts.</p>	<p>NO</p> <p>NO</p> <p>NO</p>
<p>3.4.9 Privacy and Security</p> <p><u>Privacy</u> Orient dwellings living rooms and principal private open space areas primarily towards the front and rear of the site to promote privacy to dwellings.</p> <p>Balconies, terraces or bedroom windows near ground level should be screened or separated from the street and active communal areas by landscaping to protect the privacy of dwelling occupants.</p> <p><u>Security</u> Identify safe, clear and direct pedestrian and cyclist entrance to the building/s from the primary street frontage.</p> <p>Private open spaces, living room windows and lobbies should be designed and oriented to overlook the street and communal open spaces on the site.</p> <p>Communal hallways, including access to entrance foyers, should be limited in length and desirably provide windows, so that hallways may overlook the street or communal areas.</p>	<p>The proposed development complies.</p> <p>A number of the ground level apartments are below natural ground level or COS terraces and therefore will be overlooked from areas throughout the development and public domain.</p> <p>Clear and legible entrances from the street are not provided to ground floor apartments.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>	<p>Yes</p> <p>NO</p> <p>NO</p> <p>Yes</p> <p>Yes</p>
<p>3.4.10 Materials, Finishes and Services</p> <p>Development Applications should be accompanied by a Schedule of External Finishes, Colours and Materials Board which includes samples and large wall sections indicating how the details and colour schedules are to be applied.</p>	<p>The proposed material and finishes complement the streetscape.</p>	<p>Yes</p>
<p>3.4.11 Sunlight and Ventilation</p> <p>On 22 June, at least 70 percent of dwellings should receive 2 or more hours of</p>	<p>The proposal complies.</p>	<p>Yes</p>

<p>unobstructed sunlight access to at least half of the dwellings principal living room windows and principal private open space area between 9am and 3pm.</p> <p>Principal communal open space should receive a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</p> <p>At least 60 percent of dwellings should have dual aspect and natural cross ventilation.</p>	<p>The proposal complies.</p> <p>The development does not comply. Refer to ADG section of this report.</p>	<p>Yes</p> <p>NO</p>
<p>3.4.12 Housing Choice</p> <p>Development should include a mix of 1, 2 and 3 bedroom dwellings. For developments with 10 or more dwellings, at least 10 percent of each dwelling type should be provided.</p> <p>For developments with 10 or more dwellings:</p> <ul style="list-style-type: none"> • At least 30% of proposed dwellings should be adaptable housing, designed to meet the needs of residents as they age. • At least one third of adaptable units (i.e. 10% of all units) are to be provided with a parking space designed for people with a disability. • Adaptable housing is to be equitably distributed through all types and sizes of dwellings. 	<p>23% of one bedroom apartments, 67% of two bedroom apartments and 10% of three bedroom apartments are provided which complies with the DCP housing mix requirement.</p> <p>32 apartments (10%) are identified as adaptable. However only 32 (10%) are identified as Livable. Further, the adaptable and universal design housing is not evenly distributed through all types and sizes of dwellings, as follows:</p> <p><u>Adaptable:</u> 1-beds – 15 (47%) 2-beds – 10 (31%) 3-beds – 7 (22%)</p> <p><u>Livable:</u> 1-beds – 12 (38%) 2-beds – 18 (56%) 3-beds – 2 (6%)</p> <p>As such, the adaptable and universal design housing will not cater for a wide range of households, in particular family housing, which is inconsistent with the objectives of this part of the DCP.</p>	<p>Yes</p> <p>NO</p>
<p>3.4.13 Vehicular Access and Parking</p> <p>Direct access to main roads should be avoided.</p> <p>Driveways should be located at least 2 metres from any side boundary and flanked by continuous landscaped verges.</p> <p>Resident and visitor parking should be provided within basements.</p> <p>Any undercroft car parking should be screened and should not be located in a dwelling facade that faces a primary or secondary street frontage.</p> <p>Driveways and garage entrances should not visually dominate any street or facade that facades a communal area upon the site.</p> <p>Parking for service and delivery vehicles should be integrated with the design of driveways and landscaped verges and</p>	<p>Access is proposed off Blaxland Road, without connecting to Forest Grove.</p> <p>The proposed driveways are at least 2 metres from the side boundary.</p> <p>All parking is provided within the basement.</p> <p>No undercroft parking is proposed.</p> <p>The driveway entrance does not visually dominate the street.</p> <p>Parking for service and delivery vehicles is integrated within the development.</p>	<p>NO</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>should not visually dominate any street frontage.</p> <p><u>Ancillary Fixtures and Facilities</u> Separate dedicated and secure storage areas for each dwelling should be provided in basement car parks suitable to accommodate larger items such as sporting equipment.</p>	<p>Separate storage areas have been provided within the basement car parks.</p>	<p>Yes</p>
<p>3.4.14 Public Domain and Traffic Management Works</p> <p><u>Public Domain</u> Development of the public domain should make each precinct an attractive place that encourages development and provides amenity for residents.</p> <p>Embellishment of the public domain should include street furniture, new street plantings, and footpath improvements.</p> <p>Pedestrian linkages shown on the Key Development Principles Diagrams and Town Centre Linkage Diagrams (Annexure B) should be provided and reinforced as safe, accessible and vibrant pedestrian areas.</p> <p><u>Traffic Management Works</u> Traffic management works should be undertaken in accordance with the traffic improvements identified in the Key Development Principles Diagrams, and Traffic Management Improvement Plans Figures 3.4(j), 3.4(k) and 3.4(l).</p>	<p>A public domain and alignment plan was not submitted with the application. The site has frontage to Epping Road which is identified as a proposed cycling/pedestrian shared path City of Parramatta's endorsed Bike Plan. Furthermore, Blaxland Road is identified as a secondary pedestrian/ cycle link in the Epping Town Centre Linkage Diagram in Annexure B of the DCP.</p> <p>The proposed internal access road is only partly located on the site and encroaches onto the RE1 zoned land adjoining to the south. As such, it is inconsistent with the relevant Development Principles Diagram, which states that "<i>Rear laneways to be located in set-back between common open space and boundary</i>". Furthermore, the proposal doesn't provide a laneway connection between Forest Grove and Blaxland Road, thereby not assisting with the movement of local traffic in the precinct.</p>	<p>INSUFFICIENT INFORMATION</p> <p>NO</p>
<p>3.4.15 Epping Road/Forest Grove, Epping Precinct</p> <p>Strategy Redevelopment should be predominantly residential flat buildings of varying heights. Redevelopment along the southern side of Maida Road should be predominately three storey townhouses.</p> <p>Landscape Setting Provide broad setbacks along street frontages and locate communal open spaces to retain existing trees that are prominent streetscape features.</p> <p>Surround and screen new buildings with canopy trees and shrubs.</p> <p>Development should take into account potential stormwater inundation and overland flow path provisions.</p> <p>Servicing Promote access from local streets.</p>	<p>The proposal is for 5 storey residential flat buildings in this part of the site.</p> <p>The proposal has not been designed to retain existing mature trees adjacent to the southern boundary.</p> <p>Deep soil zones along the southern side of the site are insufficient to accommodate large canopy trees.</p> <p>Proposed OSD locations are inadequate to properly manage stormwater on site.</p> <p>Access to Buildings A to D is from the access road which is proposed to connect to Blaxland Road and does not provide a</p>	<p>Yes</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>

<p>If access is not available from the local streets, consolidate existing vehicle entrances on Epping Road</p> <p>Setback from Epping Road to be from new boundary in consideration of RMS road widening. Rear laneways to be located in set-back between common open space and boundary.</p> <p>Built form To reflect the established pattern of detached-dwellings: Limit the width of new facades that would be visible from any street, and divide the floor space of every new building into well-articulated pavilion forms that are separated by courtyards with canopy trees.</p> <p>Siting and design should provide at least two hours sunlight daily for living areas in 70% of new dwellings.</p> <p>Design quality of facades should respond to visibility from all street frontages.</p> <p>Adjoining conservation areas: ensure garden setbacks, heights, building forms and design features are compatible with values that are specified by the Hornsby Shire Heritage Inventory.</p> <p>Employ setbacks and building forms that retain reasonable sunlight and privacy for existing neighbours.</p>	<p>connection to Forest Grove as envisaged by the DCP.</p> <p>Access is partly provided via Blaxland Road.</p> <p>The rear laneway proposed is not entirely within the subject site or provided in its entirety as part of this application and is therefore inconsistent with this provision.</p> <p>Appropriate servicing cannot be provided based on the portion of the access road to be provided as part of this development</p> <p>The development has been split up into pavilion forms, however sufficient canopy trees are not proposed in between proposed buildings.</p> <p>The proposal complies.</p> <p>The design quality of the facades is consistent with the provisions of this DCP.</p> <p>The site does not directly adjoin any heritage conservation areas.</p> <p>The proposed setbacks and building form does not result in significant adverse overshadowing or privacy impacts to neighbouring properties.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>3.5 Residential Flat Buildings (6 Storeys or more)</p>		
<p><i>NOTE: This part of the DCP applies to parts of the site on No. 2-14 Epping Road (Buildings A-D). As many of the controls mirror the controls under Part 3.4 above, only the controls that are directly applicable to this part of the site and not the development as a whole are outlined below.</i></p>		
<p>3.5.1 Desired Future Character</p> <p>The locality is characterised by residential flat buildings of 6 or more storeys in height in landscaped settings with underground car parking.</p> <p>Development footprints maintain landscape corridors around and through development sites. The established tree canopy is complemented by new trees and shrubs throughout all gardens. Facade widths are limited, avoiding the appearance of a continuous wall of development. Buildings are integrated into a campus like setting with large areas of consolidated public and communal open space</p>	<p>Buildings A-D are up to 8 storeys in height and include basement car parking.</p> <p>Deep soil zones located on the southern side of Buildings A-D are insufficient in dimensions to accommodate large canopy trees. COS proposed across the site is prejudiced by its location within through site links and front setbacks.</p>	<p>Yes</p> <p>NO</p>
<p>3.5.3 Site Requirements</p> <p>Basement and services provision should be planned and coordinated to minimise the loss of landscaped open space deep soil</p>	<p>Numerous areas of deep soil proposed are less than 2m wide due to footpaths, roads and built form. As such, it is not demonstrated</p>	<p>NO</p>

<p>zones. Where necessary services (such as OSD) are required in the side setbacks, an area with minimum dimensions 2m x 2m should be retained as deep soil to allow for planting of large trees.</p>	<p>that the deep soil zones can support large tree planting</p>													
<p>3.5.4 Height</p> <p>Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 3.4.4(a).</p> <p>Table 3.4.4(a)</p> <table border="1" data-bbox="225 510 683 680"> <thead> <tr> <th>HLEP Area Maximum Building</th> <th>Height (m)</th> <th>Maximum Storeys (excluding basement car parking)</th> </tr> </thead> <tbody> <tr> <td>T1</td> <td>26.5m</td> <td>8 storeys</td> </tr> </tbody> </table>	HLEP Area Maximum Building	Height (m)	Maximum Storeys (excluding basement car parking)	T1	26.5m	8 storeys	<p>Building A-D are no higher than 26.5m high and include 8 storeys.</p>	<p>Yes</p>						
HLEP Area Maximum Building	Height (m)	Maximum Storeys (excluding basement car parking)												
T1	26.5m	8 storeys												
<p>3.5.5 Setbacks</p> <p>The minimum setbacks of all buildings and structures to the boundaries of the site should comply with Table 3.4.5(a).</p> <p>Table 3.4.5(a): Minimum Boundary Setbacks</p> <table border="1" data-bbox="225 902 683 1890"> <thead> <tr> <th>Setback</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Front boundary</td> <td>10m, which can be reduced to 8m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Side boundary</td> <td>9m, which can be reduced to 7m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Rear boundary</td> <td>10m, which can be reduced to 8m for a maximum of 1/3 of the building width</td> </tr> <tr> <td>Top Storey Setback</td> <td>3m additional setback for exterior walls of the top-most storey, measured from the walls of the lowest storey</td> </tr> <tr> <td>Basement Parking Setback</td> <td>7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.</td> </tr> </tbody> </table>	Setback	Minimum Setback	Front boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width	Side boundary	9m, which can be reduced to 7m for a maximum of 1/3 of the building width	Rear boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width	Top Storey Setback	3m additional setback for exterior walls of the top-most storey, measured from the walls of the lowest storey	Basement Parking Setback	7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.	<p>Front setbacks (Epping Road):</p> <ul style="list-style-type: none"> • Building A – 10m • Building B – 10m • Building C – 10m • Building D – 10m <p>Rear Setbacks (access road):</p> <ul style="list-style-type: none"> • Building B – 9m • Building C – 9m • Building D – 10.4m <p>Side setbacks:</p> <ul style="list-style-type: none"> • Building A (Blaxland Road) – 10m • Building D (east) – 9m <p>Top storey setback:-</p> <p>Building A:</p> <ul style="list-style-type: none"> • Front (west) – 13m • Side (south) – 13m • Side (north) – 11m <p>Building B:</p> <ul style="list-style-type: none"> • Front – 11m • Rear – 17m <p>Building C:</p> <ul style="list-style-type: none"> • Front – 11m • Rear – 15m <p>Building D:</p> <ul style="list-style-type: none"> • Front – 11m • Rear – 13.6m • Side (east) – 20m 	<p>Yes</p> <p>NO</p> <p>Yes</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>
Setback	Minimum Setback													
Front boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width													
Side boundary	9m, which can be reduced to 7m for a maximum of 1/3 of the building width													
Rear boundary	10m, which can be reduced to 8m for a maximum of 1/3 of the building width													
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Basement Parking Setback	7m from front and rear boundaries and 4m from side boundaries to allow for deep soil landscaping.													
<p><u>Corner Sites</u></p> <p>For buildings with a corner frontage:</p> <ul style="list-style-type: none"> • front and rear boundary setbacks apply to the shorter street frontage (the primary frontage), and 	<p>The front setback for Building A is to Blaxland Road, whilst the front setbacks for Buildings B-D are to Epping Road.</p>	<p>-</p>												

<ul style="list-style-type: none"> side boundary setbacks apply to the longer of the two street frontages (the secondary frontage). 												
<p>3.5.6 Building Form and Separation</p> <p>Floorplates should have a maximum dimension of 35 metres measured in a perpendicular direction between opposing exterior walls at any point. Balconies, terraces and ground floor lobbies may project beyond this maximum.</p> <p>Floorplates exceeding 25 metres should incorporate a distinct indentation which measures at least 4 metres by 4 metres recess, and creates the appearance of two separate “building pavilions” rather than a single building mass. The appearance of separate pavilions should be accentuated by individual roofs above each pavilion element.</p> <p>On large sites where the floorplate control requires more than one building, adjoining buildings should be separated by a minimum of 9 metres.</p>	<p>Building C is 36.5m in depth from north-south.</p> <p>Building A, B and C have indents on the northern side that are only 2.5m wide.</p> <p>Building A, B, C and D are separated from one another by 12m.</p>	<p>NO</p> <p>NO</p> <p>Yes</p>										
<p>3.5.7 Landscaping</p> <p>Landscaped areas should adjoin property boundaries, in accordance with Table 3.5.7(a), and be designed to accommodate:</p> <ul style="list-style-type: none"> Deep soil areas for a minimum of 50% of the front setback; Canopy trees that will reach mature heights of at least 10 to 12 metres in the front and rear setback; and Trees that will reach a mature height of at least 6 to 7 metres in the side setbacks. <p>Table 3.4.7(a): Deep Soil Landscaped Areas</p> <table border="1" data-bbox="225 1346 683 1630"> <thead> <tr> <th>Setback</th> <th>Property Boundary Landscaped Area (deep soil)</th> </tr> </thead> <tbody> <tr> <td>Front Boundary</td> <td>8m wide</td> </tr> <tr> <td>Secondary Boundary (on corner lots)</td> <td>4m wide</td> </tr> <tr> <td>Rear Boundary</td> <td>7m wide</td> </tr> <tr> <td>Side Boundary</td> <td>4m wide</td> </tr> </tbody> </table> <p>Paving within deep soil areas should be minimal. Any paving should be permeable.</p> <p>Landscaped areas should be provided between 2 or more buildings located on a development site, designed to:</p> <ul style="list-style-type: none"> have a minimum total width of 8 metres, accommodate trees that will reach a mature height of at least 6 to 7 metres, provide a minimum soil depth of 1 metre, 	Setback	Property Boundary Landscaped Area (deep soil)	Front Boundary	8m wide	Secondary Boundary (on corner lots)	4m wide	Rear Boundary	7m wide	Side Boundary	4m wide	<p>The proposed development includes deep soil areas along the southern edge of Buildings A-D that are approximately 1.6m wide. These areas are not capable of accommodating large canopy trees which is inconsistent with this part of the DCP and will not provide suitable screen planting between the development and the RE1 zoned land.</p> <p>It is not clear that the paving proposed within deep soil zones along Epping Road and south of the buildings is permeable.</p> <p>No consolidated deep soil areas have been proposed between buildings on the site and insufficient information has been provided to demonstrate that canopy trees can be accommodated in between buildings.</p>	<p>NO</p> <p>NO</p>
Setback	Property Boundary Landscaped Area (deep soil)											
Front Boundary	8m wide											
Secondary Boundary (on corner lots)	4m wide											
Rear Boundary	7m wide											
Side Boundary	4m wide											

<ul style="list-style-type: none"> • be located in a deep soil area or above a basement car park, and • include a component of deep soil area (ie: no basement intrusions) that measures at least 7 metres by 7 metres (sufficient for at least one canopy tree). 		
Part 9 - Heritage		
9.4 Development in the vicinity of heritage	The site adjoins Forest Park which is a local heritage item. The removal of mature Brush Box trees along the southern boundary of the site will result in the loss of a significant landscaped buffer between the proposed development and the park, which assists in defining the transition between the proposal and the park.	NO

Site Isolation

The proposed development will result in the isolation of No. 18 Epping Road, located northeast of the subject site. No. 18 is a corner lot containing a detached dwelling house and has an approximately 20.1m northern frontage to Epping Road and 46.9m eastern frontage to Forest Grove. As outlined in Part 3.4.3 of the HDCP 2013, a site may become isolated within the precinct if it does not have a primary street frontage of at least 30m. In this case, the primary street frontage is to Epping Road.

In determining the impacts of site isolation, controls in HDCP 2013 have been considered, as well as the Planning Principle established in *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*. Two questions are relevant in the assessment of site isolation:

- *Firstly, is amalgamation of the sites feasible?*
- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

In terms of a response to the first question and consistent with HDCP 2013, the applicant is required to provide documentary evidence that a genuine and reasonable attempt has been made to purchase an isolated site based on a fair market value.

Correspondence has been submitted with the application, outlining negotiations between the owner of the subject site and No. 18. However, this correspondence (sent by the applicant and/or their representative) is dated from March and August 2015. In light of the fact that the date of the correspondence is 5 years prior to the lodgement of this DA, it is not considered that the offers provided are based on a "fair market price", given that prices in the Epping locality may have significantly changed in this period.

In relation to the second question under the planning principle, the applicant has not provided a building envelope diagram for No. 18 of sufficient detail that indicates height, setbacks, resultant site coverage (both building and basement) or potential FSR that can be achieved on the isolated site. As such, it has not been satisfactorily demonstrated that No. 18 that a reasonable economic and orderly development of No. 18 can occur as an isolated site.

Accordingly, the proposed development has not satisfied the requirements of HDCP 2013 or the relevant planning principle under *Karavellas v Sutherland Shire Council [2004] NSWLEC 251* in respect of site isolation.

Internal Access Road

As detailed in Key Principle Diagram for the Epping Road/Forest Grove, Epping Precinct in HDCP 2013 and the Epping Town Centre Urban Activation Precinct Structure Plan (dated March 2013), a laneway is envisaged through the southern part of the site to connect Forest

Grove and Blaxland Road.

The application documentation shows a new access road to the south of the site that would connect to Blaxland Road on the west of the site and provide a cul-de-sac within the site. It does not provide a 2-way laneway connection to Forest Grove as envisaged by the abovementioned DCP provision and Structure Plan.

The proposed access road, however, is located on both the application site and the adjacent site to the south. The part of the road located on the site will only be 3m wide and does not include the cul-de-sac. The proposed development therefore would not provide satisfactory access to the site.

Furthermore, the part of the proposed road to be delivered at a later date is located within the RE1 zoned land to the south of the site, which is under the same ownership as the subject site but does not form part of the site. The RE1 zoned land is being considered for public acquisition (as identified on the HLEP 2013 Land Reservation Acquisition Map) to provide additional public open space in the locality. As such, the provision of part of the access road on the RE1 zoned land as a means to access a private residential development is not supported as it would be inconsistent with this aim.

In light of the above, the proposed development does not provide suitable access to the site or a suitable east-west laneway connection through the site and is therefore inconsistent with the Key Principle Diagram that applies to the site under Section 3.3.15 of HDCP 2013.

10. Planning Agreements

The subject application is not subject to a planning agreement.

11. The Regulations

The following relevant provisions of the Regulation can be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

12. The likely impacts of the development

All relevant issues have been considered in the assessment of this proposal and are detailed throughout this report.

13. Site suitability

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the in this report. The constraints of the site together with the design issues have been assessed and the site is not suitable for the proposed development.

14. Submissions

The application was notified between 29 July 2020 and 19 August 2020 in accordance with the notification procedures contained within Table 1B.5(a) Hornsby DCP 2013. In response 46 individual submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue

Response

Site should be provided as an extension of Forest Park for public use.	The subject site is zoned R4 High Density Residential in HLEP 2013 and is identified for high density residential development in the Epping Road/Forest Grove Precinct section of HDCP 2013. The adjoining former bowling club site is identified for public acquisition for a potential an extension of Forest Park in the future.
Proposed access road encroaches onto former bowling club site.	This forms a reason for refusal.
Removal of Brush Box trees adjacent to Forest Park.	This forms a reason for refusal.
Removal of Trees 53 and 61, located on Forest Park.	These trees are not identified for removal under the proposal.
Replacement trees should be similar to those being removed.	An updated AIA and Landscape Plans would be required in the event of an approval, per the Tree & Landscape and Biodiversity Officer comments.
Development and landscape design could make reference to the heritage of the local areas.	Council's Heritage Adviser has reviewed the application and raised no objections to the development.
Adverse impact on local heritage item, Forest Park.	Council's Heritage Adviser has reviewed the application and raised no objections in respect of impacts on heritage items and conservation areas. However, the removal of the Brush Box trees adjacent the southern boundary is not supported.
Not enough car parking proposed.	The car parking rate that applies to the site is maximum rate and allows a maximum of 266 car spaces for the proposed development. Council's Traffic Engineer has reviewed the proposal and requested that car parking is provided in accordance with the applicable maximum rate.
Traffic impacts and increased traffic congestion.	Council's Traffic Engineer has reviewed the proposal and raises no objection to the proposed traffic impacts.
Safety risks from vehicular access direct onto Blaxland Road.	TfNSW have not provided concurrence for the road connection. This forms a reason for refusal.
Overdevelopment and surplus of apartments in the area.	There is no maximum density control applicable for development within this area. The site falls within the boundaries of the Epping Town Centre Activation Precinct. The Epping Town Centre Precinct Plan identifies this area for new residential development located in proximity to the railway station.
Lack of community facilities, schools and amenities for local residents.	If approved, the development would be required to provide a development contribution which would go towards community facilities and public infrastructure in the LGA.
Isolation of adjoining site at No. 18 Epping Road, Epping.	This forms a reason for refusal.
Provision for future pedestrian bridge across Epping Road.	There is no planning requirement to provide a pedestrian bridge across Epping Road from the site. A north-south pedestrian through site link is proposed.
Pedestrian through site link between Building C and D should be closer to the Blaxland Road intersection.	The proposed location for the through site link is inconsistent with the location identified in HDCP 2013 and is included as a ground for refusal.
Overshadowing of former bowling club site.	The proposal does overshadow parts of the site to the south during midwinter, however there are no controls that protect solar access to this vacant site.
Overshadowing of neighbouring properties.	The proposed development will not adversely impact neighbouring properties in terms of solar access, compliant with the relevant parts of HDCP 2013.
Lack of solar access to the proposed development.	Solar access for the proposed development will comply with the ADG.
Insufficient setbacks and building separation.	This forms a reason for refusal.

Scale and design of the buildings and adverse impact on streetscape.	The development is considered to be inconsistent with the desired future character of the precinct, as set out in HDCP 2013. This forms a reason for refusal.
Non-compliance with height.	This forms a reason for refusal.
Lack of setback to enable a planned cycleway along Epping Road.	The proposed setbacks to the Epping boundary are compliant with DCP requirements. However, a lack of integration with the public domain has been provided. This forms part of a reason for refusal.
Landscaped areas and inadequate in dimension to support large trees.	This forms a reason for refusal.
Communal open space is not adequate for the scale of development.	This forms a reason for refusal.
Restrictions on garbage collections.	Council's Environmental Health (Waste) Officer has raised no objections to the proposed waste arrangements subject to recommended conditions.
Disruption during construction.	Were this application recommended for approval, relevant conditions of consent would be recommend to ensure that construction impacts are managed appropriately.
No long term employment opportunities created by the development.	The site is zoned for residential and not employment uses.
Wind tunnel impacts.	Due to the scale of the buildings (being 8 storeys or less) and separation between buildings, it is not anticipated that they would give rise to adverse wind impacts.
Loss of views of the sky and over-towering neighbouring properties.	The proposed development is largely compliant with the maximum height prescribed for the site and provide compliant setbacks to neighbouring properties. As such, it is not considered that there will be an unreasonable adverse impact on views or outlook of neighbouring properties.

15. Public Interest

For the reasons outlined in this report, the proposal is contrary to the public interest as it fails to provide a high quality design outcome and does not provide satisfactory residential amenity for future occupants, being inconsistent with the desired future character of the locality.

16. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

17. Developer Contributions

The need for payment of a development contribution as required by this Plan can addressed by way of a condition of consent if the application were to be recommended for approval.

18. Summary and Conclusion

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal, the site is not appropriate for the proposed development.

CONCLUSION

The proposal has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed residential flat building is inconsistent with the objectives and requirements of the State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) and the Apartment Design Guide.

The proposal provides a development that is inconsistent with the relevant provisions of State Environmental Planning Policy No.55 – Remediation of Land, failing to demonstrate that the site can be made suitable for the proposed uses. Further, the proposed connection to Blaxland Road fails to satisfy the relevant requirements of State Environmental Planning Policy (Infrastructure) 2007.

The proposal is permissible with consent in the R4 High Density Residential Zone, however it results in a development which is unsuitable in the context of the future desired character of the Epping Road/Forest Grove, Epping Precinct. The proposal is considered unacceptable due to its non-compliance with the relevant controls of Hornsby DCP 2013, which have been discussed within this report. A merit assessment of the application has determined that the proposal is unsatisfactory and results in unreasonable impacts on the residential amenity provided for future occupants and the wider locality.

Accordingly, the proposal is not suitable for the site and is not in the public interest.

For these reasons, it is considered that the proposal is unsatisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the application is recommended for refusal.

19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority **Refuse** Development Application No. DA/397/2020 for a development described as:

Demolition of all structures, site preparation works, excavation and tree removal; construction of 5x 5-8 storey residential flat buildings comprising 321 apartments; construction of 2x 2-3 level basement car parks comprising 266 car parking spaces, storage and plant rooms; construction of an internal road; a public pedestrian through site link; associated landscaping works; and delivery/augmentation of services.

at Nos. 2-16 Epping Road and 2-4 Forest Grove, Epping for the reasons listed below:

1. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(c) to the *Environmental Planning and Assessment Act, 1979* as it has not been demonstrated that suitable access can be provided to the proposed development and the proposed north-south through site link is inconsistent with Hornsby Development Control Plan 2013.
2. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is contrary to the provisions of Clause 4.3 Height of Buildings of Hornsby Local Environmental Plan 2013. Specifically, proposed Building D has a building height of 18.45m on its eastern side, which exceeds the maximum building height by 0.95m (or 5.4%). No written request pursuant to Clause 4.6 has been submitted to justify the variation.
3. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is contrary to the Clauses 87 and 102 of SEPP (Infrastructure) 2009 as it has not been adequately

demonstrated that the proposed apartments will achieve satisfactory internal noise levels due to noise and vibration from nearby roads and railway infrastructure.

4. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is contrary to the Clauses 101 and 104 of SEPP (Infrastructure) 2009 as the proposed development includes a connection to Blaxland Road, which is a classified road and it has not been demonstrated that a connection from Forest Grove, a lower order road can be achieved. As such, the development will have an adverse impact on the safety, efficiency and ongoing operation of Blaxland Road. Transport for NSW have not granted concurrence for the proposed connection to Blaxland Road.
5. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is contrary to the provisions of SEPP No. 55 – Remediation of Land as a Detailed Site Investigation (Phase 2) is required but has not been undertaken. As such, the application fails to adequately demonstrate that site can be made suitable for the proposed use in accordance with the requirements of SEPP No. 55.
6. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is contrary to the provisions of SEPP (Vegetation in Non-Rural Areas) 2017 as the proposed development does not preserve the biodiversity values and amenity of non-rural areas through the preservation of trees on the site. In particular, it has not been demonstrated that a row of mature Brush Box trees (Trees 1-10, 45 and 64) can be suitably retained and protected on and adjacent to the site.
7. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because it is inconsistent with the Design Quality Principles in Schedule 1 of SEPP No. 65 – Design Quality of Residential Apartment Development.
8. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) to the *Environmental Planning and Assessment Act, 1979* because pursuant to Clause 28(2)(c) of SEPP No. 65 – Design Quality of Residential Apartment Development, the proposed development is contrary to the various parts of the Apartment Design Guide, as follows:
 - 3B Orientation, 3C Public Domain Interface, and 3G Pedestrian Access and Entries as entries to the proposed buildings are not directly from the street and are not clear and legible, a number of ground floor apartments are below existing ground level, and through site links are convoluted, lack clear wayfinding and do not provide equitable access through the site;
 - 3D Communal and Public Open Space as the proposal provides Communal Open Spaces that are located within through site links and pathways, and do not provide facilities to encourage social interaction. Further, a number of the ground floor Communal Open Spaces directly overlook Private Open Space areas of ground floor apartments;
 - 3E Deep Soil Zones as the majority of deep soil zones provided on site are well below the minimum dimension required of 6m and are not capable of supporting large canopy trees on site;
 - 3F Visual Privacy as building separation between buildings proposed on the site is not compliant with the numerical requirements under 3F, and it has not

been demonstrated that proposed apartments will achieve acceptable levels of visual privacy;

- 3H Vehicle Access as a suitable access is not provided and direct vehicular access to site from Blaxland Road is not supported;
- 3J Bicycle and Car Parking as there is an overprovision of car parking and under provision of bicycle parking proposed;
- 4B Natural Ventilation as only 165 out of 321 (51.4%) of apartments are naturally cross ventilated and it has not been adequately demonstrated that design treatments can be suitably incorporated into the development to achieve 60% natural cross ventilation;
- 4D Apartment size and layout as a number of apartments have habitable room depths exceeding 8m;
- 4E Private Open Space and Balconies as a number of ground floor apartments have private open space areas that are not 3m deep and do not achieve satisfactory amenity;
- 4F Common Circulation and Spaces as no common room has been provided within the development;
- 4H Acoustic Privacy and 4J Noise and Pollution as it has not been satisfactorily demonstrated that the internal noise levels for a number of apartments facing Epping and Blaxland Roads can comply with the relevant internal noise criteria;
- 4K Apartment Mix and 4Q Universal Design as the percentage of adaptable and livable apartments are not evenly distributed between 1, 2 and 3 bedroom apartments proposed;
- 4L Ground Floor Apartments as the proposed ground floor apartments are not directly accessible from the street level, and are provided with unsatisfactory amenity as many are located below ground level by up to 6 metres, are overlooked by common areas and public domain, and do not incorporate suitable landscaping.
- 4O Landscape Design as the proposal removes a number of high retention trees that should be retained on site, deep soil zones proposed on the site are not adequate in dimension to support new large canopy trees, and no green roofing is proposed.

9. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) to the *Environmental Planning and Assessment Act, 1979* because it is considered to be inconsistent with the provisions of Part 1 General of Hornsby Development Control Plan 2013. In this regard, the proposal is inconsistent with the objectives and controls in the following sections:

- 1B.6 Tree Preservation;
- 1C.1.2 Stormwater management;
- 1C.1.4 Earthworks and Slope;
- 1C.2.1 Transport and Parking;
- 1C.2.2 Accessible Design;
- 1C.2.7 Crime Prevention;
- 1C.2.9 Landscaping; and

- 1C.2.12 Avoiding Isolated Sites.
10. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) to the *Environmental Planning and Assessment Act, 1979* because it is considered to be inconsistent with the provisions of Part 3.4 Residential Flat Buildings (5 Storeys) of Hornsby Development Control Plan 2013. In this regard, the proposal is inconsistent with the objectives and controls in the following sections:
- 3.4.1 Desired Future Character;
 - 3.4.2 Design Quality – SEPP 65;
 - 3.4.3 Site Requirements;
 - 3.4.4 Height;
 - 3.4.5 Setbacks;
 - 3.4.6 Building Form and Separation;
 - 3.4.7 Landscaping;
 - 3.4.8 Open Spaces;
 - 3.4.9 Privacy and Security;
 - 3.4.11 Sunlight and Ventilation;
 - 3.4.12 Housing Choice;
 - 3.4.13 Vehicular Access and Parking;
 - 3.4.14 Public Domain and Traffic Management Works; and
 - 3.4.15 Epping Road/Forest Grove, Epping Precinct.
11. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) to the *Environmental Planning and Assessment Act, 1979* because it is considered to be inconsistent with the provisions of Part 3.5 Residential Flat Buildings (6 Storeys or more) of Hornsby Development Control Plan 2013. In this regard, the proposal is inconsistent with the objectives and controls in the following sections:
- 3.5.1 Desired Future Character;
 - 3.5.3 Site Requirements;
 - 3.5.5 Setbacks;
 - 3.5.6 Building Form and Separation;
 - 3.5.7 Landscaping;
 - 3.5.8 Open Spaces;
 - 3.5.9 Privacy and Security;
 - 3.5.11 Sunlight and Ventilation;
 - 3.5.12 Housing Choice;
 - 3.5.13 Vehicular Access and Parking;
 - 3.5.14 Public Domain and Traffic Management Works; and
 - 3.5.15 Epping Road/Forest Grove, Epping Precinct.
12. The proposal is unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) to the *Environmental Planning and Assessment Act, 1979* because it is considered to be inconsistent with the provisions of Part 9 Heritage of Hornsby Development Control Plan 2013. In this regard, the proposal is inconsistent with the objectives and controls in the following sections:
- 9.4 Development in the vicinity of heritage.
13. The proposal is unacceptable pursuant to the provisions of Section 4.15(b) to the *Environmental Planning and Assessment Act, 1979* in that the application includes insufficient information to satisfactorily assess the likely impacts of that development, including:
- The submitted Survey Plan (2000221_A) prepared by Beveridge Williams does not include a site area for the development site (excluding Lot D in DP 388783);

- Evidence of correspondence submitted in relation to negotiations to purchase No. 18 Epping Road are out-of-date and therefore do not demonstrate that the offers provided are based on a current “fair market price”. Further, inadequate building envelopes have been provided to demonstrate that the orderly and economic development of No. 18 can occur despite the proposed development;
- No clothes drying areas for apartments are shown on the architectural plans to satisfy the objectives and controls of the Hornsby Development Control Plan 2013, Section 3.4.8 and 3.5.8 Open Spaces;
- No Public Domain and Alignment Plan has been submitted to satisfy the objectives and controls of the Hornsby Development Control Plan 2013, Section 3.4.13 and 3.5.13 Public Domain and Traffic Management works;
- The Landscape Plans, Arboricultural Impact Assessment, and Tree Protection Plan submitted do not contain sufficient detail to demonstrate that Trees 1 to 10, 45 & 64 can be viably retained, and that sufficient soil volumes are provided on site to support new canopy trees to achieve a healthy maturity;
- Inadequate evidence has been provided to demonstrate that the proposed site can be made suitable for the proposed use in respect of land contamination;
- The Acoustic Report prepared by Renzo Tonin & Associates does not include details of design treatments that can be incorporated into the development to ensure that acceptable internal noise levels are achieved for all proposed apartments;
- Insufficient detail has been provided for design treatments to be incorporated into the development to ensure that more than 60% of apartments achieve natural cross ventilation, as described in the Natural Ventilation Statement prepared by Windtech; and
- That the proposed OSD located in the basement will not give rise to the following issues:
 - i. Drowned orifice,
 - ii. Possible reverse flow in outlet and emergency overflow pipes,
 - iii. No surface emergency overflow path presented or possible.

14. The proposal is unacceptable pursuant to the provisions of Section 4.15(c) to the *Environmental Planning and Assessment Act, 1979* in that the subject site is not suitable for the proposed development in its current form.

15. The proposal is unacceptable pursuant to the provisions of Section 4.15(e) to the *Environmental Planning and Assessment Act, 1979* in that the proposal’s non-compliances and inconsistencies with the provisions of adopted environmental planning instruments and a development control plan are not in the public interest and would set an undesirable precedent.