



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

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| Panel Reference | PPSSCC-359 |
| DA Number | DA/314/2017/A |
| LGA | City of Parramatta (formerly Hornsby Shire Council) |
| Proposed Development | Section 4.55(2) modification to approved mixed use tower concept, specifically changes to building envelope, landscaping and conditions of consent. |
| Street Address | 37 – 41 Oxford Street, EPPING NSW 2121 (Lot 2 DP 1205413) |
| Applicant | Meriton |
| Owner | Karimbla Properties (No. 59) Pty Ltd |
| Date of DA lodgement | 10 December 2021 |
| Number of Submissions | 3 |
| Recommendation | Refusal |
| Regional Development Criteria | Per clause 275(2) of the <i>Environmental Planning and Assessment Regulation 2021</i> (Regulation), Council must not determine the application as it contravenes a development standard by more than 10% (height standard). As such the Regional Planning Panel is the consent authority. |
| List of all relevant s4.15(1)(a) matters | <ul style="list-style-type: none">• Environmental Planning and Assessment (EP&A) Act 1979• EP&A Regulations 2021• SEPP (Transport & Infrastructure) 2021• SEPP (Planning Systems) 2021• SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) & Apartment Design Guide (ADG)• Hornsby Local Environmental Plan (HLEP) 2013• Hornsby Development Control Plan (HDCP) 2013 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none">• Attachment 1 – Proposed Concept Envelope Drawings• Attachment 2 – Proposed Concept Landscape Drawings• Attachment 3 – Approved Concept Envelope Drawings• Attachment 4 – Approved Concept Landscape Drawings• Attachment 5 – Approved Concept Decision Notice |
| Clause 4.6 requests | <ul style="list-style-type: none">• Not Applicable (modification) |
| Summary of key submissions | <ul style="list-style-type: none">• Traffic Impact (and excess parking)• Height Breach (and associated overshadowing)• Tower• Separation (and associated wind/acoustic/privacy impacts) |
| Report prepared by | Alex McDougall |
| Report date | 28 June 2022 |

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 (mod)**

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 (Refusal)**

1. Executive Summary

The site is subject to a concept 'envelope' approval for a 30-storey mixed use tower (retail/business premises and shop-top housing) with 4 storey basement. The subject proposal seeks to modify the concept approval to increase the basement size, modify the podium envelope, slightly increase the building height, revise the landscaping, and deletion of concept conditions, including those related to design excellence.

The modification application has been assessed relative to the requirements of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has not demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, refusal is recommended. A summary of the issues with the application is outlined below:

- The request to further contravene the height standard is not supported as the proposal seeks to delete important elements that justified the height variation allowed under the original concept consent.
- The enlarged basement would accommodate excessive car parking and as such will not achieve the zone and control objectives of maximising use of public transport, cycling and walking. Further, the proposal has not demonstrated an acceptable impact on the local traffic network.
- The revised landscaping is not considered to be appropriate as it does not include replacement trees in the front setback.
- The podium design is not considered to be appropriate as it will be out of scale and alignment with adjoining podiums and the proposed tower.
- Deleting design excellence requirements, related to architect, Design Excellence Advisory Panel (DEAP) compliance and environmentally sustainable design (ESD) standards are not supported as they are either not appropriate or not necessary.

At the time of writing this report, the application is the subject of a Class 1 appeal before the Land & Environment Court.

2. Key Issues

SEPP (Transport & Infrastructure) 2021

- **RMS** – Concerns with traffic modelling (trip generation and vehicle queuing)

Hornsby Local Environmental Plan 2013

- **Uses** – The revised drawings do not specify uses. A condition would need to be included in any consent clarifying the allowable uses to confirm permissibility (i.e. business premises at ground, office premises at first floor and shop-top housing above).
- **2.3 Zone Objectives** – The basement envelope, and thus parking capacity, does not achieve zone objective of maximising public transport patronage, walking and cycling.
- **4.3 Building Height** – Acceptability of non-compliance given elements of concept justification no longer included (i.e. ESD improvements, trees in front setback) and non-compliance with zone objectives (i.e. parking).
- **6.8 Design Excellence** –
 - Design Architect - Acceptability of removing requirement for Council to agree to quality of design architect.
 - DEAP – Acceptability of deleting requirement to address DEAP recommendations.
 - ESD – Acceptability of deleting ESD requirements.

Hornsby Development Control Plan 2013

- **Podium** –
 - **Height** – 2 storey podium inconsistent with DEAP advice and two adjoining buildings (3 storeys)
 - **Front Setback** – 7.3m setback not consistent with DEAP advice (3m) and two adjoining buildings (0m south, 3m north)
 - **Side Setback** – 9m south side setback not consistent with control (0m)
- **Parking** – Excessive car parking (2 basement levels)
- **Landscaping** – No tree planting in front setback

3. Site Description, Location, and Context

3.1 Site and Location

The subject site is located on the western side of Oxford Street between its intersection with Pembroke Street and Chester Street and is legally described as Lot 2 DP1205413. The site is 4,969m² in size and of an irregular shape, with a frontage of 57.0m to Oxford Street. The site was, until recently, occupied by a 3-4 storey commercial office building (See Figure 2 below). The site slopes down approximately 4m from front (east) to the rear (west) and has a cross fall of 2m down from south to north.

The site is located to the north-east of Epping Railway Station (within 250m walking distance), and north of retail fronting Langston Place and Oxford Street. The area is undergoing redevelopment for high-density mixed-use development (see Figure 1 and Table 2 below for details).

There are no heritage items in the immediate vicinity of the site.



Figure 1. Aerial view of locality (subject site in red)

3.2 Background

Concept approval DA/314/2017, approved by the Sydney Central City Planning Panel on 7 March 2018, sets out envelopes, uses and design requirements for a 30 storey mixed use tower building with 4 storey basement on the site.

Associated applications:

| DA | Description/Details |
|-------------|--|
| DA/319/2021 | Demolition of the four-storey office building and ancillary buildings to ground floor slab. Approved 04/06/2021 - Works Complete |

| | |
|--------------|---|
| DA/1128/2021 | Early site works (earthworks, excavation, tree removal, shoring, retaining walls and drainage works) associated with construction of a mixed-use tower (which requires separate consent). Refused 15/06/2022 |
| DA/1/2022 | 30 storey mixed use building comprising 2 storey commercial podium (retail unit, 60 children centre-based child care facility and commercial office space) and a shop-top housing tower above comprising 211 apartments, 6 basement levels providing 317 car parking spaces, landscaping and public domain works. The proposal constitutes stage 2 detailed design of concept plan approval DA/314/2017. The application is to be determined by the Sydney Central City Planning Panel. Under Assessment. |
| DA/1105/2021 | Alterations to concept approval DA/314/2017 to allow a child care centre use at ground floor level. Refused 28/06/2022 |

Table 1: Applications associated with the proposal.

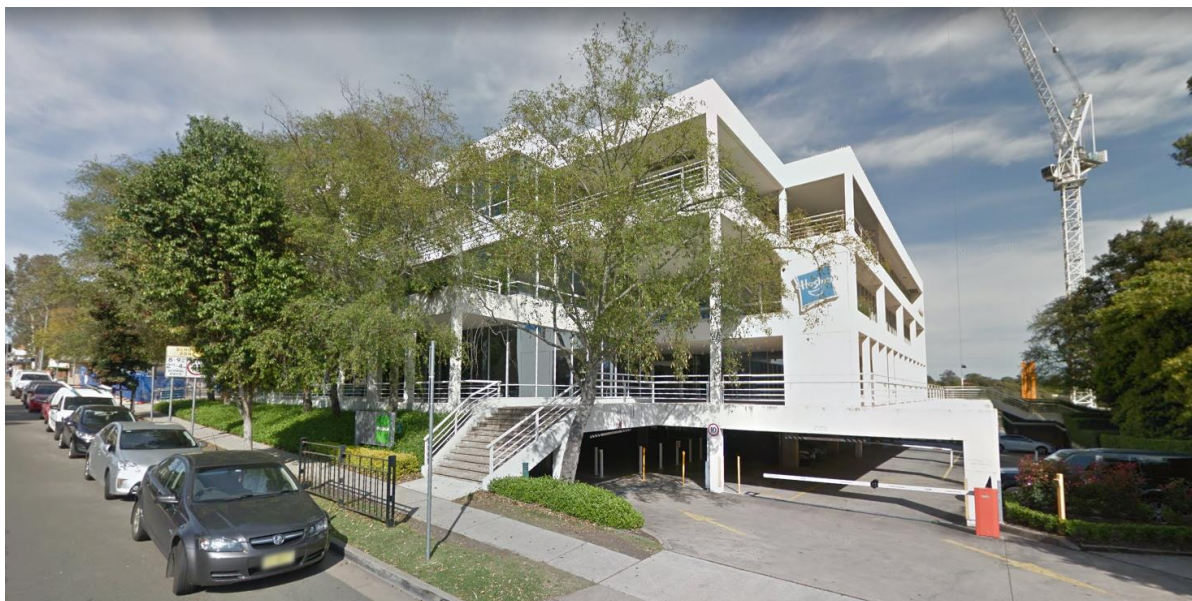


Figure 2. Front facade of previous building and front setback trees on the site as viewed from Oxford Street (since removed).

3.3 Context

The following applications on adjoining/nearby sites are relevant to the proposal:

| Site | DA | Description/Details |
|------------------------|-----------------------|--|
| 20-28 Cambridge Street | DA/681/2015 (Hornsby) | Demolition of existing structures and construction of two (2) x 22 storey buildings and one (1) x seven (7) storey building, each comprising ground floor retail/business tenancies totalling 966m ² , and the upper levels containing a total of 501 residential units, with combined basement car parking for 519 cars. Approved 24/02/2016 - Complete and Occupied |
| 2-4 Chester Street | DA/136/2015 (Hornsby) | Demolition of existing structures and construction of a fifteen storey residential flat building comprising 119 units with four levels of basement car park accommodating 124 car spaces and associated landscaping works Approved 01/07/2015 - Complete and Occupied |

| | | |
|-------------------------------------|-------------|---|
| 35 Oxford Street | DA/365/2016 | Demolition and construction of a 22 storey shop-top housing development comprising 54 residential units, one (1) retail unit and basement car parking. Approved 14/07/2016 - Complete and Occupied |
| 43-53 Oxford Street | DA/646/2019 | 16 storey mixed use seniors living tower comprising 14 assisted living apartments, 20 care apartments, 60-bed residential aged care facility, 96 independent seniors living units and ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works; demolition of existing buildings and tree removal. Approved 08/09/2020 - Construction Not Yet Commenced |
| 29-33 Oxford St & 6-14 Cambridge St | DA/586/2018 | 29 storey mixed use tower comprising 132 bed residential care facility, 172 independent seniors living units, 3 church presbytery units and ancillary offices/shops (northwest corner of site); 2-3 storey church hall and administration building (northeast corner of site); 2-3 storey primary school building (southern side of site); 1 retail unit (southwest corner of site); 316 basement car parking spaces including school drop-off/pickup (western side of site); alterations and additions to existing heritage church building; use of part heritage church building for school-based child care; landscaping; tree removal; site amalgamation and stratum subdivision; public domain works; following demolition of existing school buildings, church presbytery and church administration buildings. Approved 11/05/2020 - Construction Not Yet Commenced |
| 16-18 Cambridge Street | DA/560/2018 | Demolition of existing structures, tree removal and the construction of a 22 storey shop top housing development containing a retail shop, commercial office space and 84 residential apartments. The development provides 104 parking spaces. Approved 9/10/2019 - Construction Not Yet Commenced |

Table 2: Nearby development approvals.

4. The Proposal

4.1 Summary of Proposal

The modification application seeks the following amendments to the concept approval:

- Building Envelope and Concept Landscape Drawings: -
 - Addition of 2 basement levels (from 4 to 6);
 - Removal of 1 podium storey (from 3 to 2);
 - Modification to podium footprint (primarily to accommodate child care use¹ and increase southern setback);
 - Modification to upper levels of tower envelope (to accommodate constructability, façade articulation and lift overrun/screening);
 - Revised landscape concept drawings². Of note, the revised concept drawings do not include tree planting in the front setback, as indicated on the approved concept drawings and as required by condition 22a of the concept approval. The application does not seek removal of the condition. However, as the associated detailed DA, DA/1/2022, does not include planting in the front setback, it is assumed the intention of the modification application is to delete this requirement and the application is assessed on that basis.

¹ Child care use not part of the subject modification application.

² Same as the detailed landscape drawings submitted with concurrent detail application DA/1/2022.

- Concept Consent Conditions: -
 - Condition 1 – Modify to accommodate the revised concept envelope and landscape drawings encapsulating the above changes.
 - Condition 9 – Delete condition requiring the concept architect, or some other architect agreed by Council, be the design architect at stage 2.
 - Condition 10 – Delete condition requiring adoption of Design Excellence Advisory Panel recommendations.
 - Condition 12 – Delete condition requiring 4.5m podium front setback.
 - Condition 19 – Delete condition requiring implementation of ESD objectives.

Overall, the proposed modifications seek to retrofit the concept approval to ensure consistency with the detailed DA which has been submitted concurrently (i.e. DA/1/2022).

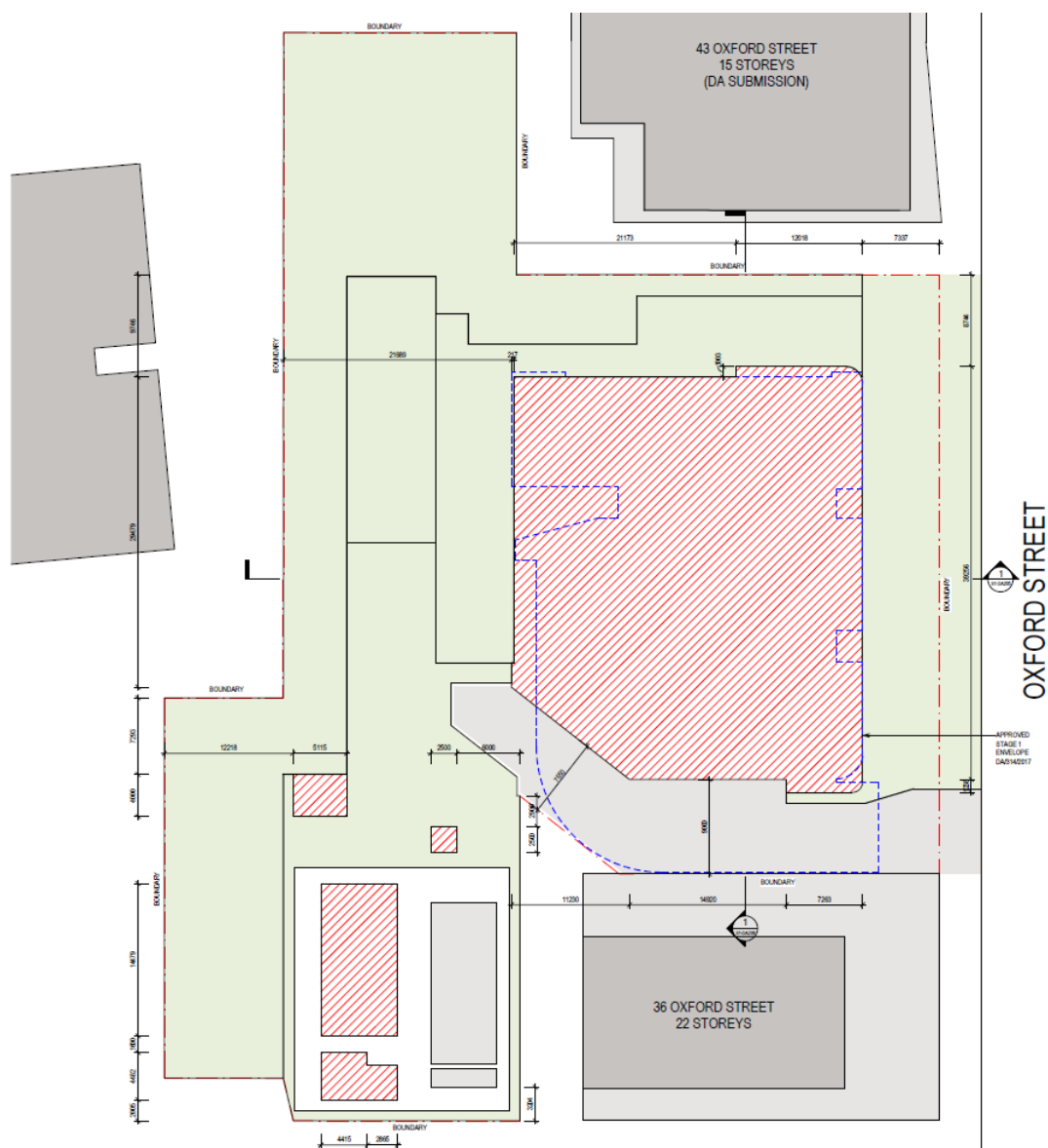


Figure 3. Proposed modified ground floor concept plan (dashed blue line represents previously approved envelope).

4.2 Application Assessment History

During assessment, Council officers noted that the subject modification would not, in their opinion, be required were the applicant to resolve Council officer's concerns with the concurrent detailed devolvement application (DA/1/2022). Resolution of those concerns would have made the detailed development 'not inconsistent' with the currently approved concept, as required by the Act. Subsequently, the applicant lodged a Class 1 appeal in the Land and Environment Court against the consent authority's 'deemed refusal' of the subject application and the other concurrent applications.

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Design Excellence Advisory Panel

Council's Design Excellence Advisory Panel (DEAP) considered the application at a meeting on 24 March 2022³. While the Panel were supportive of elements of the proposal, they made the following points relevant to the concept modification:

- Street wall presentation impacted by not connecting podium to 35 Oxford Street.
- Podium should be 3 storeys.
- Podium and basement front setback should be 4.5m.
- Further consideration of the rear open space design.

The full comments from the DEAP panel are included at Appendix 1.

5.2 External

| Authority | Comment |
|-----------------------------|--|
| Roads and Maritime Services | While not raising any concern at this concept stage, noted that any future detailed application would require additional information including a more detailed traffic assessment (trip generation, queue analysis). |

Table 3: External referrals

5.3 Internal

| Authority | Comment |
|---------------------|--|
| Landscaping & Trees | Acceptable subject to conditions. Note. The officer did not reference the front setback trees due to the application not seeking to delete the condition requiring them. As outlined above, for the purposes of this report it is assumed they are to be removed. Officer clarified they supported retention of requirement to plant trees in front setback. |
| Traffic & Transport | Raised concern with excess car parking. |
| ESD Consultant | Raised concerns with removal of ESD requirements condition. |

Table 4: Internal referrals

6. Environmental Planning and Assessment Act 1979

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

6.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

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 4.24(2): Compliance with Concept Approval

Section 4.24(2) of the Act requires that,

While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

³ Concurrent with consideration of associated application DA/1/2022.

However, sub-section (3) clarifies that this does not prevent modification of the concept.

6.3 Section 4.55: Modification of Consents

This section assesses the proposal against the requirements of section 4.55 of the Act:

a) Substantially the Same Development

The proposal is considered to be substantially the same development as that which was originally approved as the resultant concept approval would be generally consistent with regard to built form and indicative uses.

b) Consultation with Relevant Minister, Authority, Approval Body

The original approval did not require the concurrence of any minister, authority or approval body. As such further consultation is not required.

c) Section 4.15 Assessment

An assessment of the revised proposal per the requirements of Section 4.15 of the Act is provided in Section 7 below.

d) Notification / Submissions

The revised proposal was notified as required. See Section 8 below for details.

e) Consideration of Original Reasons for Approval

Consideration of the revised proposal against the original reasons for the approval is provided in Section 9 below.

7. Assessment

Consideration of each of the proposed modifications is provided below:

7.1 Basement Envelope

The proposal seeks to increase the number of basement levels from 4 to 6.

As evidenced by the associated detailed application, DA/1/2022, the enlarged basement can accommodate 316 car parking spaces.

The DCP car parking controls relevant to the application are contained within Table 1C.2.1(e) 'On Site Car Parking Rates (Epping Town Centre Core)' in *Part 1 – General* of the HDCP 2013. They set out predominantly maximum parking rates for the site.

Based on the likely capacity of the site, and the associated detailed DA, the allowable parking on site would be in the order of 220 spaces, 96 less than proposed.

Those 96 spaces would roughly occupy the 2 additional basement parking levels proposed.

As such the proposal does not comply with the relevant controls. Section 4.15(3A)(b) of the EP&A Act relevantly states the following (emphasis added):

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:... if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the **objects of those standards** for dealing with that aspect of the development, ...*

The desired outcomes (i.e. objects, or objectives) of Section 1C.2.1 'Transport and Parking' of the HDCP 2013 that are relevant to parking read as follows:

- a. *Development that manages transport demand around transit nodes to encourage public transport usage.*
- b. *Car parking and bicycle facilities that meet the requirements of future occupants and their visitors.*

The relevant objectives of the parking control seek both to (a) encourage transport use and (b) provide parking that meets the requirements of future occupants and their visitors.

Regarding objective (a), residential occupants without the convenience of dedicated off-street car parking spaces would have added incentive to use public transport thus assisting in achieving the objective of encouraging public transport use. The new metro makes Epping a highly accessible location.

Regarding objective (b), the applicant may suggest that "*meeting the requirements of future occupants*" includes additional parking spaces. This is not considered to be sufficient justification as the controls require car share parking which would provide residents with other options for accessing areas not served by public transport. Further, the proposal would be required to provide bicycle parking and end of trip facilities.

Traffic Congestion

The Epping Traffic Study was released in May 2018. The study found that the existing road infrastructure in Epping Town Centre is operating at oversaturation and that the additional housing anticipated by the current planning controls would result in significant future traffic growth that will have significant implications for the future levels of traffic congestion and delays on the major road network, particularly during peak hours. The maximum parking controls in the DCP were implemented in response to this study. As such there is further imperative to enforce the controls.

Non-Discretionary Development Standards

Clause 30(1)(a) of SEPP 65 states, "*if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide [the consent authority must not refuse the application because of that matter]*". The proposed parking complies with the minimum.

The purpose of this clause is to limit Council's ability to require too *much* parking, while still requiring a smaller minimum amount. This is evidenced by the following:

- Some Councils require, for example, 2 parking spaces per dwelling which may be prohibitively expensive for developers.
- NSW Department of Planning & Environment Planning Circular PS 15-002 "*Design Quality of Residential Apartment Development – SEPP 65*" provides the following relevant commentary on the application of Clause 30 of SEPP 65:

If council only has a maximum parking requirement in their LEP or DCP (with no minimum) then the minimum car parking requirement continues to be taken as zero. In this case the maximum requirement continues to apply to the development application.

The recent Land & Environment Court judgement of *Pirasta Pty Ltd v Parramatta City Council [2019] NSWLEC 1627* further clarified the matter when the presiding commissioner stated at paragraph 33,

The tenor (and words at cl 30(1)(a) of SEPP 65) are concerned with "minimum amount of car parking supplied". The intent of the policy change contained in the [Hornsby] DCP in May 2019 is in an entirely different direction. It is concerned with limiting parking in areas like the site which are close to the public transport hub at Epping to

encourage its use over private cars. There is no inconsistency of concern here, and the “cannot be used as grounds to refuse” test of cl 30 of SEPP 65 does not apply.

Consistency in Other Applications

The inconsistent application of a DCP reduces its weight in consideration of future applications. In other words, varying a DCP control sets a precedent for assessment of future applications. The Planning Principle “DCPs and Council policies” in the NSW Land and Environment Court case of *Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472* at paragraph 87 relevantly states, “A development control plan which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied”. The DCP parking controls have been consistently applied to date. Allowing an exemption would hinder the cumulative positive impact of the control.

Consistency with Concept

The applicant contends that the concept approved 317 parking spaces in principle and that this is thus the benchmark against which to assess the subject application (i.e. a smaller increase relative to the approved versus a significant breach of the DCP). The approved concept includes no reference to car parking and includes no drawings outlining car parking spaces. The note within Section 4.22 of the Act relevantly states that, “*The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged...*”. As such it is considered that a full assessment of car parking must occur as part of the subject detailed application.

Referrals

The proposal is considered to constitute a ‘traffic generating development’ per Schedule 3 of the SEPP (as it would allow for more than 200 car parking spaces). The DA has been referred to Road and Maritime Services (RMS), who noted that a future proposal would require additional traffic modelling. As the size of the basement envelope would impact on the parking capacity of the site, it is considered that such information would need to be submitted and assessed as part of the subject application.

For the reasons outlined above, the proposal to increase the basement size is not supported and forms reasons to refuse the application.

7.2 Podium Height

The proposal seeks to reduce the podium height from 3 to 2 storeys.

The desired future character of the area, as outlined in Clause 4.6 of the HDCP 2013, includes the following relevant statements relating to podiums:

New buildings should reinforce the traditional shopping centre character of the precinct through well scaled podium forms, a consistent street wall height...

Similarly, design principles 2 and 1 of SEPP 65 require, respectively, consideration of building proportions and require design that responds to its context.

On the first point, a 2-storey podium is not considered to be sufficiently large to be well proportioned to a 30-storey tower. A 3-storey podium would provide a more appropriate relationship with the tower.

On the second point, the building to the south has a 3-storey podium, and the approved building to the north has a 3-storey podium. The proposed 2-storey podium does not provide an appropriate consistency with, or transition between, the two and thus would not provide a consistent street wall height.

As such, the proposed envelope is not considered to be appropriately scaled or consistent.

7.3 Podium Footprint

The proposal seeks to amend the podium footprint to allow space for a child care centre at ground floor level, and to increase the southern side setback and thus not provide a 'connection' to the podium of the adjoining site to the south.

The changes to the ground floor plan are minor (see Figure 3 above), do not reduce any setbacks, and as such are considered to be acceptable.

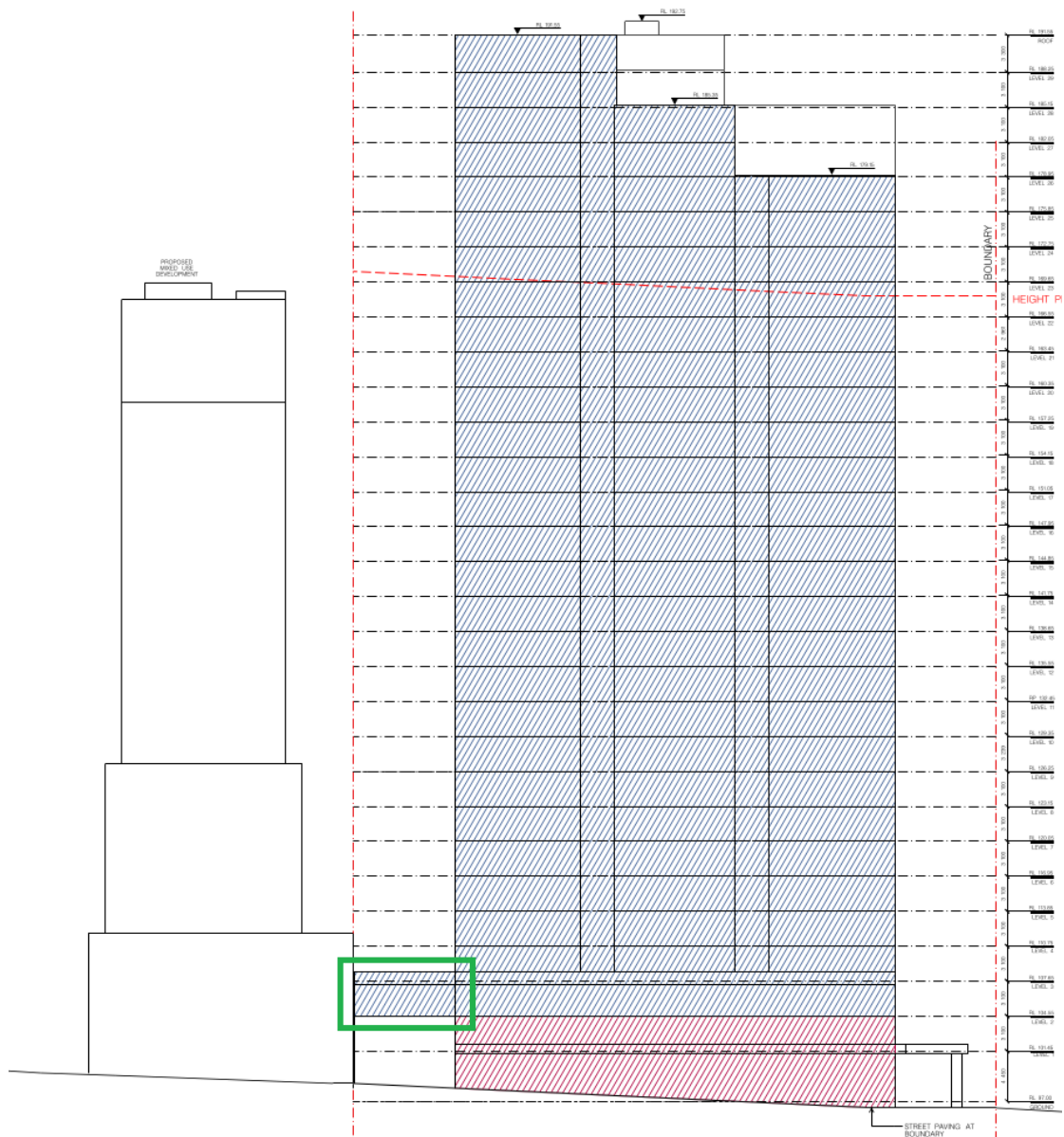


Figure 4. Approved concept plan front elevation (second floor connection highlighted in green).

The concept included a second floor 'connection' to the adjoining site to the south, as outlined in the figure above.

Clause 4.6.6(e) of the HDCP 2013 recommends that, "*when commercial podiums are provided, the podiums should have minimal gaps in the street wall and maintain a consistent building line*".

The proposal seeks to delete this connection. The change to the southern side setback is not considered to be acceptable for the following reasons:

- The applicant has not provided sufficient contextual analysis to justify the podium southern setback, which is inconsistent with the control. While DEAP did not definitively say such a setback was not acceptable, they requested further contextual analysis and renders to assess the impact.

- The desired future character of the Epping Town Centre – East Precinct is to provide a street wall in the town centre which the proposal would not achieve.
- As outlined in the figure below, the adjoining building to the south includes a rear return which intrudes into the sightline down the southern side boundary of the subject site. This awkward relationship would be less perceptible were the connection in the concept implemented.



Figure 5. Photo of No. 35 Oxford Street (left) and subject site (right) demonstrating podium return of No. 35 Oxford Street (green) and location of driveway (red).

7.4 Tower Envelope

The proposal seeks to make amendments to the tower envelope to accommodate constructability, façade articulation and lift overrun / screening (see Figure 6 below).

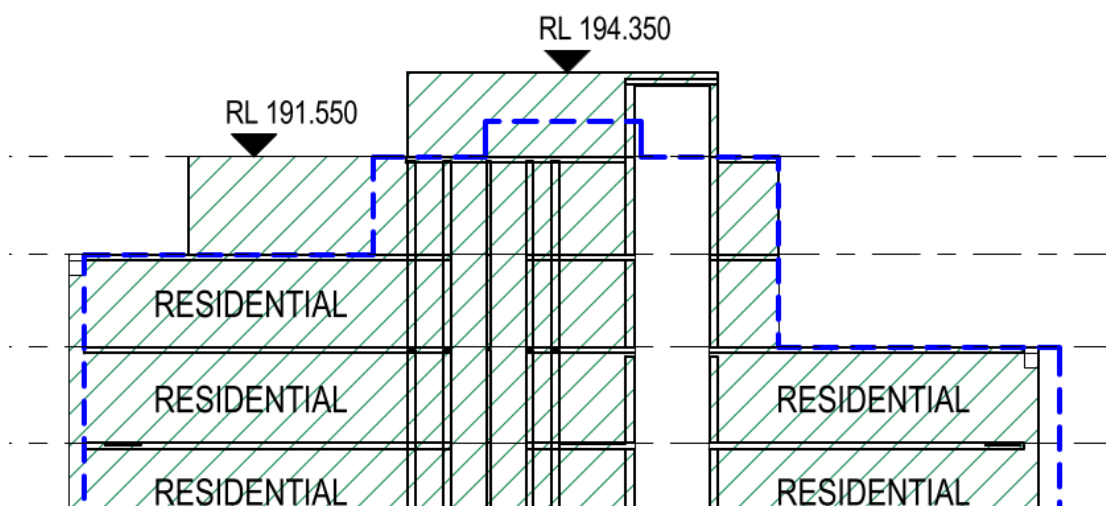


Figure 6. Extract from section drawing of proposed concept envelope (approved concept envelope in dashed blue line).

The approved tower envelope, at a maximum of 95.35m, included a significant breach of the building height standard, 72m. The proposal includes a further breach, to a maximum of 96.95m, to accommodate the lift overrun, screening and constructability. A summary of relevant height figures is provided in the table below.

| | Control | Concept Approval | Proposal |
|------------|---------|------------------|----------------|
| Height | 72m | 95.35m | 96.95m (+1.6m) |
| Breach (m) | - | 23.35m | 24.95m (+1.6m) |
| Breach (%) | - | 32.4% | 34.7% (+2.3%) |

Table 5: Height of Building summary

The proposal would have negligible additional amenity impacts due to the additional heights' location central to the tower footprint. Further, the form of the proposal would remain consistent with that originally approved. The stepped roof form would remain consistent with DCP requirements.

However, the additional height is not considered to be acceptable as the justification for the original height variation is eroded by the proposal. Specifically, the proposal to delete the ESD requirements and not provide replacement planting along the front setback undermines the environmental planning grounds for allowing the approved concept breach.

As such the revised tower envelope is not considered to be acceptable in the context of the other proposed deletions.

7.5 Landscaping / Open Space

The proposal seeks to adopt a revised concept landscape package.

The revised package is the same as that submitted with the associated detailed application, DA/1/2022. For the purposes of providing a concept, it provides an acceptable indicative layout, noting that Condition 2 of the consent clarifies that the approved concept plans do not constitute approval for any works. Further assessment will be required at detailed DA stage.

The landscape plan demonstrates that it would be possible to achieve the relevant communal open space and deep soil requirements of the ADG.

The landscape plan outlines the planting of 23 new trees on site, primarily in the rear open space. However, there are no trees proposed in the front setback. Section 4.6.8(a) of the HDCP recommends that, "*Landscaping should be included in building setback areas to complement the appearance of the building*".

Further, as outlined in Figure 2 above, a row of trees previously existed in the front setback. Section 1B.7.1(h) of HDCP 2013 makes clear Council's expectation that removed trees should be replaced.

Replacement of these trees was a key consideration of the original assessment, which contributed to the conclusion that the ideal podium front setback was 4.5m. A 3m setback, more consistent with the adjoining approval to the north, would not have been sufficient to allow room for large trees.

As such it is considered that trees should be provided in the front setback.

DEAP raised concerns with the detailed design of the open space and its integration with the lift lobby. However, these are issues that can be addressed at the detailed design phase.

While the landscape drawings demonstrate the proposal would provide a good quantum of open space, it is considered that the lack of indicative tree planting in the front setback is reason to refuse the application.

7.6 Condition 9 – Design Architect

The proposal seeks to delete the condition requiring engagement of a high-quality architect for detailed design work. The applicant has not provided any justification for deletion of the condition.

The condition reads as follows:

The design architect of the project, Candalapes Associates, is not to be changed for future detailed development applications without prior notice and approval of the Council's City Architect.

Reason: *To ensure design excellence.*

On 5 July 2021 Council agreed Scott Carver was an acceptable replacement, who is the subject architect. As such the associated detailed DA complies with the condition.

Clause 6.8 of the HELP 2013 requires that development over 29.6m, such as the building proposed, achieved design excellence. Given the significant height breach, it is considered that comfort is required to ensure a high-quality architect is engaged for detailed design. As such this modification is not supported, and forms reason to refuse the application.

7.7 Condition 10 – Design Excellence Advisory Panel recommendations

The proposal seeks to delete the condition requiring implementation of recommendations from the Design Excellence Advisory Panel⁴. The design requirements of the Panel, and how the revised proposal relates, are considered in the table below:

| DEAP Comments 17/01/2018 | Consistency |
|---|--|
| The Panel supports the single tower with additional height in-lieu of building 'B'. A taller and more slender building is appropriate in this location, and can provide a suitable apex for the cluster of high rise buildings now evolving around the Epping urban centre. | The revised concept drawings continue to achieve this requirement. As such there is no need to delete this requirement. |
| The articulation and stepping down at the top of the building is commended, and a good response to Panel suggestion from the earlier Stage 1 review. However the Panel considers this approach needs to be strengthened with perhaps larger steps, and indication of how this modelling would assist in minimising overshadowing and solar access loss relative to 35 Oxford Street. | The Panel was commenting on concept drawings at the time which included a 2 storey step from south to middle element and 1 storey from middle to north element. The concept drawings were subsequently revised to a 2 & 2 step, which is retained in the revised proposal. As such there is no need to delete this requirement. |
| As the building will be viewed from many directions, and due to its height likely be a landmark for the Epping Town Centre, it is suggested that distant urban form views from various points be shown as part of further design development. Precedents should also be reviewed for stepped roofs viewed from different directions in the Sydney CBD, such as the Deutsche Bank in Hunter Street, Governor Macquarie Building in Farrer Place and No. 52 Martin Place. | |
| Articulation of the tower with recessed slots has significantly improved the appearance of the building envelope, and the Panel feels that these slots should perhaps continue down through podium levels to better express the main entrances more clearly at street level. Detailed perspectives/montages at street level are necessary to ensure the best appreciation of potential outcomes. | The envelope drawings delete the vertical slots in the podium. Notwithstanding, there may be other architectural solutions which could achieve the intent of this comment at detailed design stage. As an alternative treatment could still be considered consistent with the concept there is no need to delete this requirement. |
| At the earlier Stage 1 review, the Panel noted that the podium should be 3-4 storeys high and include community uses and commercial spaces suitable for potential 'co-working' office spaces for local residents. While the podium height at 3 storeys is acceptable, the commercial spaces are limited in both size and configuration. Office units that are not connected to residences should be more uniform | Proposed podium reduced to 2 storeys in height. This forms reason to refuse the application as outlined in Section 7.2 above. The proposal does not appear to seek a change to the commercial nature of the first floor. However, the revised |

⁴ Please note reference here is to the DEAP panel at time of original concept assessment, not the panel at time of assessment of this modification application.

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| and adaptable, allowing for them to be linked to provide larger commercial spaces if required, and less suitable to be converted back to residential units in future. | <p>drawings do not clearly label the uses, which would provide less certainty at detailed DA stage.</p> <p>The associated detailed DA includes flexibility in layout.</p> <p>As such there is no need/justification for deleting the requirement.</p> |
| Given the relatively small size of the commercial spaces not linked to residential units, consideration should also be given to provision of communal toilet amenities and kitchen facilities at Level 1. These could also be for the benefit of visiting maintenance or service personnel. | The associated detailed DA includes such amenities. As such there is no need to delete this requirement. |
| For a building of this scale it would be expected that a community room should be provided for owner corporation meetings and occasional communal functions. While there may be scope for such a space to be located within the Level 1 podium, an alternative could be on Level 27 adjacent the roof terrace. That approach would see the replacement of a 1 bedroom unit with a flexible space opening onto the terrace, and with shared amenities available for various social activities as well. | As recommended in ADG Objective 4F-2, given the scale of the building, it is considered that a community room should be provided on site. As such there is no justification for deleting the requirement. |
| There is concern from the Panel about the proposed resolution of the public domain and landscape treatment to the Oxford Street frontage. The indicated front setback for the podium is 6m where Council requested 7.5m, and the panel previously recommended 3m to align more closely with No. 35 Oxford Street or the building to the north. | Notwithstanding this comment, Council's Urban Design team ultimately were of the view that a 4.5m front podium setback was appropriate for a variety of reasons (including tree planting and consistency with adjoining development) and imposed a condition to that effect on the concept approval. As outlined in Section 7.8 below, the appropriate front setback is considered to be 4.5m. |
| Furthermore, the footpath is highlighted in green suggesting soft landscaping when in fact it should be paved in accordance with the public domain controls to maintain a consistent streetscape. | The associated detailed DA includes a standard footway with street trees and as such there is no need to delete this requirement. |
| Further investigation of landscape options is needed together with 3D images and material palette showing both the existing and proposed streetscape treatments. This should also consider how the main building entries can be better integrated to address Oxford Street, and provide cohesive activation along the retail frontage. The footpath awning is shown stopping short on the northeast corner, and it could extend further out and partially along the northern side for better protection to pedestrians and patrons using the outdoor space to the north. | This suggestion simply requires further investigation and does not specifically require anything. As such there is no need to delete this requirement. |
| As identified in the GAO Draft of Greener Places, a healthy and easily maintained tree canopy is increasingly critical in Western Sydney to deal with hotter summers, so there must be well considered strategies to support larger trees around site perimeters. The Basement Levels 2-3 cover a large part of the site, and although stepped in at Basement Level 1, there is diminished opportunity for real unrestricted deep soil planting. Given close proximity | Overall, the revised concept envelopes result in a net increase in deep soil planting. As such there is no need to delete this requirement. |

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| of the site to the Epping Station, scope should be investigated for potential car parking reduction to allow for perimeter pockets of more deep soil zones. | |
| Previous pre-DA material shown to the Panel also indicated a greening strategy for the building facades with associated modelling, and this should be further explored in any future submission to help mitigate concerns about urban heat island effects. The Panel is encouraged to see the Level 27 roof terrace, but this and other upper setback levels could include more landscape treatment to help reduce heat load, and for further communal rooftop access. | This suggestion simply requires further investigation and does not specifically require anything. The associated detailed DA includes a landscaped terrace at this level. As such there is no need to delete this requirement. |
| The Panel noted access to the rear ground level communal open space via stairs from the central lobby, and to the multi-purpose court via ramp. It is unclear whether full equitable access would link these areas, or if this might be along the northern side of the building. Provision for communal amenities nearby should also be considered. | Step-free access would be required regardless of this recommendation. As such there is no need to delete this requirement. |
| It is expected that more detailed elevations reflecting the proposed floor plans will be included in a Stage 2 submission, and there should also be detailed 1:20 sections to show use of materials and how the overall façade will work at the various levels. | Demonstration of acceptable facades would be a requirement of the Stage 2 application regardless of this recommendation. As such there is no need to delete this requirement. |
| While the unit layouts are quite tight, the Panel considered they are generally satisfactory but some refinements may be appropriate. Several units have limited kitchen bench space - eg. 2 bedroom units on level 2 on the south-west corner, and some living areas allow direct line of sight into adjacent bedrooms. Clarification of how various unit services will be provided is expected in any subsequent submission, along with detailed modelling for natural ventilation. | Such consideration is required by the ADG regardless of this recommendation. As such there is no need to delete this requirement. |

Table 6: Concept Consent Condition 10 Review

For the reasons outlined in the above table, and noting the design excellence requirements of HELP 2013 discussed in the previous section, it is not considered to be necessary or appropriate to delete the condition and it forms reason to refuse the application.

7.8 Condition 12 – Podium Front Setback

The proposal seeks to delete the requirements that the podium be setback 4.5m from Oxford Street. The proposed concept drawings demonstrate a 7.3m front podium setback.

The Hornsby DCP 2013 anticipates a 0m front podium setback for the site, and as outlined previously, seeks to provide a consistent street wall. The adjoining built podium to the south is setback 0m from the street, and the adjoining approved podium to the north is setback 3m from the street. As such, the proposal is not consistent with the control or the streetscape.

The concept allowed a 4.5m setback at the subject site to provide space to replace the significant trees that previously existed in this location, which the subject proposal also does not propose.

The proposed setback would result in a dramatic stepping back of the built form on the site between its two neighbours.

As such the proposed modification is not considered to be acceptable and forms reason to refuse the application.

7.9 Condition 19 – Environmentally Sustainable Design Excellence

The proposal seeks to delete the requirement to provide the Environmentally Sustainable Design features offered as part of the original application.

The applicant has not provided any specific justification for deletion of this condition.

Deletion of the condition is not supported for the following reasons:

- The concept application justified a significant height breach on the basis of avoiding the need to provide a second tower to the rear of the site, and a series of other measures, including the high sustainability features adopted in the condition.
- Clause 6.8 of the HELP 2013 requires that development over 29.6m achieved design excellence. Sub-clause 4(f)(vii) requires excellence in ESD outcomes, which would be compromised if compliance with the condition was not required.

This forms reason to refuse the application.

8. Submissions

The application was notified and advertised in accordance with the Parramatta Notification DCP.

The advertisement ran for a 30-day period between 11 January and 11 February 2022. Three (3) submissions were received during this notification, 2 of which raised concerns.

The public submission issues are summarised and commented on as follows:

| Issues | Comment |
|--|--|
| Impact on Traffic | The applicant has not demonstrated that the proposal will have an acceptable traffic impact. This forms reason to refuse the application. |
| Height Breach / Scale | The proposed further height non-compliance is not considered to be acceptable, as the proposal seeks to delete some of the items used to justify the initial building height variation. |
| Overshadowing | The overshadowing impact of the proposal is considered to be acceptable as the additional height to accommodate the lift overrun results in negligible additional overshadowing to that which was considered acceptable in granting approval for the concept envelope. |
| Insufficient Separation to Adjoining Towers and associated wind/acoustic/privacy impacts | The proposal does not reduce tower setbacks relative to the approved envelope. The proposal complies with the tower separation requirements of the ADG. The adjoining units are considered to be adequately separated from the proposed tower so as to ensure acceptable wind, acoustic and privacy impacts for both buildings can be achieved at detailed DA stage. |
| Fire risk | Fire risk is controlled by the relevant building controls which any future detailed development will be required to address. |
| High density inappropriate in context of pandemic | The proposed density is allowable on the site. |
| Insufficient ESD | Agreed. This forms reason to refuse the application. |
| Excessive parking | Agreed. This forms reason to refuse the application. |
| Impact on electricity grid | Energy provider will have opportunity to comment on detailed development application. |

Table 7: Summary of public submissions to the proposal.

9. Original Reasons For Approval

Consideration of the proposal relative to the Sydney Central City Planning Panel's reasons for approving the original concept application is provided in the table below:

| SCCPP Reason | Consideration with Regard to Modified Proposal |
|--|--|
| 1. The application proposes additional housing supply in an Activation Precinct identified by the State Government with excellent access to existing and proposed improved public transport. | The proposal retains the approved density. |
| 2. The development is generally compliant with State and local planning controls. | The proposal is still generally compliant. However, as outlined in this report, elements are not sufficiently compliant. |
| 3. The Panel supports the Clause 4.6 variation request for additional height and accepts that the proposal as now designed results in a better planning outcome as a consequence of the variation - noting that there is complying density with the Hornsby Local Environment Plan 2013's (LEP) Floor Space Ratio standard. | The proposal seeks to delete elements of the request which justified the breach. This is not supported. |
| 4. The Panel does not accept that use of a Clause 4.6 Variation Request in the circumstances means an abandonment of the height standard in Epping Precinct, but results in better urban design than the height compliant development originally proposed. | Noted. |
| 5. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Hornsby LEP 2013 and considers that: <ul style="list-style-type: none"> i. the applicant's submissions adequately address the matters required under cl.4.6; ii. the development remains consistent with the objectives of the standard and the objectives of the zone; iii. there are sufficient environmental planning grounds to justify the variation; and iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality. For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest. | The proposal seeks to delete elements of the request which justified the breach. This is not supported. |
| 6. The Panel notes that the Council's Design Panel supports the removal of the through site link as well as the height variation, and the Panel accepts the removal of the link and notes that it may be able to occur on other sites in the future but would be unworkable from this site which does not have a link to Cambridge St, and because of the changes in level and direction. | Not relevant to the subject application. |
| 7. As the application is compliant with the density standard proposed for the UAP the traffic impact is consistent with that planned for the locality. | As outlined by TfNSW, the applicant has not demonstrated that the traffic impact is acceptable. |
| 8. The Panel finds the street activation with additional setback and tree planting, together with the two levels of commercial and retail space, is consistent with the UAP requirements. | The proposal would not alter street activation. |

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| | <p>The proposal would continue to provide two levels of commercial/retail space (subject to a condition).</p> <p>The proposal seeks to delete the tree planting in the front setback, which is not considered to be acceptable for the reasons outlined in this report.</p> |
| 9. The conditions proposed by the Council are appropriate for this staged development and matters of concern raised in the submissions can be addressed by conditions in the later stages. In particular, the Panel notes that the applicant has accepted the additional requirements specified in Condition 19 relating to the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | The proposal seeks to delete this condition, which is not considered to be acceptable for the reasons outlined in this report. |
| 10. Therefore, for these reasons, the Panel finds the application to be suitable for the site and approval is in the public interest. | Noted. |

Table 8: Consideration of original reasons for approval.

10. Disclosure of Political Donations and Gifts

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

11. Development Contributions

Developer contributions are required as per the *City of Parramatta Council (Outside CBD) Development Contributions Plan*. As the proposal does not include approval for any works, no contributions are required. Contributions will be applied at the detailed DA stage.

12. Summary and Conclusion

For the reasons outlined in this report, the proposal is not considered to satisfy the relevant considerations under s4.55 and s4.15 of the Environmental Planning and Assessment Act 1979. As such, refusal is recommended for the reasons outlined in the section below.

The application is subject to a Class 1 appeal before the Land and Environment Court.

13. Recommendation

- A. **That** the Sydney Central City Planning Panel, as the consent authority, **Refuse Consent** to Modification Application No. DA/314/2017/A for changes to concept building envelope, landscaping and conditions of consent at 37 – 41 Oxford Street, EPPING NSW 2121 (Lot 2 DP 1205413) for the following reasons:
1. **Height** – The non-compliance with the height standard in clause 4.3 of the Hornsby LEP 2013 is not considered to be well founded because the applicant has not demonstrated that there are sufficient environmental planning grounds to vary the standard. Specifically, the proposal seeks to delete justifications for the original height variation.
 2. **Parking** – The proposal is contrary to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is inconsistent with the zone objective of the Hornsby Local Environmental Plan 2013, and the parking controls in section 1C.2.1 of the Hornsby Development Control Plan 2013. Specifically, the basement volume would accommodate an excessive quantum of car parking which would not sufficiently encourage public transport usage, cycling and walking.

3. **Podium** – The proposal is inconsistent with design quality principles 1 'Context and Neighbourhood Character' and 2 'Built Form and Scale' in Schedule 1 of SEPP 65, clause 6.8 of Hornsby Local Environmental Plan 2013 and the desired future character of the area and built form controls in Section 4.6 of the Hornsby Development Control Plan 2013. Specifically, the proposed podium height and alignment are not consistent with the streetscape, are not commensurate with the scale of the tower and are not consistent with the desired future character of the area.
 4. **Landscaping** – The proposal is contrary to the provisions of clauses 1B.7.1(h) and 4.6.8(a) of the Hornsby Development Control Plan 2013. Specifically, the proposal does not include sufficient replacement tree planting in the front setback.
 5. **Design Excellence** – The proposal is contrary to the requirements in clause 6.8 of Hornsby LEP 2013. Specifically, the lack of commitment to a high-quality architect, the deletion of design panel recommendations and the lack of environmentally sustainable design features would not achieve design excellence.
- B. **That** the Sydney Central City Planning Panel as the consent authority directs Council in the conduct of the appeal in accordance with cl. 8.15(4) of the Act.
- C. **That** submitters be notified of the decision.

DESIGN EXCELLENCE ADVISORY PANEL RECOMMENDATIONS

City of Parramatta



Address 37 - 41 Oxford St EPPING

Date 24th March 2022

Application Summary

| | |
|--------------------------------------|---|
| Application Number | DA/1/2022 & DA/314/2017/A |
| Assessing Officer | Alex McDougall |
| Applicant/Proponent | Meriton |
| Architect and Registration Number | Nicholas Bandounas - 8499 (Scott Carver) |
| Landscape Architect | Meriton |
| Planner | Urbis |
| Others | Walter Gordon et al. (Meriton) |

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|--------------------------------|---|
| DEAP Members | Andrew Stanic, David Logan, Oi Choong |
| Chair | Andrew Stanic |
| Other Persons in attendance | Jay Ahmed – Project Officer, Urban Design |
| Apologies | |
| Item No. | 1 & 2 of 3 |
| DEAP Meeting Number | 2nd referral (see PL/21/2021) |

General Information

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

The Design Excellence Advisory Panel is an independent Panel that provides expert advice on applications relating to a diverse range of developments within the Parramatta Local Government Area.

The absence of a comment related directly to any of the principles under SEPP 65 does not necessarily imply that the Panel considers the particular matter has been satisfactorily resolved.

Proposal

30 storey mixed use building comprising 2 storey commercial podium (retail unit, 60 children centre-based childcare facility and commercial office space) and a shop-top housing tower above comprising 211 apartments, 6 basement levels providing 317 car parking spaces, landscaping and public domain works. The proposal constitutes stage 2 detailed design of concept plan approval DA/314/2017. The application is to be determined by the Sydney Central City Planning Panel.

Panel Comments

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

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

1. This proposal was reviewed by DEAP in April 2021 where a series of departures from the previously approved concept plan (DA314/2017) were raised as a concern and not supported. In particular, issues relating to the lack of a street wall approach, the general contextual response and the erosion of the rear setback that negatively impacted on the originally proposed green spine were raised.
2. While the current proposal seeks to address several of the previously identified issues, the panel notes that the proponents have not clearly responded to each of the previously raised issues, and this makes a detailed review difficult. For example, the previous Panel raised issues regarding the importance of the concept-approved rear green space but this was not specifically mentioned in the resubmission.
3. Notwithstanding the above the applicant is proposing a submission that is more closely aligned to the original concept approval. The street-facing tower expression proposes three distinct vertical bays, which in part addresses the desired character for Oxford Street and improves the architectural expression. The façade detailing however requires further consideration and articulation and this could be achieved by way of increasing the depth of window reveals / mullions. The current expression presents as quite flat and is in need of further modulation. The podium

is not proposed to connect to No. 35 as per the previous concept approval thereby impacting on the street wall expression at pedestrian level.

4. The Podium has been reduced in height from three storeys to two and the vertical tower recesses between bays do not continue into the podium zone. The Panel recommends that a detailed streetscape analysis be undertaken with the aim of providing a defined contextual approach and an improved public domain that aligns with desired character for this part of Epping. The Panel recommends increasing the podium height to three storeys and extending the vertical slots from the tower above for an improved and linked compositional expression that breaks the podium form into three bays.
5. The two levels of commercial ceiling heights do not currently meet compliance and the panel recommends that this be addressed in any redesign of the podium. The provision of two commercial levels with a residential component on level 3 is seen as positive as it potentially allows for units that connect to generous terraces and potential for improvement in streetscape activation and surveillance.
6. The street level set back for the podium is proposed at 7.3 metres whereas the original Concept Design approval set this at 4.5m. It is noted that the 4.5m setback was conditioned and not shown on the original drawings and this is understood to have led to some confusion. It is recommended that the setback be revised to align with the 4.5m setback previously approved and to also consider applying this to the basement under for both buildability and to allow a deep soil zone for suitable street trees to be provided.
7. The interface between fire services / childcare play area to the north between the proposal and no. 43 requires further resolution and explanation. The location of the booster and the ventilation shaft will potentially negatively impact on the public domain and is not supported. The interface between the outdoor play area and the street is also not clear. How any barrier here relates to the podium is an important consideration and should be resolved and clarified via larger scale drawings but also by way of a series of 3D pedestrian eye level views that clearly articulate this zone and the overall podium expression and entry sequence.
8. Detailed consideration of the points raised above will assist in the establishment of a desired street character relative to future context.
9. The previous Panel also raised the potential for making a direct visual connection to the rear green space from the lobby, as this is currently not possible due to the proposed location of the childcare component of the scheme. It would certainly improve the entry sequence into the building and allow a more considered connection to the rear green space. Refer also to the landscape comments Item 12.
10. Layout improvement may be possible at ground level if the childcare function is relocated between the proposal and No. 43 with the outdoor play relocated into the northern-most section of the rear green space. This could also assist in addressing the streetscape childcare interface noted above.
11. The inclusion of a community room was recommended in the previous Panel report and it is not included in this submission. The Panel believes that this should be provided and should be generous in size given the scale of the development. The currently allocated small space in the lobby is considered unacceptable. An

alternative location linked to the gym facility was raised and should be explored. The currently proposed meeting room in the lobby could be given over to parcel deliveries given that the lack of this type of provision is now a common problem in residential developments.

12. The Panel also notes that many of the landscape issues raised in the previous Panel report have not been addressed and resolved. The current landscape design reflects a lost opportunity to enhance the indoor/ outdoor relationship and to imaginatively utilise the site contours to create an outstanding terraced garden for the residents and their visitors.
13. The Panel recommends a re-thinking of the garden layout and offers the following recommendations in relation to improvements to the landscape:
 - i) Liaise with the architectural team to create a direct visual relationship between the lobby and the garden. As highlighted in Item 10, re-configure the western childcare open space to create improved access and connectivity from the lobby to the garden and grounds.
 - ii) The current route from the lobby to the garden is poorly resolved. It is via a long corridor past the bulky goods room and gives no hint of a garden and facilities beyond. A more attractive and welcoming entry sequence and experience into the garden is required for a development of this scale and significance.
 - iii) Explore greater use of terracing and decking to reduce the extensive use of ramped paths and circulation, which impacts on usable open space and amenity.
 - iv) The Panel is concerned that the children's play area is currently located at the extremity of the grounds, 2m below the level of the gym and pool facilities. Apart from access, safety and drainage issues, it also has a poor relationship with the rest of the garden and should be repositioned to a more suitable spot.
 - v) The design of the privacy fences between the childcare play areas and communal open spaces/garden requires further resolution to reduce their impact.
 - vi) The ground level precedent images do not always accord with the plan reality and do not reflect the current level changes. These should be amended and updated.
 - vii) The Panel requests more full site sections illustrating how level changes and cut -fill zones (if any) are addressed across the whole site, The Panel is also interested in seeing the impacts at the site perimeter and impacts on the adjacent gardens and site levels.
 - viii) A revised landscape plan is to be prepared incorporating the above recommendations including a rationale for the location of the communal facilities (pool and gym)

14. A review of the general apartment layouts notes the following:



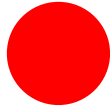
- i) Layouts should be revised to avoid a direct visual link between bedrooms, bathrooms and living spaces. Currently, too many of the bedrooms open directly off the living rooms.
- ii) The current unit layouts in some instances result in the primary views / first entry experiences focusing on the working side of the kitchen, this is not considered to be an ideal planning outcome.
- iii) Dining provision for two bedroom units and above should allow seating for six and it is recommended that table dimensions be 1800mm x 900mm.
- iv) Many of the units have kitchens adjoining bedroom walls and this could result in amenity impacts due to noise conflicts.

15. A series of 1:20 sections is required for both the front and rear facades to allow further review of the façade expression and the detailing of services etc. This is to also include the podium.

16. A series of eye level views of the proposal from the front and the rear are required to better understand the quality of spaces and the design intent proposed.

17. The proposed substantial increase in the number of car spaces, well beyond that approved at concept stage, is not supported particularly given the location relatively is close to Epping Station, a major transport hub.

Panel Recommendation

| Selected Recommendation | Description | Action |
|---|--|--|
| <p>Green</p>  | <p>The Parramatta Design Excellence Advisory Panel (The Panel) supports the proposal in its current form. The Panel advises that this is a well-considered and presented scheme and that the architectural, urban design and landscape quality is of a high standard.</p> | <p>Only minor changes are required as noted and provided these changes are incorporated, and presented to the Council, the Panel does not need to review this application again.</p> |
| <p>Amber</p>  | <p>The Parramatta Design Excellence Advisory Panel (The Panel) generally supports the proposal in its current form with caveats that require further consideration.</p> <p>The Panel advises that this is a reasonably well considered and presented scheme and that the architectural, urban design and landscape quality are of a reasonable standard.</p> | <p>Once the applicant and design team have addressed the issues outlined, the panel looks forward to reviewing the next iteration.</p> |
| <p>Red</p>  | <p>The Parramatta Design Excellence Advisory Panel (The Panel) does not support the proposal in its current form. The Panel advises that there are a number of significant issues with the proposal.</p> | <p>The Panel recommends that the applicant/proponent contact the Council to discuss.</p> |