



Director, Urban Assessments
Department of Planning
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Sydney NSW 2001

Your Reference: MP 05_0086 Mod 2
Our Reference: NCA/16/2010
Contact: Kate Lafferty
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Attention: Mark Brown

5 October 2010

Dear Mr. Brown

**MP05_0086 – Modification to the approved Concept Plan and amendment to the State Significant Site listing
61 Mobbs Lane - Epping - Channel 7 Site (Epping Park)**

I refer to the public exhibition of the above Major Project seeking modification to the approved Concept Plan and amendment to the State Significant Site listing. The amendments sought include the following:

- Increasing the number of dwellings from 650 to 800
- Alterations to apartment layouts and unit mix
- Provision for a neighbourhood shop of up to 150m² GFA to be co-located with the child care centre
- An additional 1600m² of common open space to be created on the western side of the site
- Deletion of reference in the approved Concept Plan to a density of 73 dwellings per hectare
- Changing the definition of Gross Floor Area in the approved Concept Plan to the standard instrument definition for Local Environmental Plans
- Increased development contributions in accordance with the Parramatta City Council Section 94A Contributions Plan.

Please be advised that Council is opposed to this application with respect to the increased density, apartment mix, permissibility of neighbourhood shops, provision of common open space, traffic, parking and the contributions framework. The reasons for this opposition is outlined below.

1. Increased Density

The modification proposes to increase the number of dwellings on the site from 650 to 800. It is noted that the increase in dwelling numbers is achieved through:

- (a) changing the definition of Gross Floor Area (which excludes balconies and terraces), thereby providing additional internal floor space
- (b) changing the dwelling mix.

The Environmental Assessment (EA) is misleading as it states that "*no changes are proposed to the maximum GFA in the approved Concept Plan.*" (p22). There will in

fact be changes to the development as the modification seeks to alter the definition of GFA, which will allow increased internal floor space (since balconies and terraces will no longer be included in GFA calculations). This is partly reflected in the requested change to the height of the buildings located to the west of the site from 5-6 storeys to 6 storeys.

Principle 4 of SEPP 65 states:

“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.”

During the preparation of Council's Residential Development Strategy (RDS), the subject site was identified as a large site that may be capable of accommodating some increase in density for residential purposes that integrated appropriately with the surrounding low density context. No more detailed work was undertaken at this point as the site was the subject of a Part 3A application at that time. The site was not identified as meeting the RDS criteria in terms of proximity to transport, services, facilities and open space.

The surrounding area is characterised by low density single and two storey dwelling houses. It is considered that the proposed density (and increased height of western buildings) is not consistent with the low scale residential character of the locality and is therefore inconsistent with the principles of SEPP65.

The documentation accompanying the modification is somewhat misleading in that it states that the site is within 15 minutes walking distance of Epping and Eastwood stations (p34 of EA). The site is located approximately 2.1km from both Epping and Eastwood stations and the routes to both these stations could be described as undulating with sections of significant gradient. The suggestion of a 15 minute walking time is inconsistent with accepted average walking times used in land use planning.

To further increase the number of units in this area will likely lead to an increase in vehicle movements and due to the site's somewhat isolated location will lead to the majority of journeys being undertaken by private vehicle.

The proposed increase of 150 dwellings will significantly increase the demand for accessible public open space. This increased demand should be reflected through an increase in accessible and well designed public open space in addition to the proposed additional 1600m² common open space.

2. Dwelling Mix

Although the proposed modification indicates the specific dwelling mix for which consent is being sought, it also states *“the final mix of dwelling types will be determined at the detailed design stage”* (p28 of EA). It is considered that there is

little point in providing a dwelling mix within the Concept Plan unless that dwelling mix is going to be adhered to throughout the development process. In this regard, an appropriate dwelling mix should be incorporated within the Concept Plan.

Principle 9 of SEPP 65 states:

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs."

In addition, the Residential Flat Design Code (RFDC) states:

"A mix of apartment types provides housing choice and supports equitable housing access. By accommodating a range of household types, a mix of apartments can ensure apartment buildings support the needs of society now and in the future. This is particularly important because apartment buildings form a significant and often permanent part of the urban fabric."

The objectives of the Apartment Mix section of the RFDC are to provide a diversity of apartments types, which cater for different household requirements now and in the future and to maintain equitable access to new housing by cultural and socio-economic groups.

The modification proposes a significantly high proportion of 2 bedroom dwellings and significantly low proportion of 3 bedroom dwellings. There is also a complete loss of 247 dwellings containing 2 bedrooms and study. The comparison of the approved and proposed Concept Plan with Council's DCP 2005 dwelling mix requirements are shown in the table below.

Dwelling type	DCP 2005	Approved Concept Plan		Modification	
		Dwgs	%	Dwgs	%
1 bedroom	10 – 20%	33	5%	47	5.9%
2 bedroom	60 – 75%	115	18%	705	88.2%
2 bed & study	10 – 20%	422	65%	24	2.9%
3 bedroom	(3 bedroom)				
3 bed & study	4 bedroom No requirement	80	12%	24	2.9%

The change in the dwelling mix will alter the demographic of residents. The development will house less family groups. Other than a brief mention of metropolitan level demographic analysis (which does not sufficiently discuss how the

proposal meets the analysis), no site or area specific analysis has been provided to support the proposed dwelling mix. It is recommended that a dwelling mix consistent with Council's DCP be provided on site consistent with accepted planning principles of providing a range of housing options and choice and minimising social impact.

3. Inclusion of neighbourhood shops as a permissible land use

The proposed modification seeks the inclusion of neighbourhood shops as a permissible land use within the RE1 (Public Recreation) zone and for this use to be located adjacent to the approved child care centre. The accompanying EA states that the neighbourhood shop would be approximately 150m² in area.

The proposed inclusion of neighbourhood shops within the RE1 zone would be inconsistent with the remainder of the Local Government Area in that this is not a permissible use in the RE1 zone and would be inconsistent with the objectives of this zone. It is suggested that there is adequate room within the area of the site zoned R1 (General Residential) to accommodate this use.

Additionally, Council's recently exhibited Draft comprehensive LEP contains a definition and clause - 5.4(7) for neighbourhood shops which limits the retail floor area to 80m². The proposed modification (as sought) would also be inconsistent with this definition.

The location of the neighbourhood shops in addition to the child care centre in the RE1 zone will further reduce the amount of publicly accessible open space negatively impacting on provision. The location of the neighbourhood shops will also increase parking demand adjacent to Mobbs Lane Reserve. This will compromise the existing parking spaces within the reserve that are needed to cater for recreation use.

4. Common Open Space

Additional common open space has the potential to increase amenity if well designed, located, built and maintained. Whilst in principle it could be beneficial there is too little detail about the specifics to determine whether it will be an asset or otherwise. It is noted that the development site provides substantially less common open space than that required within the Residential Flat Design Code (25% - 30% of the land). Although the modification seeks to slightly increase the amount of common open space from 9.8% to 12%, this represents an increase of only 2.2% of common open space, compared with a 25% increase in the number of dwellings on the site. The balance is far from proportional.

The building envelope plan is inconsistent with the common open space plan. It would seem appropriate to provide consistent diagrams reflecting correct building platforms and landscaping within the Concept Plan to avoid any ambiguity during the future development process.

5. Traffic

Concern is raised that the additional traffic generated by the 150 dwellings will adversely impact upon the local road network.

6. Parking Spaces

The modification proposes the provision of 1048 car parking spaces for the residential component of the development site. Council's DCP 2005 specifies the following parking rates (for residential development not within 400m walking distance of railway station or transport corridor):

▪ 1 bedroom	47 x 1 space	= 47
▪ 2 bedroom	705 x 1.25 space	= 881.25
▪ 3 bedroom	24 x 1.5 space	= 36
▪ 4 bedroom	24 x 1.5 space	= 36

Resident spaces = 1000.25 spaces plus

Visitor = 0.25 x 800 dwellings = 200 spaces

Total Parking Required = 1200 spaces

Total Proposed parking provision = 1048 spaces

Therefore the proposed development has a deficiency of 152 parking spaces.

The deficiency in parking spaces is not considered to be justified and will lead to a loss of on street parking within the area, and potential inappropriate parking within the site (such as within landscaped/common open space areas and on footpaths).

7. Contributions framework

The proposed modification is seeking that the Department impose a condition on any approval that requires the payment of a levy in accordance with Council's Section 94A Development Contributions Plan for dwellings 651 to 800. A provisional estimation of the cost of the additional 150 units has not been provided. Objection is raised to this proposal.

Since the approval of the original concept plan there followed an extended period of discussion and negotiation with the previous proponent in relation to the development contributions framework, at the conclusion of which, no agreement was able to be reached. On 29 March 2009, the Director General of the Department of Planning made a determination in respect to what was an appropriate development contributions framework. In summary this involves the provision of 3.1ha of publically accessible open space on the site, the carrying out of road and traffic infrastructure works and the payment of \$1.95million to Council. The total value of these works equated to (prior to indexation) approximately \$4,910 per dwelling.

Given the site is deemed to be of state significance and that a further significant increase in population is forecast as a result of this modification, it is reasonable that, at a minimum, a contributions framework adhering to the principles of the Departments previous determination be adhered to. This would equate to a further contribution of approximately \$736,500.

Council staff have recently been in the process of liaising with the current proponent to formalise the delivery of the outcomes of the Department's determination of the contributions framework for this site. It is proposed that this be delivered via the entering into of a Voluntary Planning Agreement. In correspondence recently supplied by the applicant (17 August 2010), it has been agreed by the proponent that

the principles of the Department determination will be adhered to and that a pro-rata rate be applied. This position appears to be contradicted in the current modification application before the Department.

In summation, Council raises objection to the contributions framework currently proposed for the 150 additional units, on the basis that it is entirely inconsistent with, and will not delivery a comparable outcome, to the contributions framework previously determined by the Department to be appropriate for this site.

With respect to the early works approval, Council requests that the traffic lights at the corner of Mobbs Lane and Marsden Road be constructed as a matter of urgency.

Council appreciates the opportunity to comment on the above application and looks forward to further consultation on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'RDL', with a long horizontal flourish extending to the right.

Dr Robert Lang

CEO

Parramatta City Council