

### 5.1.3 Open Space

The proposed modification will not impact upon the provision of open space. Publicly accessible open space remains unchanged at 3.1ha, while common open space provided on the site will increase by 49% from 8,700m<sup>2</sup> to 12,965m<sup>2</sup>.

The reduced building footprint and increased setbacks have allowed additional common open space to be provided on the site. The exhibited modification sought to provide 1,600m<sup>2</sup> of additional common open space, while further modifications to the building envelopes in the PPR have resulted in an additional 2,665m<sup>2</sup> being provided (total additional common open space provided is now 4,265m<sup>2</sup>). The additional common open space is illustrated in **Figure 9**.

The provision of additional common open space is supported as it will improve residential amenity, provide for greater landscaping and reduce the visual impact of the proposal from Mobbs Lane.



**Figure 9:** Proposed additional common open space area as contained in PPR

### 5.2 Residential Amenity

The PPR provided an assessment of the proposal against the Residential Flat Design Code 2002 (RFDC) requirements for solar access, cross ventilation, building depth and apartment depth to demonstrate whether the proposal is capable of achieving a satisfactory level of residential amenity for future residents, considering the increased density.

The proposal complies with the requirements of the RFDC with the exception of minor non-compliance with apartment depth and building separation, as discussed below.

#### Apartment / Building Depth

The RFDC recommends that single aspect apartments be limited to 8 metres in depth from a window. The PPR indicates that the single aspect units exceed the recommended building depth of 8 metres by up to 1 metre. The RFDC also recommends apartment buildings not exceed 18 metres in depth. The proposed building envelopes range between 7 and 22 metres with the

majority of envelopes having a depth of 20 metres. The aim of the control is to maintain residential amenity within units and to reduce the bulk and visual appearance of buildings.

The Department considers the proposed building envelopes and apartments depths are acceptable at the Concept Plan stage. The variations are minor and given the buildings provide adequate solar access and cross ventilation (both solar access and cross ventilation minimum requirements are achieved), units will be capable of achieving acceptable levels of residential amenity. Furthermore, the size of the building envelopes have been reduced, which will improve the visual appearance of the buildings when viewed from surrounding streets.

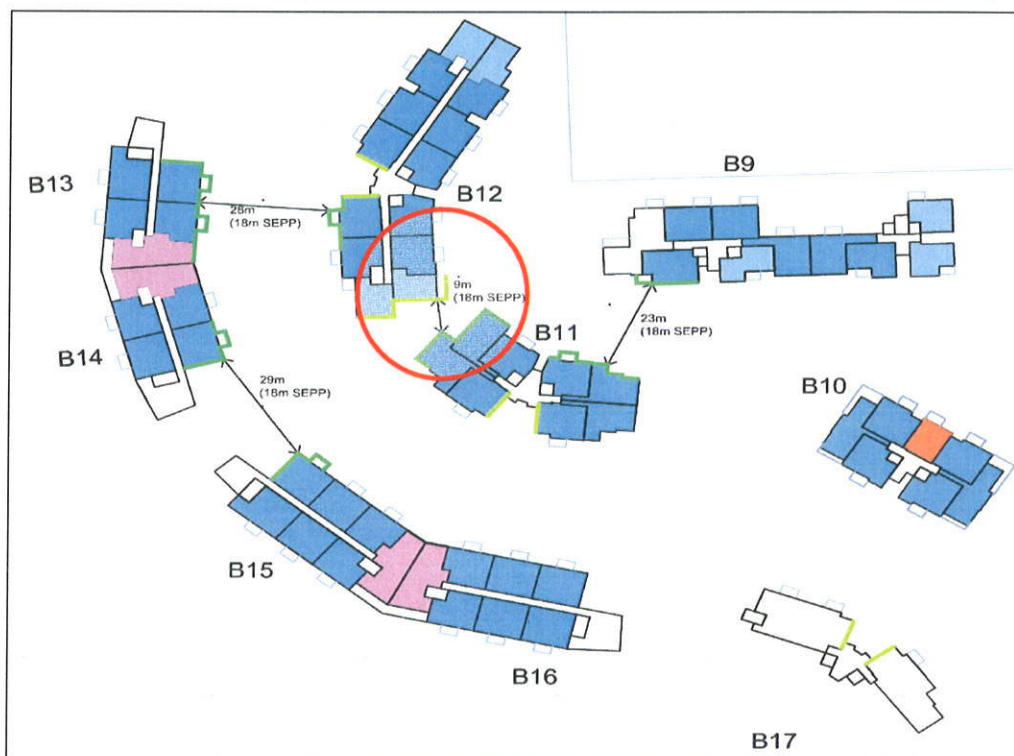
It is expected further design development of the building envelopes will occur during future project applications, which will introduce greater building articulation and recesses in the façades to reduce the depth of buildings and single aspect apartments. Further assessment of the proposed building and apartment depths will be undertaken during future project applications to ensure buildings achieve a sufficient level of residential amenity.

### Building Separation

The RFDC recommends minimum building separation distances (depending on building height) in order to maximise visual and acoustic privacy between residential flat buildings and other residences.

The proposed separation of the modified buildings vary throughout the site from a minimum separation of 6 metres between Building 14 and 15 at ground level to a maximum of 29 metres between Building 14 and 15 at Level 4.

The only area of non-compliance occurs between Building 11 and 12 where a minimum separation of 8 metres is provided between the habitable rooms of Building 11 and the habitable rooms containing privacy screens of Building 12, which is between 4 to 9 metres less than the Code requirement (depending on which level is being considered). **Figure 10** below illustrates the area of non-compliance.



**Figure 10:** Proposed building separation diagram as contained in PPR, which illustrates area of non-compliance between Building 11 and 12 (red circle)

The variation to the building separation requirement is considered to be minor and acceptable in this instance. Adequate residential amenity will be maintained through the inclusion of privacy screens and the outlook of the apartments will be predominantly towards internal streets and open space areas, reducing the opportunity for overlooking neighbouring dwellings. Furthermore, the building envelopes are offset to reduce direct overlooking.

Further detailed consideration of residential amenity will occur during the assessment of future applications, which has been reinforced through comments in the PPR. Residential amenity may be further improved through the introduction of additional privacy screens and/or adjustments to the layout of balconies and windows and the orientation / internal layout of apartments.

Overall, it is considered that the proposal provides adequate residential amenity. Cross ventilation ranges between 62% to 86% and solar access ranges between 70% to 76% consistent with the Code requirements (minimum 60% natural ventilation and 70% solar access). The non-compliances relating to building and apartment depth and building separation are minor and considered to be acceptable. Residential amenity will be further considered at detailed design stage and during the assessment of future project applications. Detailed justification for any non-compliances with the requirements of SEPP 65 will need to be included within future project applications.

### **5.3 Contributions**

Following approval of the original Concept Plan, the previous Proponent and Council were unable to agree on a reasonable contribution for the proposal. To resolve this issue, the Department engaged an independent consultant to recommend an appropriate development contributions framework for the proposal.

In summary, the recommended contribution framework required the delivery of 3.1ha of publicly accessible open space, road and traffic works and a cash payment of \$1.95 million. The total monetary value of the contribution, including open space and road and traffic works was valued at \$3,192,038 or \$4,190.83 per dwelling. Following Meriton's purchase of the site, Council and Meriton have sought to deliver the agreed contributions via a Planning Agreement.

The original modification application proposed to apply Council's Section 94A Contributions Plan (1%) for the cost of the additional 150 dwellings. Council objected to the use of Council's Section 94A Contributions Plan as it departed from the Department's agreed contributions framework for the site.

In response to these concerns, the Proponent has now applied the agreed cash contribution at a pro rata rate for the additional 150 dwellings. On 22 November 2010, Council endorsed a draft Planning Agreement which includes a cash contribution for the additional 150 dwellings of \$4,910.83 per unit or a total of \$736,624.50. The Planning Agreement is being exhibited by Council until 14 February 2011 and is required to be executed prior to the release of the Construction Certificate relating to fit-out works for Stage 1.

The Department considers that the Planning Agreement provides for sufficient public benefits for the additional 150 dwellings, consistent with the Department's recommended contributions framework.

### **5.4 Other issues with Concept Plan**

#### Dwelling Mix

Dwelling types approved in the Concept Plan and that proposed in the modification (exhibited EA and PPR) are as follows:

Dwelling Type	Concept Plan number of units (indicative)	Exhibited Modified EA Concept Plan number of units	Exhibited Modified EA comparison with approved Concept Plan	PPR number of dwellings	PPR dwelling comparison with approved Concept Plan
1 bed	33 (5.1%)	47 (5.9%)	+14	38 (5%)	+5
2 bed	97 (14.9%)	705 (88.2%)	+608	627 (78%)	+530
2 bed+ study	260 (40%)	0	-260	0	-260
3 bed	163 (25.1%)	24 (2.9%)	-139	107 (13%)	-56
3 bed+ study	97 (14.9%)	24 (2.9%)	-73	16 (2%)	-81
4 bed	0	0	0	12 (2%)	+12
	650 (100%)	800 (100%)	+150	800 (100%)	+150

**Table 6:** Comparison of dwelling mix in Concept Plan and in modified Concept Plan

The Proponent advises that the amended dwelling mix, which has resulted in providing a greater percentage of 2 bedroom dwellings instead of the approved 2 bedroom + study and 3 bedroom dwellings, is a result of market demand within the area. The final mix of dwellings will be determined following detailed design that is to occur prior to the lodgement of future applications to construct the buildings.

The proposed dwelling mix is supported as it maintains the minimum requirements for 1 bedroom dwellings (minimum 5% of all dwellings) and for 3 bedroom + study dwellings (must not exceed 15% of all dwellings) as required by the Concept Plan approval. This mix also provides a range of dwelling types in accordance with the requirements of SEPP 65. Dwelling layouts are proposed to comply with SEPP 65 and the Residential Flat Design Code 2002.

The provision of 1 bedroom and increased number of 2 bedroom units from that originally approved in the Concept Plan would also assist in providing greater choice and affordability of units within the area.

#### Neighbourhood Shop

A neighbourhood shop is proposed within the development, adjacent to the approved child care centre. Concerns were raised with the location of the neighbourhood shop on the grounds of potential conflicts between the adjacent child care centre and the likely increase in traffic movements entering and exiting the car parking area to Mobbs Lane.

In response, the PPR has amended the location of the proposed neighbourhood shop to the middle of the site near the community facility / tennis court (**Figure 5**). The shop is now appropriately located away from the approved child care centre and car parking area accessed off Mobbs Lane, which assists in reducing conflicts between pedestrians and vehicles.

The PPR also reduced the size of the neighbourhood shop from 150m<sup>2</sup> to 120m<sup>2</sup>. The Draft Parramatta Comprehensive Local Environmental Plan 2010 limits neighbourhood shops to 80m<sup>2</sup>, however the Department considers that the size of the proposed shop is acceptable as the departure is considered to be minor and the size of the shop will also limit its use for convenience retail, consistent with the objectives of the control.

#### Amendment to GFA definition

The modification includes a request to amend the Concept Plan condition that defines Gross Floor Area (GFA). Currently the GFA of the development is limited to 80,000m<sup>2</sup>, which **includes** any terraces and balconies to be calculated as part of the floor area or gross floor area.

The Proponent requests that the definition be consistent with that provided under the *Standard Instrument - Local Environmental Plan*. The definition **excludes** terraces and balconies from the GFA of a building where they contain outer walls less than 1.4 metres high.

The original Concept Plan assessment considered it reasonable to include balconies and terraces in the GFA as this would further reduce bulk and scale and encourage diversity in buildings, particularly balcony design. The resultant FSR range for the site was from 0.76:1 (no terraces and balconies provided as calculable floorspace) to 0.89:1 (all potential balconies as calculable floorspace). This was considered appropriate when compared against other residential controls in the LGA at the time of the original Concept Plan approval, which provided for an FSR of 1.5:1 for high density residential development and 0.8:1 for residential flat buildings.

The Department considers that the request to amend the GFA definition is appropriate as this will be consistent with that provided under Draft Parramatta Comprehensive Local Environmental Plan 2010 and the *Standard Instrument – Local Environmental Plan*. Furthermore, despite the amended definition, the overall built form of the development has been reduced, which achieves the same intent/outcome as the original GFA definition.

## 5.5 Amendments to State Significant Site listing

The site is listed as a State Significant Site under Schedule 3, clause 10 of Part 4 of *State Environmental Planning Policy (Major Development) 2005*. Should the modifications be supported, the SEPP Major Development is required to be amended. Clause 10 of the SEPP Major Development currently includes the following:

- (1) *The height of a building on any land is not to exceed the maximum number of storeys shown for the land on the Height of Buildings Map.*
- (2) *Development for the purpose of a dwelling must not be carried out if it would result in:*
  - (a) *an average density of more than 73 dwellings per hectare on the Channel 7 site, or*
  - (b) *there being more than 650 dwellings (whether of the same or different types) on the Channel 7 site, or*
  - (c) *the total of the gross floor areas for dwellings within the Channel 7 site exceeding 80,000 square metres.*

The following sections of the SEPP Major Development are to be amended to be consistent with the modified Concept Plan, if approved.

### Average Density Requirement

The Concept Plan approval and SEPP Major Development currently requires an average density of no more than 73 dwellings per hectare on the site, which equates to 650 dwellings over a site area of 8.9ha. The modification proposes to delete the average density requirement, as the Proponent considers that the condition is an unnecessary requirement given a maximum GFA of 80,000m<sup>2</sup> already applies to the site.

With the additional 150 dwellings, the dwellings per hectares increase from 73 to 90 per hectare. The Proponent has demonstrated that the additional dwellings can generally be accommodated within the approved building envelopes.

The Department considers that the average density requirement is no longer required to be retained, on the basis that an FSR of 0.89:1 already applies to the site; the GFA of the total buildings to be provided has not been altered; and the building envelopes have been reduced.

### Dwelling Numbers Requirement

The Concept Plan approval and SEPP Major Development currently permits only 650 dwellings to be provided on the site. The modification has requested that this be increased to 800 dwellings. Discussion on the suitability of the proposed increase in dwelling numbers has been provided in this report.

## 6. CONCLUSION AND RECOMMENDATIONS

---

The Department has assessed the current modification against the approved Concept Plan and considered the submissions in response to the proposal. The proposed modifications do not alter the overall nature, needs or justification of the approved Concept Plan.

The key feature of the current modification is the increase of the number of dwellings to be provided on the site from 650 to 800 and the likely impacts this would have on traffic, built form, open space, residential amenity of occupants on the site and upon the locality in general.

Despite the increase in density, it is considered that the proposal is acceptable given the additional dwellings can be generally accommodated within the approved building envelopes; traffic impacts are acceptable and there will be no additional amenity impacts to surrounding dwellings.

On balance, the Department is of the view that the proposal is considered to provide the following public benefits:

- The proposal provides additional housing within the Parramatta LGA which is expected to house 21,000 additional dwellings and an employment capacity target of 27,000 jobs under the Draft West Central Sub-regional Strategy.
- Increase housing supply, mix and type within the Parramatta LGA.
- Increased employment opportunities through the construction and operations phase of the development.
- Increasing the common open space by 4,265m<sup>2</sup> to 12,965m<sup>2</sup> and maintaining the publicly accessible open space of 31,394m<sup>2</sup> for the use of the residents and the local community. The increase to the total landscaped area provided to the site equates to 49% of the site.
- Additional Section 94 contributions through a Voluntary Planning Agreement to be resolved between Council and the Proponent.
- Construction of road capacity improvement works along Mobbs Lane and the intersections of Mobbs Lane and Midson Road and Mobbs Lane and Marsden Road have been brought forward.

The Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. It is therefore recommended that the modifications be approved subject to amended conditions.

Approved by:



**Director  
Metropolitan Projects**



**Deputy Director-General  
Development Assessment & Systems Performance**

## **APPENDIX A    MODIFICATION REQUEST**

---

See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4153](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4153)

## **APPENDIX B SUBMISSIONS**

---

See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4153](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4153)

## APPENDIX C PREFERRED PROJECT REPORT

---

See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4153](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4153)

## APPENDIX D CAR PARKING SPACE COMPARISON

The following table provides a comparison between the Council's DCP and the proposed car parking spaces provided on the site as approved under the original Concept Plan and as modified in the Preferred Project Report.

Dwelling Type	Parramatta Council DCP rate (for Residential Flat buildings not within 400m of a railway station or transit corridor)	Concept Plan Unit type/ number of units	Concept Plan Car parking spaces under DCP	PPR Modified Concept Plan unit type / number of units	PPR Modified Concept Plan parking spaces under DCP	PPR car parking comparison with approved Concept Plan
1 bedroom (60m <sup>2</sup> )	1.0 spaces/unit	33 x 1 bedroom	33	38 x 1 bedroom	38	38
2 bedroom (90m <sup>2</sup> )	1.25 spaces/unit	97 x 2 bedroom	121	627 x 2 bedroom	784	784
2 bedroom + study (120m <sup>2</sup> )	1.25 spaces/unit	260 x 2 bedroom + study	325	0 x 2 bedroom + study	0	0
3 bedroom (140m <sup>2</sup> )	1.5 spaces/unit	163 x 3 bedroom	245	107 x 3 bedroom	161	161
3 bedroom + study (160m <sup>2</sup> )	1.5 spaces/unit	97 x 3 bedroom + study	145	16 x 3 bedroom + study	24	24
4 bedroom	1.5 spaces/unit	0 x 4 bedroom	0	12 x 4 bedroom	18	18
Visitor parking	0.25 spaces/unit	-	163		200	115
Retail parking	1 space per 30m <sup>2</sup>	-	N/A	120m <sup>2</sup>	4	5
		<b>650 units</b>	<b>1032 spaces</b>	<b>800 units</b>	<b>1229 spaces</b>	<b>1145 spaces</b>

**APPENDIX E RECOMMENDED MODIFYING INSTRUMENT**

---

# Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



The Hon Anthony (Tony) Kelly MLC  
**MINISTER FOR PLANNING**

Sydney

21 FEB 2011 2011

---

## SCHEDULE 1

**Concept Approval:**

MP 05\_0086 granted by the Minister for Planning on 22 August 2006

**For the following:**

Concept Plan for residential and open space including:

- Maximum of 650 dwellings;
- Maximum of 80,000m<sup>2</sup> gross floor area;
- Maximum floor space ratio of 0.89:1;
- No more than 73 dwellings / ha;
- Maximum height of 6 storeys;
- 3.1ha of public open space; and
- A child care centre.

**Proponent:**

Meriton Apartments Pty Limited

**Approval Authority:**

Minister for Planning

**Land:**

61 Mobbs Lane, Epping (former Channel 7 site)

**Modification:**

MP 05\_0086 MOD 2 including:

- Increase the number of dwellings from 650 to 800 and amend the dwelling mix;
- Delete total envelope area and 73 dwellings per hectare requirements;
- Replace the definition of Gross Floor Area;
- Inclusion of a 120m<sup>2</sup> neighbourhood shop;
- Increase the number of car parking spaces on site; and
- Increase the total common open space on site by an additional 4,265m<sup>2</sup>.

## SCHEDULE 2

### CONDITIONS

- a) Condition A1 is amended by inserting the following:

#### **A1. Development Description**

Concept approval is granted only to the carrying out the development solely within the concept plan area as described in the document titled "*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report*" prepared by Architectus (dated May 2006) **and the 'Environmental Assessment' included in the Section 75W Modification dated August 2010, prepared by Architectus, as amended by the 'Preferred Project Report' dated December 2010, prepared by Architectus** including the following modifications:

- (1) Up to ~~650~~ **800** dwellings;
- (2) Up to 80,000m<sup>2</sup> maximum gross floor area (representing a floor space ratio of 0.89:1 over the entire Channel Seven site and ~~including any terraces and balconies to be calculated as part of floor area or gross floor area~~ **with gross floor area as defined in the Standard Instrument definition**);
- (3) ~~Up to 96,000m<sup>2</sup> total envelope area (including any terraces and balconies to be calculated as part of floor area or and all building inefficiencies comprising, but not limited to, building entrances, foyers, lobbies, stair and lift voids, underground services and car parking, plant and machinery, and communal recreation areas);~~
- (4) ~~No more than 73 dwellings per hectare on land;~~
- (5) A maximum height number of 6 storeys and height distribution in accordance with figure 8.9 of the preferred project report dated May 2006, **as amended by the 'Preferred Project Report' dated December 2010, prepared by Architectus** (note 7 storey buildings are not permitted on this site).
- (6) The development must provide a minimum of 5% one-bedroom dwellings;
- (7) The development must not exceed 15% provision of 3-bedroom+study dwellings;
- (8) Landscaped public open space (no less than 3.1 hectares) and private open space;
- (9) Associated services and infrastructure;
- (10) Land use distribution, building heights, densities, dwelling mixes and types; and
- (11) Strata and torrens title subdivision
- (12) **The development of a neighbourhood shop to be co-located with the communal buildings with a maximum GFA of 120m<sup>2</sup>.**

subject to compliance with the modifications of this approval.

- b) Condition A2 is amended by inserting the following:

#### **A2. Development in Accordance with Plans and Documentation**

The development shall also be generally consistent with the following plans and documentation:

- (1) "*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report – Appendices*" produced by Architectus (May 2006) **except where modified by the 'Environmental Assessment' included in the Section 75W Modification dated August 2010, prepared by Architectus, as amended by the 'Preferred Project Report' dated December 2010, prepared by Architectus.**

Except for otherwise provided by the plans and documentation described in Modification 1, Schedule 2 and the Department's modifications of approval as set out in Schedule 2, and the Proponent's statement of commitments.

- c) Condition B4.4 is inserted as follows:

**B4 Transport and Access**

**B4.4 The intersection at Marsden Road and Mobbs Lane is to be constructed and operational prior to the issue of an Occupation Certificate for the 150<sup>th</sup> dwelling on the site as provided in the 'Preferred Project Report' dated December 2010, prepared by Architectus or within 24 months from the date of this approval (MP 05\_0086 MOD 2), which ever occurs first.**

- d) Condition B12 is amended by inserting the following:

**B12 Sub Consultant Reports**

The Proponent will implement all the recommendations set out within "*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report – Appendices*" produced by Architectus (May 2006) **except where modified by the 'Environmental Assessment' included in the Section 75W Modification dated August 2010, prepared by Architectus, as amended by the 'Preferred Project Report' dated December 2010, prepared by Architectus** in any future applications for development on the subject site to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. Each report may require updating as determined by the Department or Council.

(Note: Under Modification A3, in the event of any inconsistency between the recommendations of any sub-consultant report, and the requirement of these modifications, then the modifications shall prevail).