



242-244 Beecroft Road, Epping Concept Modification 1 and Detailed Design SSD

State Significant Development Assessment
SSD 8784 MOD 1 and SSD 31576972
August 2023



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: 242-244 Beecroft Road, Epping

Subtitle: State Significant Development Assessment SSD-31576972

Cover image: *Photomontage of development from Ray Road (Source: Applicant's EIS)*

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Parramatta Council
Department	Department of Planning and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HLEP	Hornsby Local Environmental Plan 2013
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
PLEP	Parramatta Local Environmental Plan 2023
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

Executive Summary

This report provides the Department's assessment of a proposed modification to the Concept Approval for the redevelopment of 242-244 Beecroft Road, Epping and a State significant development application (SSD) for the design and construction of the development.

The applications follow the then Minister for Planning's determination of SSD 8784 which granted Concept Approval for the redevelopment of the site, comprising a mixed-use development within five buildings ranging in height between 5 and 15 storeys.

The proposed modification seeks approval to:

- adjust the approved building envelopes, including changes in alignments by 10-15 degrees
- increase the maximum building heights between 0.5m and 2.9m, due to uneven topography across the site and increased higher floor-to-ceiling heights
- relocate the basement car park access along Ray Road
- rearrange the private open space on the site.

The SSD application seeks approval for the design and construction of the mixed-use development, providing:

- a maximum floorspace of 38,613m², including 923m² of commercial floor space
- 374 apartments (reduced from a maximum of 432 apartments under the Concept Approval, due to a change in unit mix to include more 2 and 3 bedroom apartments)
- 19 affordable apartments
- communal open spaces at ground level and on the podium and tower rooftops
- publicly accessible through site link for pedestrians
- three levels of basement parking.

The Applicant is Beecroft Property Developments Pty Ltd. The proposal is located in the City of Parramatta local government area. The Capital Investment Value for the proposal is \$143 million and the proposal would generate 265 construction jobs and 15 operational jobs.

Engagement

The Department publicly exhibited the applications between 18 October 2022 and 14 November 2022. A total of 17 submissions were received, including three from public authorities providing comments, an objection from Council and 13 public submissions (with 12 objections and 1 submission in support of the development).

Council's submission raised concerns about the lack of commercial floorspace within the proposal, the lack of an east – west public road through the site and a number of detailed design matters relating to building heights, setbacks, streetscape, access, and landscaping.

Public submissions raised concerns about overdevelopment in Epping, traffic congestion, parking, and access issues.

The Applicant's RtS responded to the issues raised by Council, agencies, and public submissions. Council maintained its previous objection and provided further comments on the amended plans,

including concerns regarding building height, building separation, setbacks, landscaping, and other urban design issues.

Other public authorities, including Transport for NSW (Roads and Maritime Services) provided comments and advice which informed conditions in the Department's recommended instrument of consent.

Assessment

The Department has considered the merits of the proposal in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response. Overall, the Department considers the proposal is acceptable for the following reasons:

- it is consistent with the strategic planning framework for the site, which seeks to deliver additional high-density housing and a small amount of non-residential floorspace in close proximity to the Epping Town Centre
- the proposal would deliver additional housing with excellent access to public transport connections to employment centres, services, and amenities, consistent with the 30-minute city planning vision supported by Council and the Greater Cities Commission
- the proposed modifications to the building envelopes, including minor height exceedances of the Concept Approval, are reasonable as they arise due to uneven topography across the site and the need to provide higher floor-to-floor heights for compliance with the National Construction Code
- the proposal fits well within the existing and desired character of the locality, with a proposed height and scale not dissimilar to other recently built and proposed development in and around the Epping Town Centre. In particular, the proposal is consistent with the bulk and scale of the proposal being assessed by Council for the site to the south at 246-250 Beecroft Road, Epping
- the proposal is considered to achieve design excellence in its architectural expression, use of high-quality materials, good levels of residential amenity and contribution to public domain
- the proposal was amended in response to advice received from the State Design Review Panel (SDRP) to deliver better public access through a pedestrian link and improve residential amenity
- the proposal has reduced traffic generation compared to the approved Concept and has acceptable access and car parking arrangements
- the proposal would deliver several public benefits, including the provision of 19 dwellings as affordable housing, a new pedestrian link through the site and non-residential uses for the day-to-day needs of residents
- the Department has recommended a suite of conditions to appropriately address residual issues associated with the proposal including stormwater and waste management, easements, and restrictions on title.

For these reasons, the Department considers the proposal is in the public interest and is able to be approved, subject to the recommended conditions of consent.

Contents

1	Introduction	1
1.1	Background	1
1.2	The site and surroundings	1
1.3	Related development	7
2	Project	10
2.1	Physical layout and design	11
3	Strategic context	18
3.1	Greater Sydney Regional Plan and Central City District Plan	18
3.2	Future Transport Strategy 2056	18
3.3	Sydney Metro North West Corridor Strategy	18
4	Statutory context	19
4.1	State significant development	19
4.2	Consent authority	19
4.3	Permissibility	19
4.4	Mandatory Matters for Consideration	19
4.5	Scope of Modification	21
4.6	Biodiversity Development Assessment Report	22
5	Engagement	23
5.1	Department's engagement	23
5.2	Summary of advice received from Government agencies	23
5.3	Summary of submissions from Council	24
5.4	Summary of public submissions	25
5.5	Response to submissions and Government Agency advice	25
6	Assessment	26
6.1	Land use	26
6.2	Built form	28
6.3	Residential amenity	32
6.4	Public Domain and Landscaping	41
6.5	Traffic and Transport	47
6.6	Design excellence	49
6.7	Other issues	50
7	Evaluation	56
8	Recommendation	57
	Appendices	58
	Appendix A – List of documents	58

Appendix B – Department’s consideration of public and Council submissions	58
Appendix C – Consistency of Detailed Design SSD with Concept Approval conditions	64
Appendix D – Consistency of Detailed Design SSD with Design Guidelines	70
Appendix E – Statutory Considerations	73
Appendix F – Consideration of Clause 4.6 Submission	89
Appendix G – Recommended Conditions - Concept MOD	92
Appendix H – Recommended Conditions – Detailed Design SSD.....	92

1 Introduction

1. This report provides the Department's assessment of a proposed modification to the Concept Approval for the redevelopment of 242-244 Beecroft Road, Epping and a State significant development application (SSD) for the design and construction of the development.
2. The proposal comprises a mixed-use development containing 374 apartments, including 19 affordable apartments, in five buildings with heights ranging between five and 15 storeys.
3. The application was lodged on 23 September 2022 by Beecroft Property Developments Pty Ltd (the Applicant).

1.1 Background

4. The site forms part of the Epping and Macquarie Park urban renewal area that was rezoned in 2014. The rezoning of the Epping Town Centre aimed to revitalise the town centre and to provide new homes within an 800m walking radius to existing public transport together with employment opportunities and local services. The zoning of the Epping Town Centre provides for employment and services in the core around the station and main roads, with medium-to-high density residential in a ring around the core, followed by low density residential uses.
5. As a part of the rezoning in 2014, the subject site was rezoned from B2 Local Centre to R4 High Density Residential. Strategic planning studies at the time identified limited opportunities for commercial uses on the site due to its separation from the town centre by Carlingford Road, limited pedestrian traffic, and constrained vehicular access from Beecroft Road and Carlingford Road. A residential zoning, rather than a commercial zoning, was also considered to have less impact on residential properties to the north and west (**Figure 1**).
6. On 22 July 2020, the Minister for Planning approved the Concept development application for 242-244 Beecroft Road (SSD 8784). The approval established building envelopes, building heights, gross floor area, land uses and Design Guidelines for the detailed design phase.

1.2 The site and surroundings

7. Epping is approximately 18 km from the Sydney CBD and 4 km from the Macquarie Business Park, which is a major employment centre. The site sits within the Parramatta City Council local government area (former Hornsby Shire Council area).
8. The site is located about 300m north of Epping Station (**Figures 1 and 2**) and has an area of 10,120m². The site is currently vacant with all previous structures on the site having been demolished (**Figures 3, 4 and 5**). The topography of the site falls 8.2m from east to west with slope of about 7%.
9. The site was formerly used as a tunnelling site for the Sydney Metro Northwest and the construction of a rail operations facility known as the Epping Services Facility (**Figure 6**). The Epping Services Facility now adjoins the northern boundary of the site. The facility provides fresh air and power supply to the rail line and is used by rail maintenance staff with access from Beecroft Road. The Sydney Metro Northwest tunnel runs below the facility and the north-east corner of the site.

10. In relation to environmental conditions and site constraints:
 - the site is affected by localised flooding along the western (Ray Road) frontage
 - the site is not affected by bushfire prone land mapping
 - the site does not contain any heritage items and is not adjacent to any heritage items
 - the site contains residual asbestos contaminants and will need to be subject to a Remediation Action Plan and Site Validation Report before construction.
11. Surrounding development is predominantly residential flat buildings of varying building density and scale with building heights between four and 22 storeys (**Figures 7 to 10**).
12. The site to the south at 246-250 Beecroft Road (**Figure 11**) has a development application under assessment by Parramatta Council for demolition of the existing service station and construction of a mixed-use development containing retail and medical centre uses at the ground floor and apartments above (**Figure 12**). The development comprises a 15-storey tower with a taller overall height than the proposed development as the natural ground level rises to the south.



Figure 1 | Local Context (Source: Applicant's EIS)



Figure 2 | Local Context Map (Source: Nearmap with DPE annotations)



Figure 3 | Site from Beecroft Road looking north (Source: DPE)



Figure 4 | Site from Ray Road looking north-east (Source: DPE)

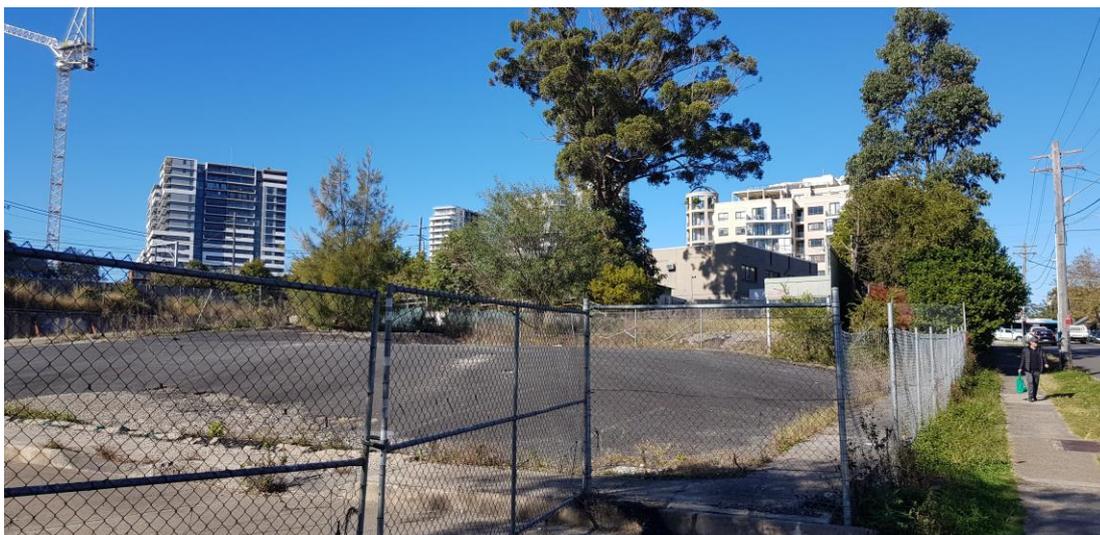


Figure 5 | Site from Ray Road looking south (Source: DPE)



Figure 6 | Metro Services Facility to the north of the site along Becroft Road (Source: DPE)



Figure 7 | Four storey residential flat building to the north-west along Ray Road (Source: DPE)



Figure 8 | 72 Rawson Street containing eight storey mixed use building to the south (Source: DPE)



Figure 9 | Four storey residential flat buildings to the west along Ray Road (Source: DPE)



Figure 10 | High density residential development to the east of the site (Source: DPE)



Figure 11 | 246-250 Becnroft Road to the south containing existing service station (Source: DPE)



Figure 12 | Photomontage of proposed development to the south at 246-250 Beecroft Road – application under assessment with Parramatta Council (Source: Parramatta Council website)

1.3 Related development

Sydney Metro North West

13. On 8 May 2013, the then Minister for Planning and Infrastructure approved a critical SSI application (SSI-5414) for the construction and operation of the Sydney Metro North West (SMNW) (**Figure 13**).
14. The Metro Northwest tunnel runs below the site and Sydney Metro used the subject site for the construction of the SMNW, including the Epping Ventilation Facility to the north of the site (**Figure 6**). The site was then subdivided into a separate parcel.
15. The SMNW was completed and opened for operation on 26 May 2019.



Figure 13 | Sydney Metro North West map (Source: EIS)

Concept Approval

16. On 22 July 2020, the then Minister for Planning approved the Concept development application for 242-244 Beecroft Road (SSD 8784) (**Figures 14 and 15**). The approval permits a mixed-use development including:

- building envelopes ranging from five to 15 storeys
- maximum gross floor area of 38,700m² comprising maximum residential gross floor area of 37,700m² and maximum non-residential gross floor area of between 750m² and 1,000m²
- conceptual land use for non-residential and residential floor space, which may include office premises, business premises, food and drink premises, shops, and medical centres
- minimum 5% residential gross floor area as affordable housing dwellings
- basement car parking, motorcycle parking, bicycle parking and service vehicle spaces.



Figure 14 | Photomontage of indicative development lodged with Concept application (Source: Concept Application Assessment Report)



Figure 15 | Photomontage of indicative approved development in surrounding context (Source: Concept Application Assessment Report)

2 Project

17. The proposal seeks approval to modify a Concept Approval for the redevelopment of the site and a State significant development application (SSD) for the design and construction of the development.
18. The proposed modifications to the Concept Approval seek approval to:
 - adjust the approved building envelopes, including changing building alignments by 10- 15 degrees
 - increase maximum building heights between 0.2m and 2.6m due to higher localised ground levels and higher floor-to-ceiling heights per level
 - relocate basement car park access further south along Ray Road
 - rearrange private open space on site.
19. The SSD application seeks approval to permit:
 - 374 apartments, including 19 affordable apartments, in five buildings with a scale between seven and 15 storeys
 - commercial spaces for retail premises and business premises
 - three levels of basement parking
 - communal open space at ground level, on podium rooftops and tower rooftops, including grass areas, BBQs, a pool, and outdoor gym
 - ways for pedestrians to access Beecroft Road by Ray Road
 - stratum subdivision of the development.
20. The key components and features of the proposal (as amended by the Response to Submissions) are summarised in **Table 1**. A link to the application documents is provided in **Appendix A**.

Table 1 | Main Components of the Project

Aspect	Description
Built Form	<ul style="list-style-type: none"> • two podium buildings and three mid-to-high rise towers • three levels of basement
Gross Floor Area	<ul style="list-style-type: none"> • total GFA of 38,613 m², comprising <ul style="list-style-type: none"> ○ 37,636 m² residential GFA ○ 923 m² commercial GFA ○ 54 m² end-of-trip facilities
Land Use	<ul style="list-style-type: none"> • residential and commercial premises (retail and business premises) • 374 apartments • 19 affordable housing apartments
Open Space	<ul style="list-style-type: none"> • publicly accessible through site link and open space • 4,154 m² communal open space (41% of site area) • 2,146m² deep soil area (21% of site area)

Parking	<ul style="list-style-type: none"> • 299 residential spaces • 53 residential visitor spaces • 13 commercial spaces • 374 residential bicycle parking spaces
Jobs	<ul style="list-style-type: none"> • 265 construction jobs • 15 operational jobs
CIV	<ul style="list-style-type: none"> • \$143,156,000

2.1 Physical layout and design

21. The Concept Approval establishes the urban framework and layout of the future buildings within the site. This included building envelopes, maximum building heights and maximum GFA.
22. The proposed form of the modification and detailed development is shown in **Figures 16 to 28**.

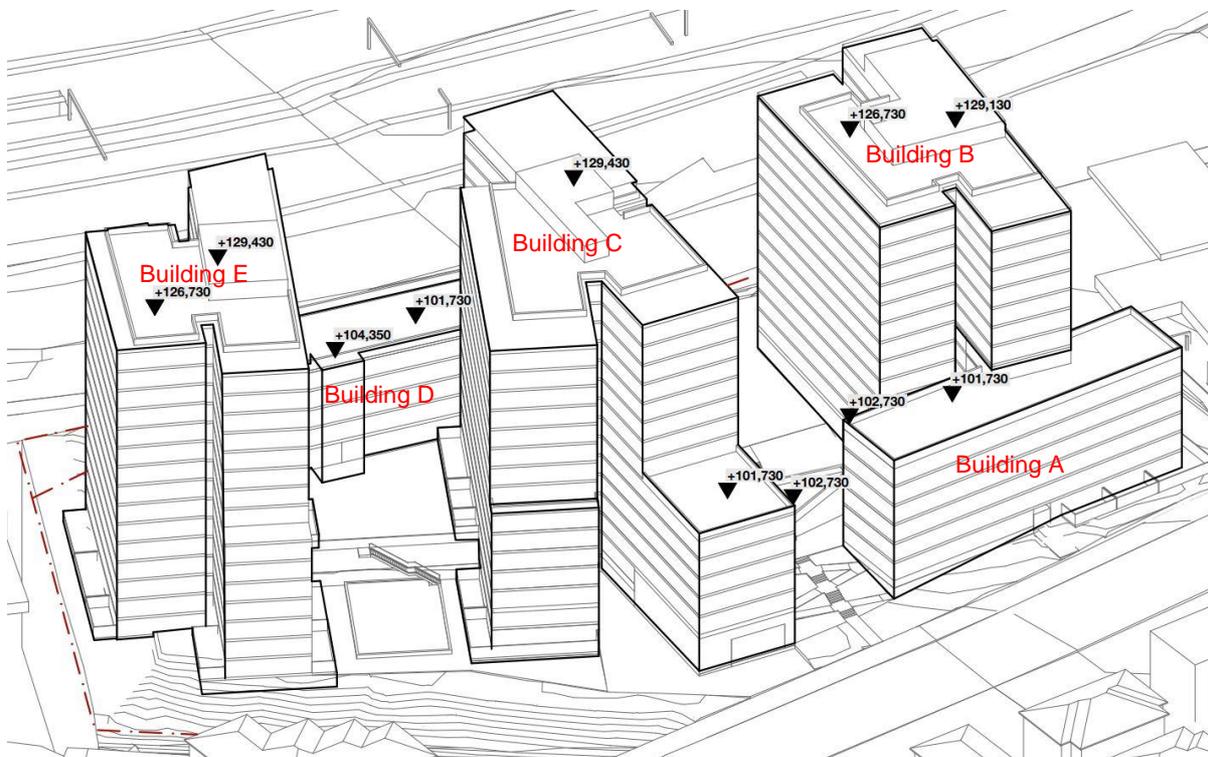


Figure 16 | Approved building envelopes (Source: Applicant's EIS)

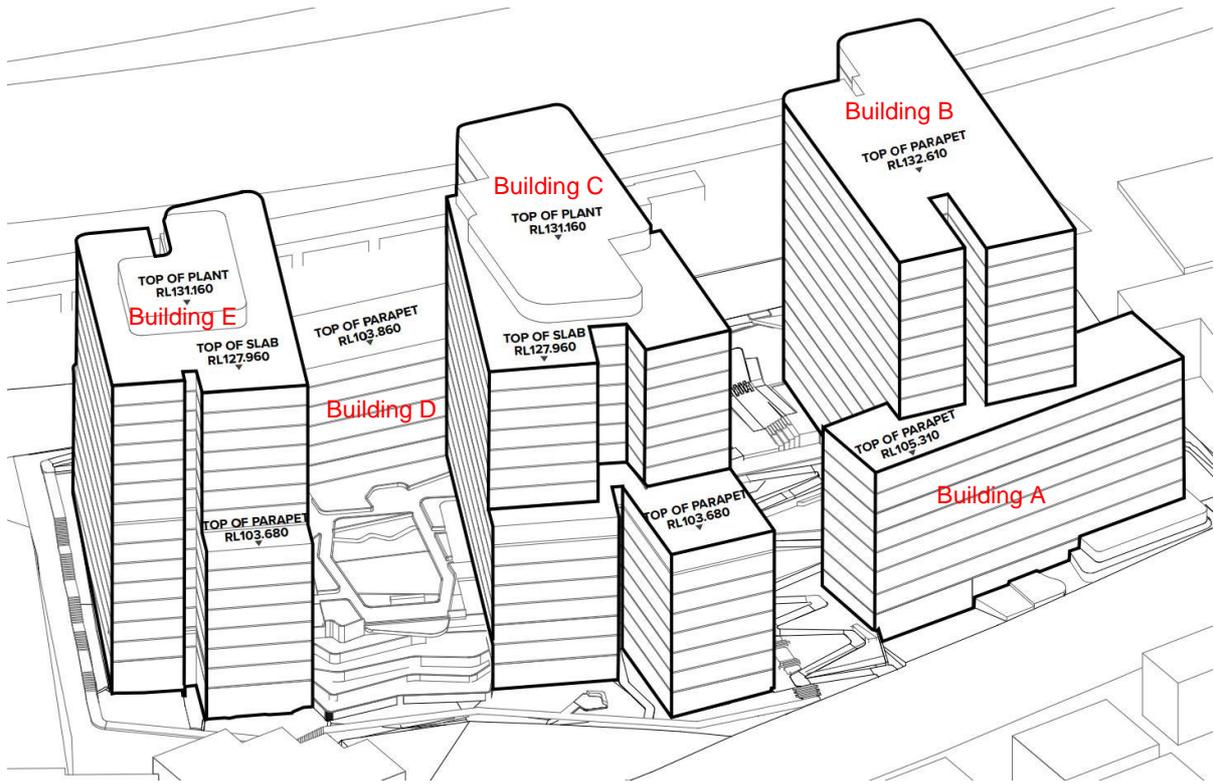


Figure 17 | Proposed modified building envelopes (Source: Applicant's EIS)



Figure 18 | Basement Level 1 Floor Plan (Ray Road level) (Source: Applicant's RTS)



Figure 19 | Lower Ground Floor Plan (Source: Applicant's RTS)



Figure 20 | Ground floor plan (Beecroft Road level) (Source: Applicant's RTS)



Figure 21 | Level 1 to 4 floor plan (Source: Applicant's RTS)



Figure 22 | Level 5 floor plan (Source: Applicant's RTS)

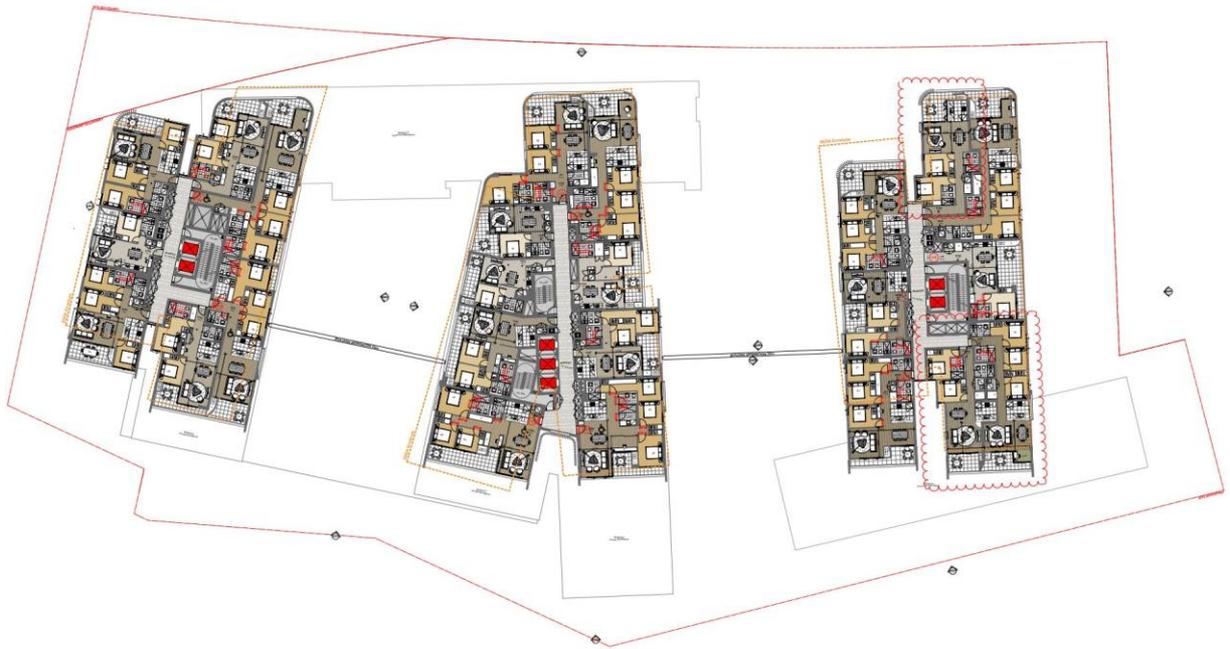


Figure 23 | Level 7 to 11 floor plan (Source: Applicant's RTS)

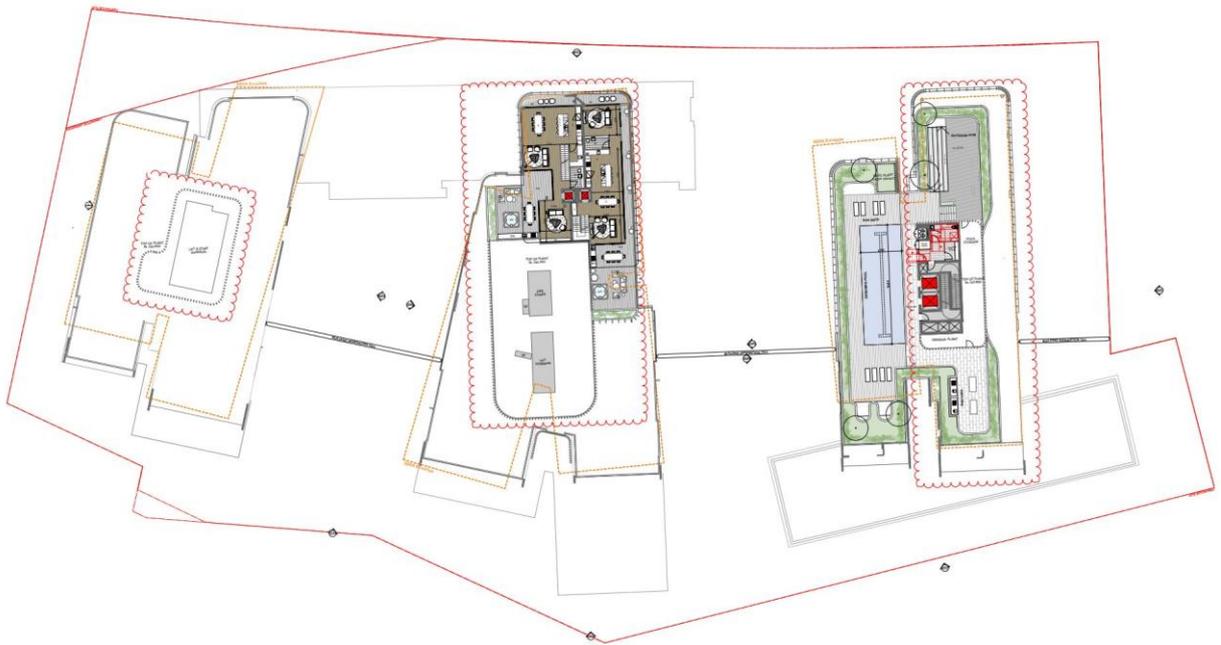


Figure 24 | Level 13 floor plan (Source: Applicant's RTS)



Figure 25 | East elevation – Beecroft Road frontage (Source: Applicant's RTS)



Figure 26 | Beecroft Road perspective view (Source: Applicant's RTS)



Figure 27 | West elevation – Ray Road frontage (Source: Applicant’s RTS)



Figure 28 | Ray Road perspective view (Source: Applicant’s RTS)

3 Strategic context

3.1 Greater Sydney Regional Plan and Central City District Plan

23. The Greater Sydney Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.
24. The site is located within the North District. The North District Plan sets a 20-year vision to manage growth in the context of economic, social, and environmental matters to achieve the 40-year vision of the Plan.
25. The proposal is consistent with the relevant key priorities of the District Plan as it would:
 - provide new development supported by public transport
 - increase the supply and choice of housing in the area
 - provide new open space and deliver new pedestrian connections
 - provide additional employment opportunities.

3.2 Future Transport Strategy 2056

26. The Future Transport Strategy 2056 is an update of the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.
27. The proposed development is consistent with the relevant State-wide outcomes of the Future Transport Strategy 2056 as it:
 - encourages the use of public transport by providing residential and commercial uses in close proximity to a transport node (Outcome 6: Sustainability)
 - provides a good mix of uses; including residential and retail/commercial uses (Outcome 1: Successful Places)
 - provides pedestrian links between the proposal and the town centre and station (Outcome 5: Accessible services).

3.3 Sydney Metro North West Corridor Strategy

28. Landcom and Sydney Metro are working together on long-term planning and development of government owned land surrounding the new Sydney Metro North West stations. The program, called Sydney Metro Northwest Places, focuses on creating diverse, well-designed precincts for current and future communities. The proposal is consistent with the program as it would provide:
 - a range of housing choices
 - spaces for businesses and workplaces
 - walkable places with access to transport
 - sustainable places for current and future communities.

4 Statutory context

4.1 State significant development

29. The proposal is SSD under section 4.36 of the EP&A Act as the development has a CIV in excess of \$30 million (\$143 million) for the purpose of commercial premises and residential accommodation associated with railway infrastructure under clause 19(2) in Schedule 1 of the Planning Systems SEPP. The site is partly located above the North West Sydney Metro underground tunnel, is adjacent to the Sydney Metro Service Facility and was formerly part of the construction site for Sydney Metro.

4.2 Consent authority

30. In accordance with clause 2.7 of the Planning Systems SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission is the consent authority for the SSD application as Council has made a submission by way of objection.
31. The Department requests the Independent Planning Commission to exercise the Minister's delegation in relation to the Concept Modification application as the Detailed SSD relies upon the proposed amendment and the applications have been assessed concurrently by the Department.

4.3 Permissibility

32. The site is located within the R4 High Density Residential Zone under the Hornsby Local Environmental Plan 2013 (HLEP) and residential development and neighbourhood shops are permissible with consent.
33. However, the Department notes that commercial premises larger than 100m² neighbourhood shops are prohibited development in the R4 Zone. Notwithstanding, the Concept Approval granted consent for a range of commercial uses as State Significant Development may include partly prohibited and the commercial uses will provide for the day-to-day needs of residents and opportunities for local employment.
34. The Department finds the proposal, which includes 923m² of commercial floor space, is consistent with the Concept Approval, but the creation of tenancies, fitout and operation of the proposed commercial floor space would be subject to separate approvals. The Department also considers the proposal meets the objectives of the R4 High Density Residential Zone which is to provide for the housing and to enable other land uses to meet the day-to-day needs of residents.

4.4 Mandatory Matters for Consideration

Environmental planning instruments

35. Under section 4.15 of the EP&A Act, the Planning Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the proposal. The following EPIs apply to the proposal:

- State Environmental Planning Policy (Planning Systems) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - Draft State Environmental Planning Policy (Remediation of Land)
 - Hornsby Local Environmental Plan 2013.
36. The Department has undertaken an assessment of these EPIs in **Appendix E** and is satisfied the application is consistent with the requirements or provisions of these EPIs.
37. It is noted that Parramatta Council undertook a harmonization of its planning controls following boundary adjustments. That led to the making of Parramatta Local Environmental Plan 2023 (PLEP). However, the savings and transitional provisions in Clause 1.8A of the PLEP require the consent authority to determine the application as if the PLEP had not commenced.

Objects of the EP&A Act

38. Decisions made under the EP&A Act must have regard to the Objects as set out in section 1.3 of the EP&A Act. A response to the Objects of the EP&A Act is provided within **Appendix E**.

Ecologically sustainable development

39. The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of the *Protection of the Environment Administration Act 1991* states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:
- the precautionary principle
 - inter-generational equity
 - conservation of biological diversity and ecological integrity
 - improved valuation, pricing, and incentive mechanisms.
40. The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project.
41. The proposal also includes a suite of ESD initiatives and sustainability measures, which include a 5-star NABERS energy and water rating for the non-residential component and a 5-star Green Star Design and As-Built rating for both the residential and non-residential components. A copy of the Applicant's ESD report can be viewed at **Appendix A**.
42. Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

43. Subject to any other references to compliance within the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Planning Secretary's Environmental Assessment Requirements

44. On 15 November 2021, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the EIS and RtS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

4.5 Scope of Modification

45. The Department has reviewed the scope of the modification application and considers that the application can be characterised as development which would remain substantially the same development as originally approved. The development would remain a mixed-use development containing five buildings above basement car parking with a pedestrian through site and boundary landscaping.
46. Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act.
47. The Department has also considered the mandatory matters below in relation to s.4.55(2) of the EP&A Act.

Section 4.55 (2) Evaluation	Consideration
a) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The Department considers the Concept approval, as modified, would be substantially the same development because the proposed modifications would result in relatively minor adjustments to the approved building envelopes, including changes to orientations and heights.
b) that the consent authority has consulted with the relevant Minister, public authority, or approval body in respect of a condition imposed for a concurrence or general terms of approval, and that body has not objected to the modification.	The Concept approval did not require any concurrence or general terms of approval from any Minister, public authority, or approval body.
c) the application has been notified in accordance with the regulations, and	The application was publicly exhibited under the Regulations. Refer to Section 5 for exhibition details.

d) any submission made concerning the proposed modification has been considered.

The Department received three public submissions on the Concept modification and an objection from Council. These submissions have been carefully considered in the assessment of the Application. See Section 5 for further details.

4.6 Biodiversity Development Assessment Report

48. Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
49. The Department notes a BDAR waiver was issued by the Planning Agency Head and the Environment Agency Head under the BC Act. Further, the proposal was referred to the Environment and Heritage Group, who raised no issue with the proposal. The Department is satisfied the proposal will not have any significant impact on biodiversity values noting that the site has been heavily disturbed by the previous business park use of the site and the proposal would only result in the removal of some non-native trees and shrubs.

5 Engagement

5.1 Department's engagement

50. In accordance with the EP&A Act and EP&A Reg, the applications were notified on the NSW Planning Portal between 16 October 2022 and 14 November 2022. The Department also notified adjoining landowners and relevant Government agencies.
51. Previous submitters were notified of the modification application and SSD application and invited to make a submission.
52. The Department received:
- 13 public submissions (12 objecting and 1 in support)
 - an objection from Council
 - advice from three Government agencies.
53. Following the exhibition, the Department placed copies of all submissions received on the NSW Planning Portal and requested the Applicant provide a response to the issues raised in the submissions.
54. The Applicant provided a RtS on 19 May 2023. The RtS was made publicly available on the NSW Planning Portal and was referred to relevant Government agencies and Council.
55. An additional three responses were received including two from Government agencies and a further submission from Council.

5.2 Summary of advice received from Government agencies

56. A summary of the issues raised in the Government agencies advice is provided at **Table 2** below and copies of the submissions may be viewed at **Appendix A**.

Table 2 | Summary of Agency Advice

Transport for NSW, including Roads and Maritime Services	
EIS	Transport for NSW requested additional information on the proposed slip lane and driveway design along Beecroft Road, as well as trip distribution data and further information on traffic generation on local intersections.
Submissions Report	TfNSW reviewed the submissions report and had no further comments. They recommended a series of conditions of consent to the Department.
Sydney Metro	
EIS	Sydney Metro Corridor Protection team requested further information from the Applicant regarding the Geotechnical Report and Acoustic Report lodged with the EIS.
Submissions Report	Sydney Metro advised that the Applicant's RtS documentation was acceptable and provided recommended conditions of consent to the Department.

Environment Protection Authority

EIS EPA reviewed the EIS and had no comments.

Submissions Report No comment was necessary from the EPA given their comments on the EIS.

5.3 Summary of submissions from Council

57. A summary of the issues raised by Council is provided at **Table 3**. Copies of the submissions may be viewed at **Appendix A** and a response to the issues raised is contained in Appendix **B**.

Table 3 | Summary of Council submissions

City of Parramatta Council (Council)

EIS Council objected to the proposal and provided the following grounds of submission:

- proposal should provide increased commercial floor space
- proposal should provide an east-west public road between Ray Road and Beecroft Road
- proposed building height and number of storeys is not considered appropriate
- increases to the approved building envelopes are not supported
- building and basement setbacks, and separation, should be increased
- additional tree planting should be included
- solar access and natural ventilation has been reduced compared to the Concept approval
- floor to ceiling heights for commercial levels and ground floor residential portions should be increased
- further design details on communal open space are necessary
- reduction in rooftop communal open spaces compared to the Concept
- building entry arrangements should be amended to be more legible
- design approach to the through-site link should be amended
- design approach to activation along Ray Road should be amended
- flooding modelling details are required for further review
- public domain plans are required for further review
- support solar panels
- support embellishment of the private open spaces
- support unit mix, including high proportion of three bedroom units.

Submissions Report Council reviewed the submissions report and reiterated some of the issues previously raised, and also the following:

- height standard exceedance for Buildings C and E is not considered minimal and there are habitable spaces above the height plane
- building and basement setbacks, and separation, should be increased
- street tree species proposed should be changed

-
- Building A ground floor frontage to Ray Road should be amended to remove the proposed apartment and provide a larger lobby
 - recommend reinstate open space on Buildings C or E as it would receive more direct sun
 - design approach to the through-site link should be amended, specifically a clearer visual connection to Beecroft Road
-

5.4 Summary of public submissions

58. During the exhibition period, the Department received a total of 13 public submissions on the proposal, all of which were unique submissions.
59. One submission was in support of the proposal and 12 submissions objected to the proposal. The majority (70%) of community members who made a submission live within 5km of the proposal, with the remaining 30% not supplying an address in their submissions.
60. A link to the full copy of the submissions is provided in **Appendix A** and a response to the issues raised is contained in **Appendix B**. A summary of the submissions is provided below:
- increased traffic congestion within Epping Town Centre
 - overdevelopment of towers in the Epping Town Centre
 - Epping has insufficient playgrounds, parks, and open space for proposed residents
 - do not support basement driveways off Ray Road
 - alternative land uses for restaurants and large scale shops should be pursued
 - proposal will impact the amenity of the residential area with shadows, wind, and noise
 - proposal will place pressure on existing on-street car parking spaces
 - affordable housing should be increased to at least 30% of dwellings
 - proposal will increase pedestrians at crowded intersection crossings
 - building heights should be restricted to 3 to 4 storeys
 - all car parking space should have electric charge facilities
 - support proposal due to its proximity to heavy rail and metro stations.

5.5 Response to submissions and Government Agency advice

61. The Applicant provided a Response to Submissions (RtS) on 19 May 2023. In summary the RTS provided responses to public submissions, Council's objection, agency advice, State Design Review Panel (SDRP) feedback and the Department's request for information.
62. The documents were made available on the NSW Planning Portal (**Appendix A**).
63. The documents were forwarded to agencies and Council for comment, and the applicant has submitted additional information in response to further consultation with Transport for NSW on street tree planting along Beecroft Road.

6 Assessment

64. The Department has undertaken a detailed assessment of the merits of the proposal and has carefully considered the issues raised in submissions and the Applicant's response. The Department considers the key assessment issues associated with the proposal are:

- land use
- built form
- residential amenity
- public domain
- traffic and transport
- design excellence.

65. The above key issues are discussed in the following section of this report. Other issues considered during the assessment of the application are discussed at **Section 6.7**.

6.1 Land use

66. The proposal contains 923m² of commercial floorspace (**Figure 29**) and is consistent with the Concept Approval which requires between 750m² and 1,000m² of commercial uses.

67. Council requested the Applicant to significantly increase the amount of commercial floorspace provided within the development. While Council did not indicate how much additional commercial floorspace would be required, the Department notes its objection to the Concept Application where Council requested a minimum 1:1 floor space ratio, or 10,120m², of office and other commercial premises.

68. Council considers that additional commercial floor space is necessary to ensure consistency with Epping's role as a Strategic Centre in the Metropolitan Region Plan. Council also considers the site provides an excellent opportunity to deliver employment opportunities to support the existing and future population of the Epping Town Centre to ensure daytime activity, retail trade and other businesses.



Figure 29 | Commercial spaces within the proposal (Source: Applicant's RTS)

69. The Department notes the site is zoned R4 High Density Residential (**Figure 30**). The objectives of the zone include providing for the housing needs of the community, providing a variety of housing types in a high-density environment, and enabling other land uses (a small number of other uses) to provide facilities and services for the day-to-day needs of residents. Commercial premises, other than neighbourhood shops, are prohibited in the zone.

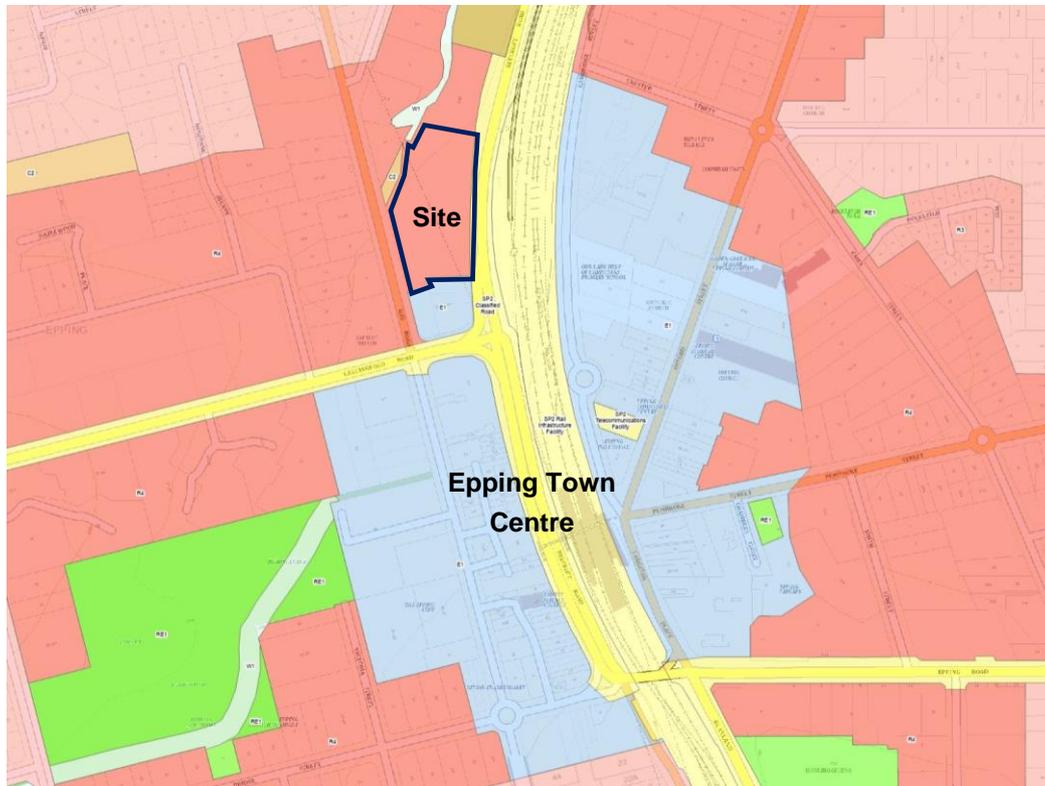


Figure 30 | Extract from Hornsby LEP zoning map (Source: Planning Portal Spatial Viewer)

70. The Department notes that commercial premises, other than neighbourhood shops limited in area to 100m², are prohibited development in the R4 Zone. However, the Concept Approval granted consent for a range of commercial uses as an SSD may include partially prohibited development.
71. The proposed commercial spaces are located along Beecroft Road with four tenancies at the base of Building D and two tenancies adjacent to a courtyard setback from the street at the base of Building B. They are capable of accommodating neighbourhood shops (e.g., a cafe, hairdresser, or convenience store), child care, indoor recreation facilities and the like which are permissible in the zone. They are also capable of being used for office tenancies from 170m² up to a consolidated 684m².
72. The Department's assessment of the Concept Approval considered the provision of greater commercial floorspace, however the Department only supported a limited quantum of commercial floorspace (between 750m² and 1,000m²) noting that:
- the primary objective of the R4 zoning of the site is for high density residential uses rather than commercial uses
 - the site has a poor pedestrian connection to the Epping Town Centre due to its separation by Carlingford Road from the station and the town centre

- it was not considered feasible for the site to accommodate a high amount of commercial space given Epping Town Centre’s office floorspace has a high vacancy rate of 24%, or 7,200m² of approximately 30,000m² total.
73. The Department considers the reasons provided in the Concept Approval in support of 750-1,000m² of commercial floorspace remain valid and relevant to the assessment of the current SSD application.
 74. The Department also considers that increasing commercial floor space would be inconsistent with current government priorities to deliver more housing at a location close to public transport, which is a better outcome for the site.
 75. The Department therefore support the proposed 923m² of commercial floor space as it is fully consistent with the Concept Approval and the R4 zoning of the site, which seeks to provide high density housing along with limited commercial uses for the day-to-day needs of residents.

6.2 Built form

76. The Concept modification application seeks approval to amend the approved building envelopes, including changes to orientation of the envelopes and increasing the height of the envelopes, as discussed below.

6.2.1 Modifications to building orientation

77. The Concept modification application seeks approval to amend the orientation of the building envelopes as illustrated in **Figure 31** below.

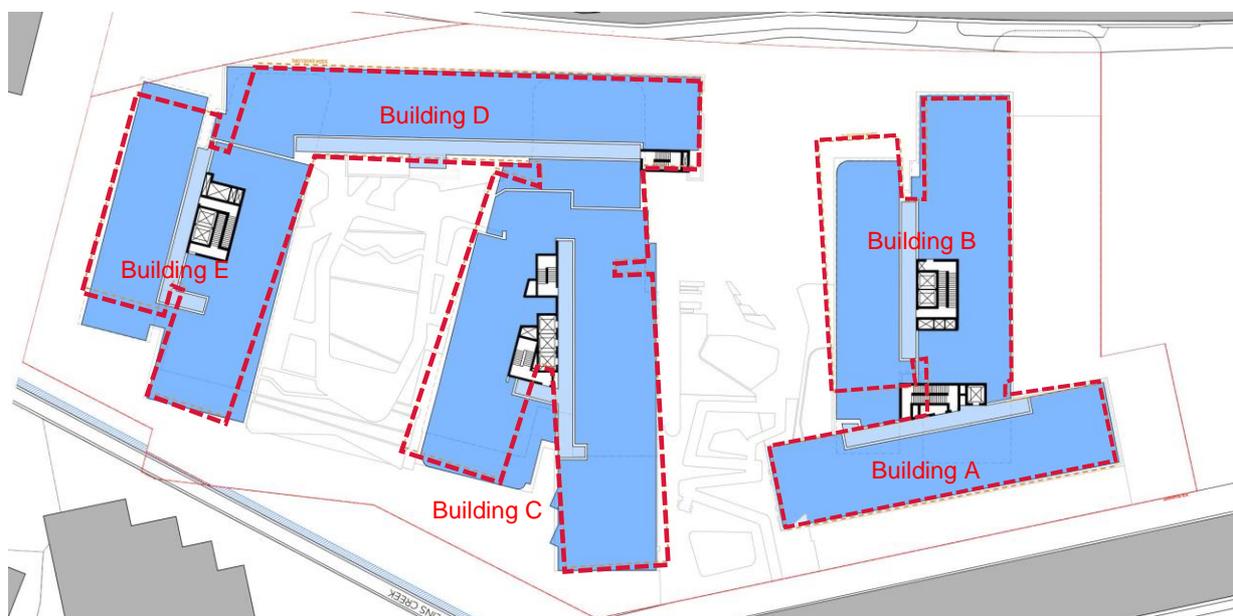


Figure 31 | Proposed building envelopes Levels 1 to 4 (blue) with approved building footprints in red outline (Source: Applicant’s RTS)

78. The Applicant argued that the amended building envelopes would allow for increased solar access to apartments, ensure compliance with building separation requirements within the ADG and make the buildings easier to build compared to the approved Concept.
79. Council raised concerns that the modified building envelopes would be larger than the approved Concept, resulting in buildings with less modulation and a reduced setback to the north-west corner of the site towards Devlins Creek.
80. In response to Council's concerns, the RtS provided additional justification for the proposed changes to the building envelopes, and it put forward several amendments to address residential amenity.
81. The Department acknowledges Council's concerns, however it considers the proposed changes to the approved building envelopes are acceptable because:
- the proposed modifications to the building envelopes are minor as illustrated in **Figure 32** and do not result in an increase in floor area nor changes the building setbacks from respective street boundaries
 - the separation between the buildings has been increased or maintained compared to the Concept Approval
 - the proposed changes would not result in any significant visual or amenity impacts beyond those already assessed and determined as a part of the Concept approval
 - changes to the building envelopes would support the proposal's compliance with the Apartment Design Guide and adequate mitigation measures have been incorporated into the RTS to address potential overlooking near corners and junctions of the buildings (See **Section 6.3 – Residential Amenity**).
82. The Department therefore supports the proposed modifications to the building envelopes.

6.2.2 Modifications to building heights

83. The proposal includes three mid-rise towers up to 15 storeys and two podium buildings at five to seven storeys in height (**Figures 16 to 28**).
84. The HLEP allows for a maximum building height of 48m. The proposed development departs from the building height standard by up to 2.9m as illustrated in **Figure 32** below.
85. The height standard, when applied as a 'blanket' across the site, varies due to the topography falling from west to east and localised low points on site from previous cut and fill associated with the former development on the site.



Figure 32 | Modelling showing areas of building height non-compliance with the blue plane representing the 48m building height limit (Source: Applicant’s RTS)

86. The proposed modifications and the Detailed SSD also represent an increase in building heights when compared to the Concept Approval as outlined in **Table 4** below:

Table 4 | Comparison of building heights

Building	Concept Approval maximum height	Modified maximum height
A	RL 102.730	RL 105.310
B	RL 130.030	RL 133.860
C	RL 129.499	RL 131.210
D	RL 103.235	RL 103.860
E	RL 129.430	RL 130.960

87. The Applicant submitted a Clause 4.6 submission in support of the proposed variation to the height standard. The Applicant contends that the proposed non-compliance is consistent with the objectives of the standard, and it would be unreasonable and unnecessary to strictly impose compliance with the standard on the basis of:

- non-complying portions of the development are generally the communal open space elements or plant at the rooftop levels

- the departure does not attempt to gain additional apartment yield or floorspace on the site
 - the variation is due to uneven topography and localised undulation of the site
 - the departure is minor in nature at up to 6% at the highest point (Building E at 2.9m above the standard)
 - the impacts of the variation on visual bulk and scale, overshadowing, privacy, and acoustic privacy are minor and acceptable
 - there are sufficient environmental planning grounds to justify the departure including provision of communal open space and compatibility with existing and future character in the locality.
88. Public submissions raised concern about the height of the proposed towers and argued the proposal should be limited to 3 to 4 storeys similar to the existing lower density apartments to the west.
89. Council also raised concerns with the proposed exceedance of the height standard.
90. In response, the Applicant amended the proposal to reduce the overall building heights and rationalise the layout of the plant rooms and communal open space structures on the rooftops.
91. The Department's assessment of the Applicant's Clause 4.6 request is detailed in **Appendix F**. In summary, the Department considers the proposal's variation to the height of building standard is acceptable because:
- the proposed variation in building heights are minor (up to 6%) and are largely attributed to the undulating ground levels across the site from previous development and the former construction works for Sydney Metro as illustrated by **Figure 32**. As a result, some portions of the development, particularly along Beecroft Road frontage, are below the height standard and other parts are above
 - the Applicant has consolidated the proposed roof top plant, which has reduced the maximum variation to the height standard from 3.8m to 2.9m
 - the proposed variation to the building height standard does not materially change the scale of the buildings. The proposed buildings are up to 15 storeys and would be compatible with the existing and desired future character of the locality, including the adjoining proposal at 246-250 Beecroft Road and surrounding developments as illustrated in **Figure 33**.
 - the proposed 15 storey development provides appropriate transition in building heights from the Epping Town Centre to properties to the west of the site (further away from the Epping Town Centre) which are zoned for medium and high-density residential developments and with height standards of 12 to 26.5m (4 to 8 storeys).
 - higher floor-to-floor heights of 3.15m compared to 3.1m previously contemplated in Concept Approval have been incorporated due to recent updates to the National Construction Code for greater services zones, attributing to higher overall building heights.
 - the proposed variation to building height does not cause additional amenity impacts to surrounding properties such as additional overshadowing to the proposed development to the south or existing development to the south-west and west.
92. The Department also notes the Government Architect's Office considers the Applicant's response to the SDRP's advice in relation to the proposed built form is satisfactory and it supports the

character of the proposal and how it relates to surrounding development along Beecroft Road and Ray Road in scale, composition, and key design features.

93. For these reasons, the Department supports the proposed building heights despite the numerical variation to the height of building standard in the HLEP.



Figure 33 | Photomontage illustrating the proposal in its context (Source: supplied by the Applicant)

6.3 Residential amenity

6.3.1 Apartment Design Guide

94. The proposal is supported by an Architectural Statement which provides an assessment of the proposal against the requirements of State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).
95. The Department has considered the Architectural Statement and has undertaken its own assessment of the residential amenity of the proposal and is satisfied the proposal as amended in the RtS, is generally consistent with the key ADG amenity standards (see **Table 5**).

Table 5 | Assessment against key ADG internal amenity standards

Solar access (70% to receive 2 hours on 21 June)	No. of apartments with no solar Access (15%)	Cross-ventilated Apartments (60% up to 9 Storeys)	No. of apartments per lift core (12)
270 (72.2%)	66 (17.6%)	147 of 245 (60%)	Up to 10

96. The Department's full assessment of the proposal against the ADG amenity criteria is provided at **Appendix E**.
97. Notwithstanding, the Department has identified a number of other residential amenity issues associated with the proposal, including potential overlooking, the design of communal open space and changes to the ground floor apartment and entry to Building A which are discussed below.

6.3.2 Overlooking between apartments

98. A key objective of the ADG's building separation requirements is to reduce visual and acoustic privacy issues between apartments. The proposed building separations are generally consistent with the requirements of the ADG, and Concept approval as illustrated in **Figure 34** below.

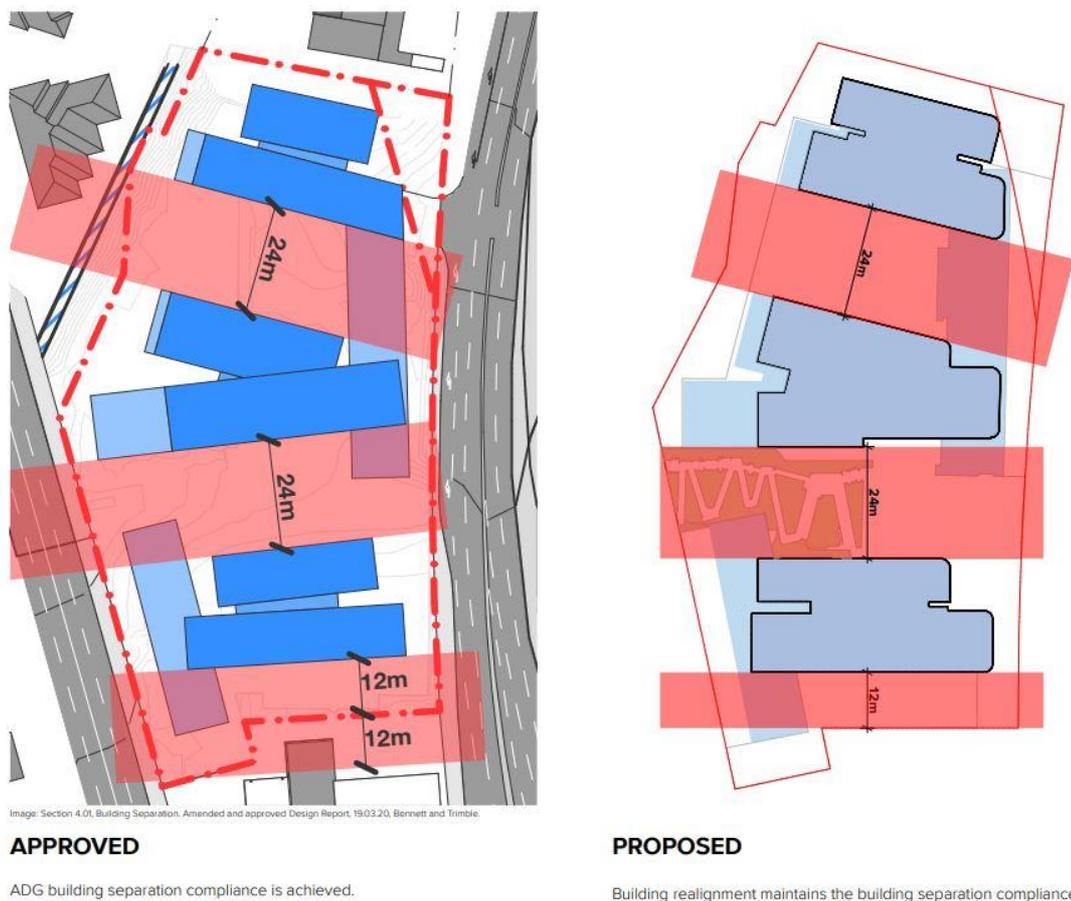
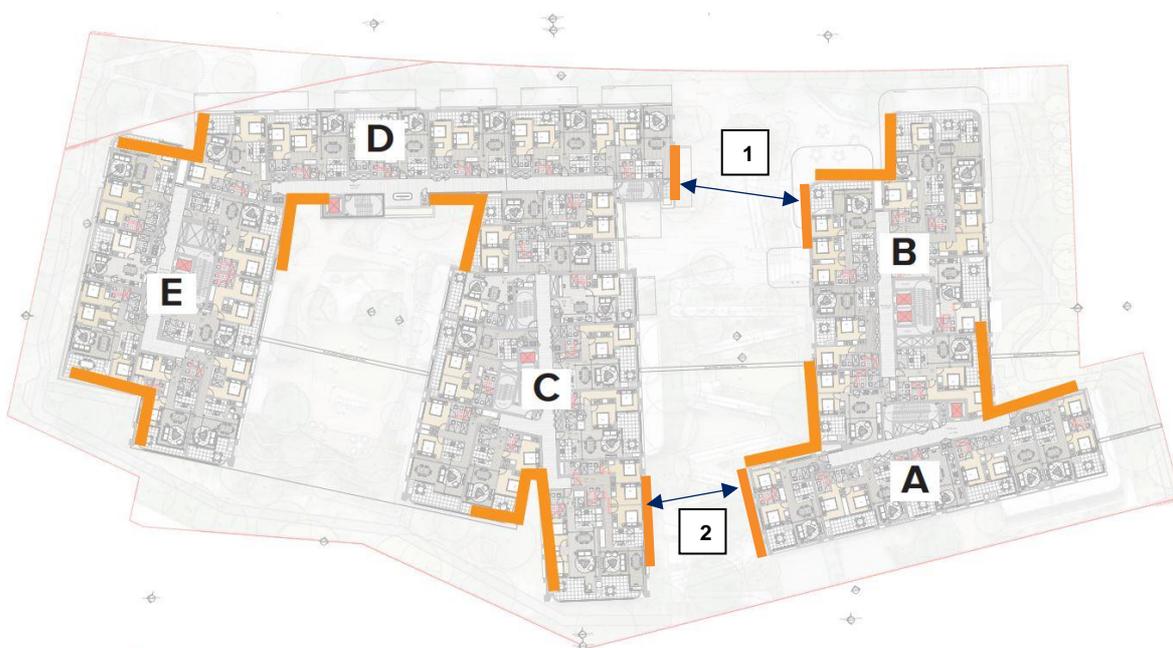


Figure 34 | Building separation – left: Concept approval, right: proposed amendment (Source: Applicant's RTS)

99. However, Council and the SDRP raised concern that several interfaces, corners and junctions of the proposed buildings may provide opportunities for overlooking between living rooms, bedrooms and balconies between apartments. The areas of concern are shown in **Figure 35** below.



Source: Turner - Diagram indicating all areas of concern with DA submitted July 2022.

Figure 35 | Areas of the development identified for further privacy treatment between apartments (Source: Applicant's RTS)

100. In response, the Applicant's RTS reviewed the design of each of the corner and junction areas and made changes to windows, columns, solid walls, angled fins, and other architectural devices to avoid potential overlooking. An example of the treatment between the central junction in Building C is shown in **Figure 37** below.
101. The Department considers the proposed amendments are satisfactory noting the building separation requirements of the ADG are met between Buildings B, C and E. Further, the proposed building separations have been maintained or marginally improved compared to the Concept approval.
102. With regard to the privacy issues between interfaces, corners and junctions of the proposed buildings, the Department is satisfied the amended proposal has adequately addressed the potential privacy issues noting that:
- the interface between Building B and Building D (low rise podium building) (See **1** in **Figure 35** above) may provide opportunity for overlooking from Level 5 of Building D to Building B. However, the Department considers it is acceptable as the proposed bedrooms, living spaces and balcony in Building B have solid walls directing views away from the apartments in Building D.
 - the interface between Building A (low rise podium building) and Building C (See **2** in **Figure 35** above) is 14-15m rather than 18m as required by the ADG for buildings greater than 5 storeys. The non-compliance affects Levels 5 and 6 within the podium building, Building A. The Department finds the design acceptable as the living areas and balconies on these levels are orientated towards Ray Road and do not present significant overlooking concerns.
 - the corners and junctions of the building are intended to articulate the proposed building facades and break up the massing of the buildings. Apartments at these corners and junctions generally do not directly face each other and where they do, screening and solid walls have been incorporated.

- the amendments, including adjustments to windows, walls and balconies further avoid overlooking opportunities. An example of the amended architectural treatment to avoid overlooking at a junction of Building C is illustrated in **Figure 36** below.

103. The Department therefore concludes the proposal would provide an acceptable level of visual privacy for its future residents.

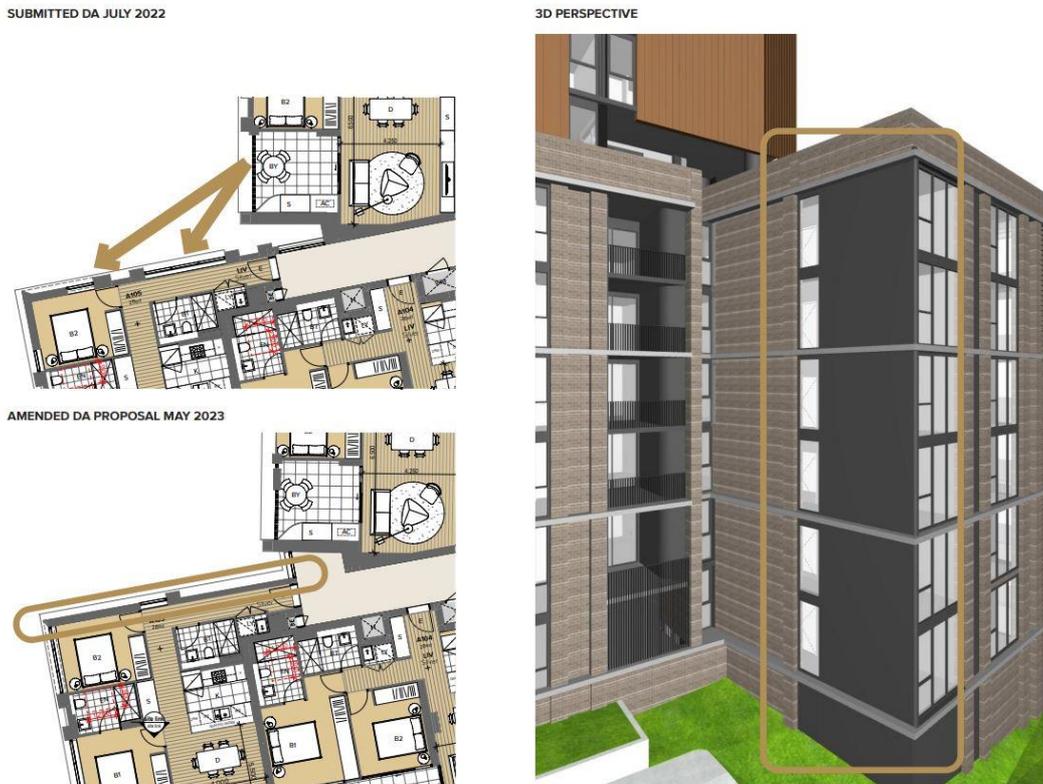


Figure 36 | Proposed privacy treatment between apartments in Building C (Source: Applicant's RTS)

6.3.3 Ray Road Activation (Building A Entrance and Ground Floor Apartment)

104. The site has a limited street frontage on Ray Road due to its irregular shape and alignment. Building A would provide its address and frontage to Ray Road.
105. Council raised concern that the Ray Road frontage of the proposal lacked activation due to the ground plane being dominated by a driveway and services. Council recommended amendments including locating at least one apartment along the Ray Road frontage of the building, relocating the bicycle storage area as well as providing a more generous building lobby and entrance area.
106. In response, the Applicant amended the proposed entrance to Building A and included a three-bedroom apartment on the ground floor. The Applicant also reduced the width of the driveway and relocated the bicycle storage area (see **Figures 37 and 38**).
107. Council reviewed the RtS and objected to the reduced size and frontage of the lobby and the addition of the apartment, despite its earlier request for one to be included. In particular, Council said the revised lobby provided little to no visual interest or activation of the frontage. Council also said the proposed apartment would have poor acoustic and visual privacy due to its location next to the driveway, building entrance and basement.

108. The Government Architects Office, on behalf of the SDRP, said that the rationale behind requesting a habitable space at this location to activate the street frontage is sound. However, it advised that activation of the frontage could be achieved with an alternative habitable use that requires less amenity, for example a community meeting space.

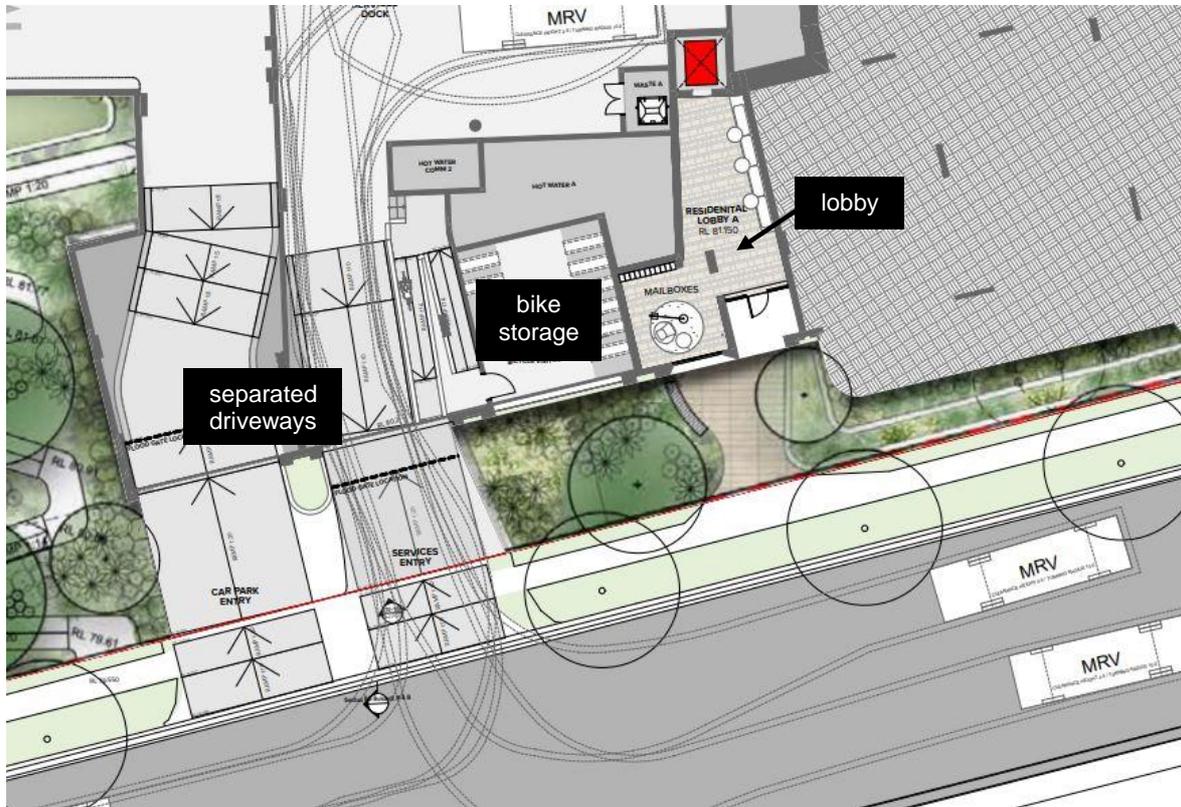


Figure 37 | Originally proposed ground floor of Building A (Source: Applicant's EIS)

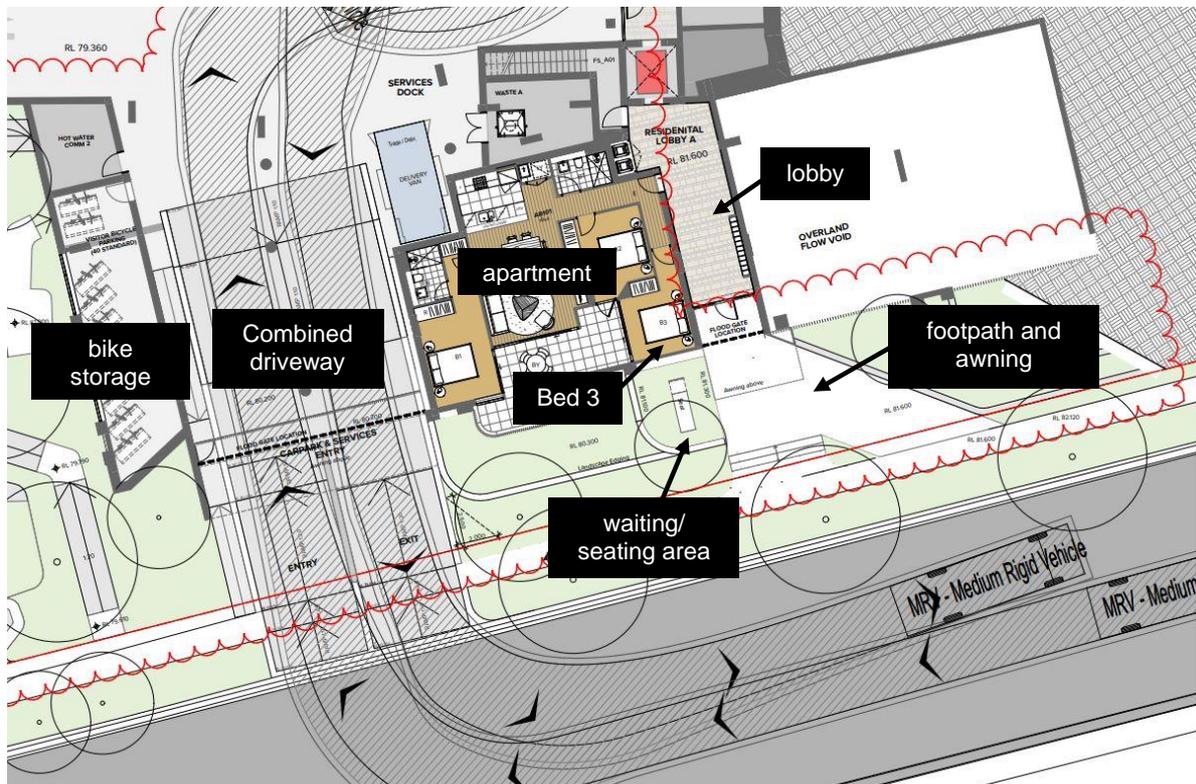


Figure 38 | Proposed ground floor of Building A (Source: Applicant's RTS)

109. While the Department accepts the addition of an apartment along the Ray Road frontage improves activation and passive surveillance, concern is raised about the reduced entrance lobby to Building A as it would result in a compromised street address to Ray Road and poor amenity within the lobby area.
110. The Department notes a comparison of the amended proposal, and the original proposal shows that the area of the entrance lobby has been reduced to incorporate a third bedroom for the proposed ground floor apartment. The Department considers the design and location of this bedroom unreasonably reduces the width of the building entrance and results in poor amenity due to its direct interface with a proposed outdoor waiting/seating area adjacent to the lobby. (compare **Figure 37** and **Figure 38**).
111. The Department therefore recommends deleting the third bedroom of the proposed ground floor apartment and incorporating this area into a larger lobby (**Condition B1**). The Department notes that these changes allow the proposed 3-bedroom apartment to be converted to a 2-bedroom apartment with a similar level of amenity and compliance with ADG requirements, in particular in respect to apartment size, light and ventilation and open space provisions.
112. The recommended condition would balance the need to provide additional passive surveillance to Ray Road while at the same time providing an appropriate building address and active frontage to Ray Road. Further, the Department considers the amended apartment would have acceptable residential amenity with the recommended design changes and it is not uncommon for residential apartments to be located next to or above building entrances and driveways. As such, the Department is satisfied that an alternative land use for this space is not required.



Figure 39 | Perspective of proposed frontage (Source: Applicant's RTS)

113. Other elements of the proposed building entrance and lobby are supported including the provision of wider pathways, the use of a protruding awning structure, the double height void space, wide stairs, angled pathway, and planter beds (**Figure 39**).
114. Subject to the recommended changes, the Department is satisfied the proposal would provide a satisfactory street address, activation, and surveillance to Ray Road.

6.3.3 Communal open spaces

115. The proposal provides five communal open spaces, including a ground level courtyard of 1,963m², ground level pathways and resting spaces around the perimeter of the site and three rooftop open spaces (**Figures 40, 41 and 42**).
116. In total, there is 4,154m² of communal open space proposed (41% of the site area). In addition, the proposal includes a publicly accessible through site link which is available for resident use.
117. Council supports the proposed embellishment of the ground level communal open space between Building C and Building E with passive and active design features. However, Council raised concern that the space does not receive 2 hours of sunlight in midwinter.
118. Council also recommended that previously indicated communal open space on the rooftops of Buildings C and E in the indicative scheme accompanying the Concept Approval should be included to increase communal open space with good solar access.
119. Council also raised concerns about access to rooftop communal open space from each of the buildings.
120. The SDRP notes solar access to the primary ground floor open space would be challenging due to the shadows cast from the proposed buildings. The SDRP recommended careful consideration of the planting species for the space, given its located in a shaded area above a basement.

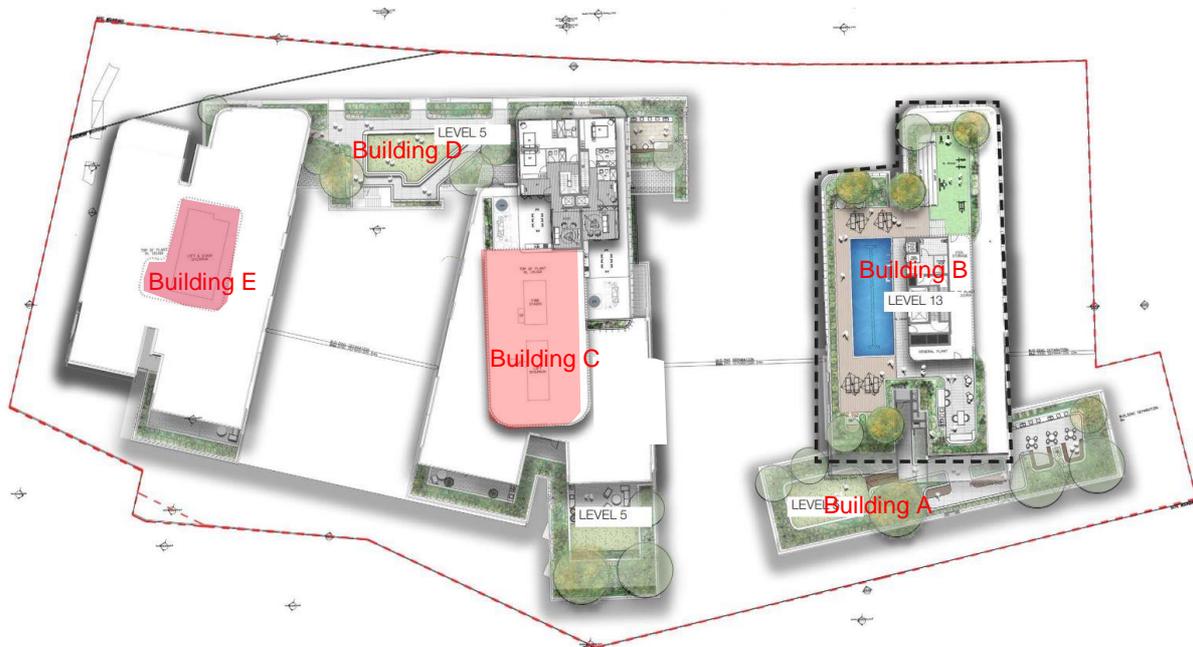


Figure 40 | Rooftop communal open spaces with plant rooms and roof of Building C and Building E shaded red (Source: Applicant's RTS)



Figure 41 | Ground level communal open space between Buildings C and E (Source: Applicant's RTS)

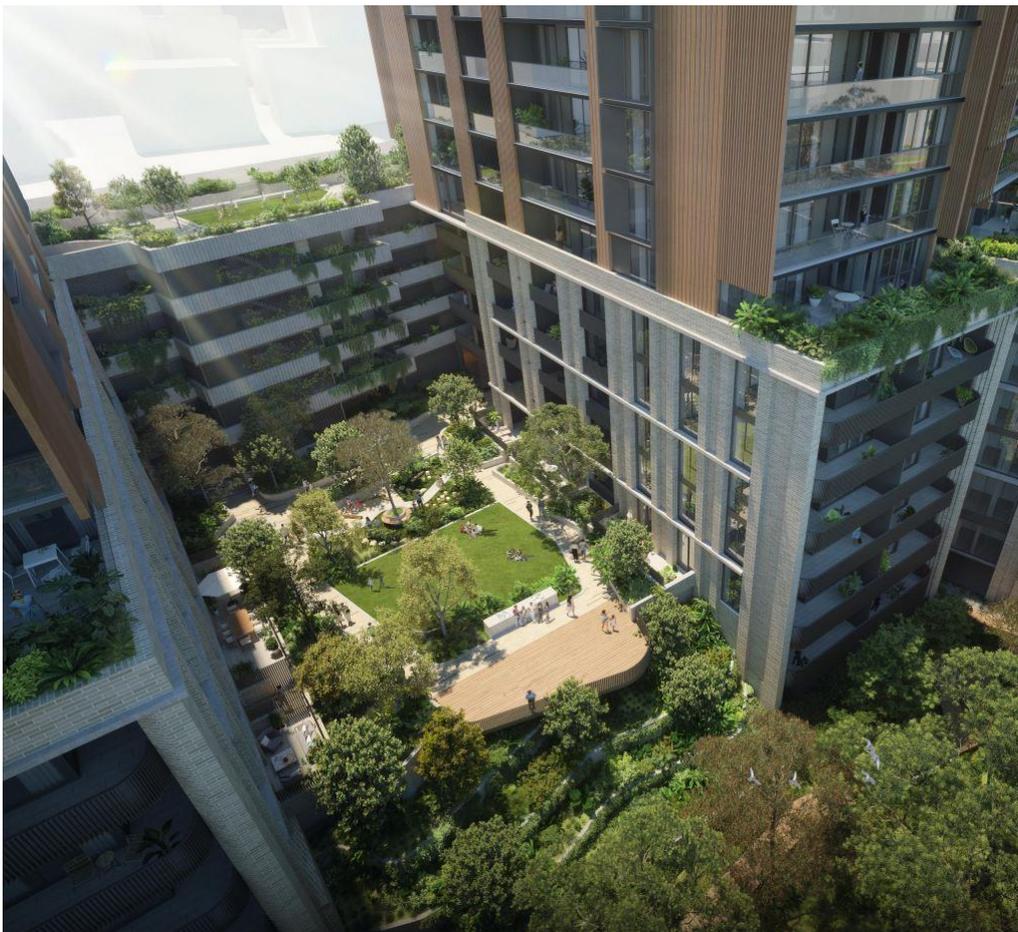


Figure 42 | Perspective view of ground level private open space between Buildings C and E (Source: Applicant's RTS)

121. In response to Council's concerns and the SDRP advice, the RtS provided additional information on:
- access arrangements from lobbies to rooftop open spaces
 - itemised the planting selection made by the landscape architects
 - demonstration that each apartment can access each of the rooftop open spaces.
122. The RtS was also supported by additional shadow diagrams. The shadow diagrams illustrate that the ground floor communal open space will not receive two hours solar access at midwinter. The Applicant argues that the reduced solar access for the ground floor communal open space would be compensated by the rooftop spaces having very good solar access.
123. The Department acknowledges Council's recommendation to provide more communal open space on the rooftops with better solar access. The Department also notes that the Concept Approval indicated the rooftops of all buildings were identified as opportunities for landscaping. However, the Department notes the rooftops of Building C and Building E are small and are directly located above plant rooms and are not best suited to accommodate additional communal open spaces. Future residents from Building C and E would also have access to the roof top open space above the connecting podium at Building D and at Level 5 of Building C and the proposed ground level communal open space. **(Figure 42)**
124. The Department has carefully considered Council's concerns, the SDRP's advice and the Applicant's response. The Department considers the size, design and amenity of the proposed communal open spaces are acceptable, because:
- the proposed 4,154m² (41% of site area) communal open spaces will exceed the requirements of the ADG, which requires a minimum of 25% of site area to be provided as communal open space (minimum 2,534m²).
 - two hours solar access at midwinter would be achieved for 51.2% (2,026m²) of total communal open space which meets the ADG requirement of 50% at midwinter.
 - the amended proposal improves resident access to the rooftop open spaces, demonstrating all apartments can access the rooftops
 - the rooftop open spaces have a variety of passive and active uses with good solar access during midwinter, including an outdoor pool, gym, BBQs, and seating areas for small and larger gatherings
 - the additional landscaping information confirmed appropriate planting selection and soil depth (above the basement) for the proposed ground floor communal open space.
125. The Department is therefore satisfied that the proposed communal open space is satisfactory and will support the recreation needs and amenity of future residents.

6.4 Public Domain and Landscaping

6.4.1 Public through site link

126. The proposal includes a publicly accessible through-site link in the middle of the site which provides pathways and open spaces. The through site link has an area of around 1,400m² which is larger than the area shown within the Concept approval of 1,200m².
127. The proposed through site link would rise from Ray Road to Beecroft Road, which has an 8.5m level difference. The proposal will include a ramp access, a lift, passive recreation areas, and plaza.
128. Council raised concern that the through site link was too steep. Council said the link contained excessive ramping from Ray Road up to Beecroft Road. Council recommended a passenger lift should be provided to negotiate the gradient changes and reinstate courtyard areas previously identified in the Concept Approval.
129. Council also advised the Beecroft Road end of the link was not clearly visible due to the alignment of proposed retaining walls, garden beds, stairs, and ramps.
130. The SDRP also recommended that the design of the through site link should:
 - achieve a good balance between negotiating the level changes and creating useable spaces
 - consider the amenity and spatial qualities that may encourage community use of the link including public character elements, way finding and CPTED principles
 - demonstrate adequate privacy/amenity can be provided to the apartments facing the through-site link.
131. In response, the Applicant amended the design of the through site link (**Figure 43**) to include:
 - improvements to the interface between the proposed apartments and the through site link to ensure level differences, separation and landscaping would maintain a reasonable level of privacy for habitable spaces and balconies to the apartments (**Figures 44 and 45**).
 - the provision of a new passive recreation area at Ray Road with access on the same level as Ray Road public domain into a grass area containing seating to allow for community use
 - creation of three separate ground levels along the link comprising, from west to east, an entry level off Ray Road at RL 79.61, a mid-level courtyard at RL 82.51 and an upper level plaza space at Beecroft Road level at RL 86.06
 - adding a lift in the centre of the link to provide an option to negotiate the gradient and provide an overall compliant accessible path
 - breaking up the main pedestrian ramp into four sections rather than the original 10 sections to ensure the total rise complies with access standards and is less convoluted and visually dominating, as well as provide more soft landscaping and deep soil planting
 - relocating a staircase and planter beds towards the Beecroft Road end of the link to provide greater visibility into the link from the public domain.

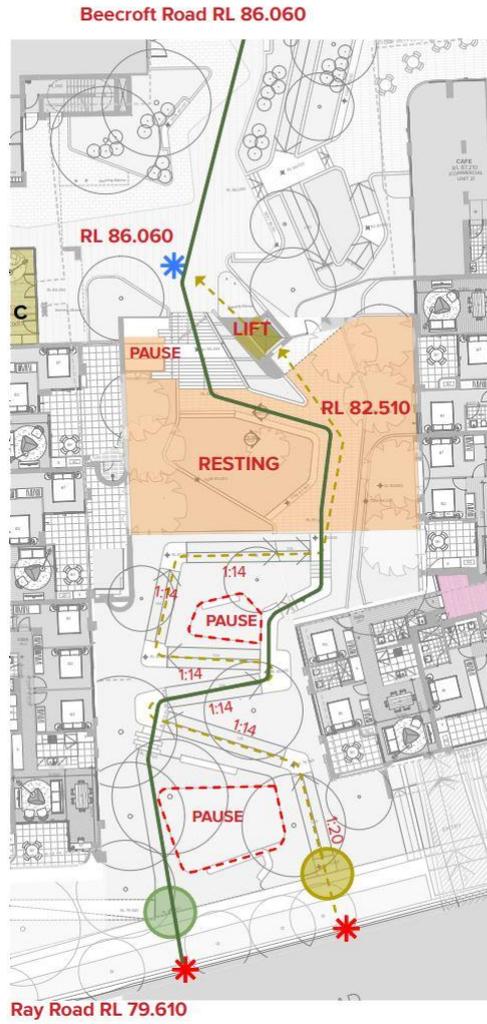
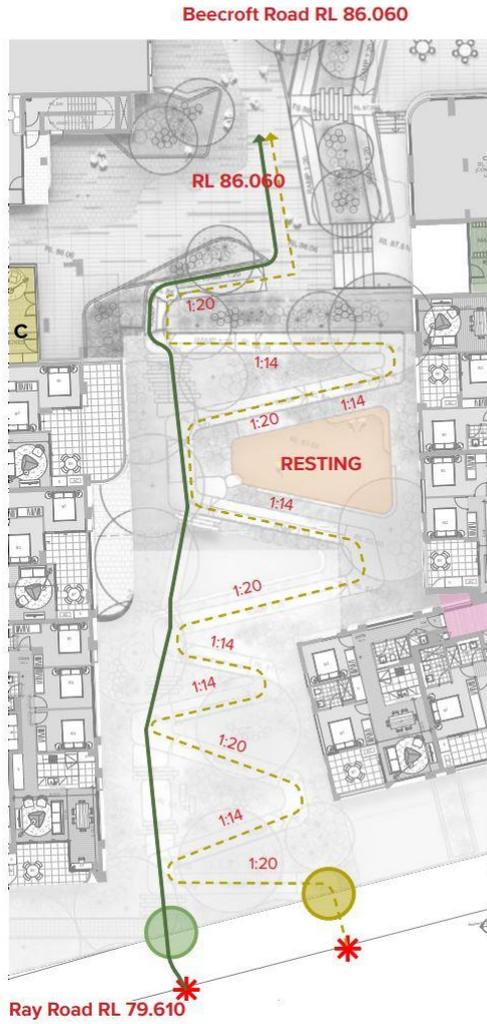


Figure 43 | Through-site link design at lodgement (left) and as proposed at RTS stage (right) (Source: Applicant's RTS)



Figure 44 | Perspective view of interface between apartments and through site link at upper end of link (Source: Applicant's RTS)

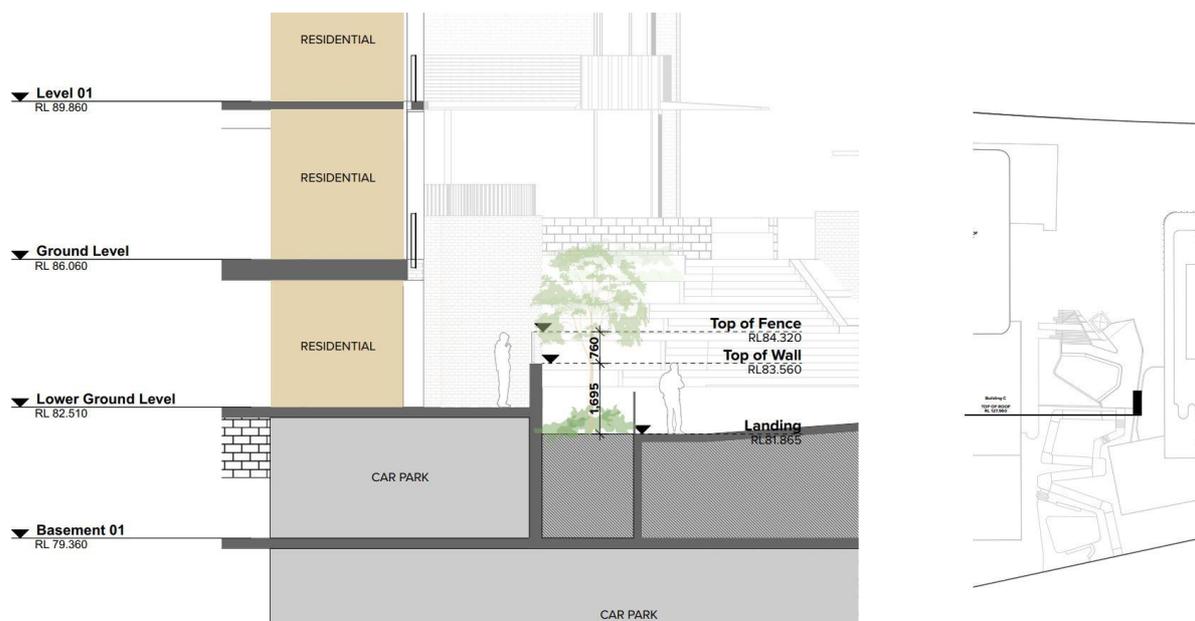


Figure 45 | Section details for interface between apartments and through site link at lower end of link (Source: Applicant's RTS)

132. The Department considers the amended design of the through site link is satisfactory because:

- it is consistent with the Concept Approval and Design Guidelines which envisaged an accessible east-to-west path with a range of areas, including deep soil landscaping and plaza at Becroft Road level
- the reduced ramp length and gradient together with the additional rest areas and lift would improve the overall accessibility of the through site link, despite the steep topography between Becroft Road and Ray Road
- the additional rest areas and passive recreation areas would contribute to the amenity of future users of the site, including a passive recreation area with level access from Ray Road, a large rest area mid-rise to support recreation as well as a plaza area near Becroft Road that will complement the proposed commercial uses and public domain
- it balances the public nature of the through site link with the amenity of the apartments with appropriate separation, architectural treatments, and landscaping buffers
- it supports good passive surveillance of the through site link from apartment balconies and access to bike storage area
- the proposal includes a management plan to support the operation of the through site link as a 24-hour pedestrian path with crime prevention through environmental design features. For example, the management plan specifies CCTV coverage in all public areas, including the elevator, swipe card entry for residents to lobbies and maintenance requirements for future owners.

133. The Department therefore supports the amended design of the through site link and recommends conditions to formalise public access to the space through an easement on title (**Conditions E35 and E36**) and the preparation of a final Plan of Management prior to the occupation of the development (**Conditions E41**).

6.4.2 Landscaping and tree planting

134. Setbacks from the respective street boundaries are prescribed by the approved building envelopes under the Concept Approval. The Concept Approval also included Design Guidelines requiring landscaping to define the public and private areas, provide deep soil buffers to surrounding properties and create communal open spaces of varied character.
135. The proposal provides 6m to 9m setbacks from Beecroft Road and 5m to 7m setbacks from Ray Road. The proposal also provides a 6m setback from Devlins Creek or the northern and north-western boundaries of the site.
136. The proposal provides around 6,000m² of landscaping, including 4,154m² of communal open space, a through site link of approximately 1,400m² and residual deep soil and landscaped areas in boundary setbacks.
137. Council raised concern that the building setbacks were insufficient and should be increased along Ray Road and to Devlins Creek to allow for more landscaping. See Section 6.4.3 below in relation to Council's additional comments on basement setbacks from Beecroft Road for tree planting.
138. Council raised concern that the reduced setback towards Devlins Creek associated with Building E at the north-west corner reduces the possibility of re-naturalising Devlins Creek with more natural embankments in the future.
139. In response to Council's concern, the RtS included a revised landscaping report and landscaping plans to include additional tree and shrub planting and occupant facilities (BBQs, a boardwalk and seating) along the Devlins Creek frontage. The RtS also clarified that the setback is between 6.7m and 20.5m to the existing concrete channel.
140. The Department notes the proposed setbacks from respective site and street boundaries are consistent with the Concept Approval and are not being modified under the modification application (see **Section 6.1.1**).
141. The Department considers the proposed landscaping and tree planting are acceptable because:
 - the proposal achieves an overall 29% canopy cover and 21% deep soil planting (soil depth which is unencumbered by structures), particularly within the street setback area fronting Ray Road and the northern and southern setbacks (also see Section 6.4.3). The tree canopy coverage proposed exceeds the 25% target within the NSW Government Architect's Greener Places Design Guide for medium-to-high density urban conditions.
 - while some of the landscaping or planting areas are located above the proposed basement and rooftops, the overall quantum of landscaping (approximately 6,000m² or 59% of the site area) is high compared to ADG minimum landscaping area of 25%
 - the amended landscaping proposal includes a landscaped setback with a lightweight boardwalk and tree planting along the site's boundary with Devlins Creek drain. Basement and other building structures are setback from this boundary. The proposal would not preclude the creek being re-naturalised in future should the concrete culvert be removed in the future (**Figure 46**)
 - the submitted landscape report confirms the selection of species and soil would be appropriate and provide a variety of tree planting
 - the Government Architects Office on behalf of the SDRP support the Applicant's response to panel feedback on landscaping and tree planting.



Figure 46 | Section of deep soil planting and boardwalk adjacent to Devlins Creek (Source: Applicant's RTS)

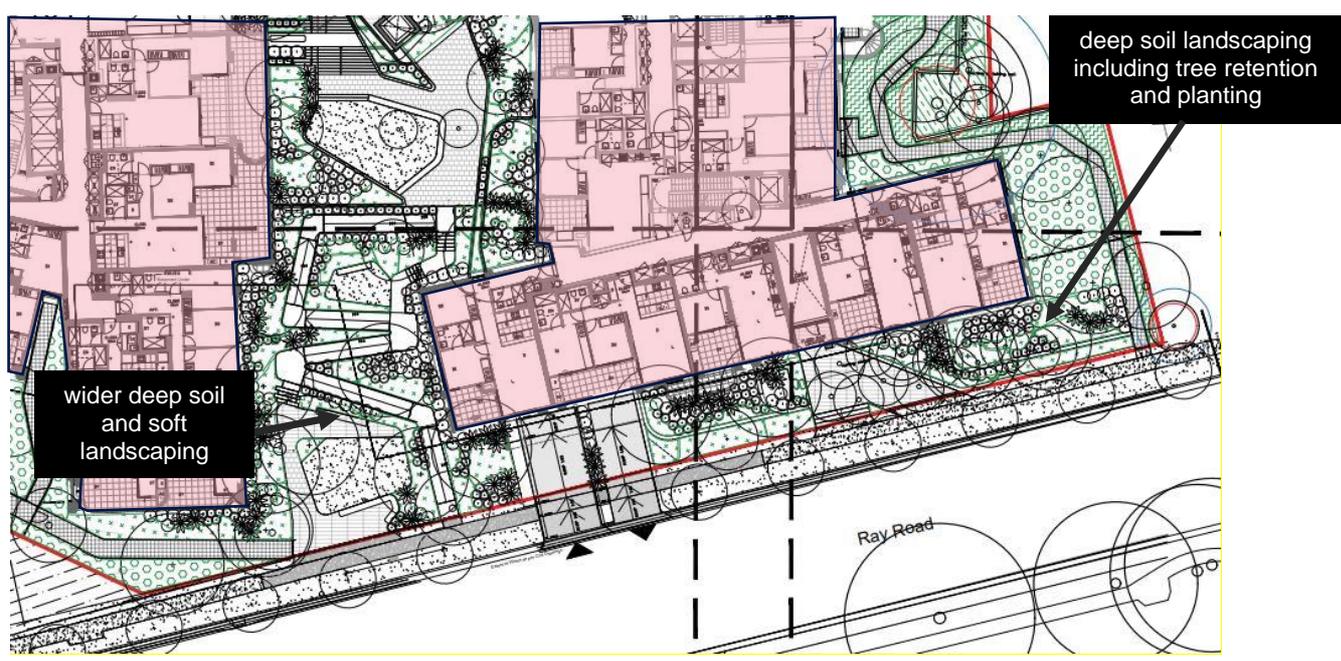


Figure 47 | Proposed approach to Ray Road frontage (Source: Applicant's RTS)

142. The Department therefore accepts the proposed landscaping for the site is satisfactory because it would provide landscaped front setbacks, appropriately manage the site's interface with the Devlins Creek drain, and provide additional tree planting with appropriate species selection and soil depths.

6.4.3 Beecroft Road tree planting

143. Condition B2 of the Concept Approval requires the Applicant to consult with Transport for NSW to confirm the opportunity to plant street trees along the Beecroft Road frontage of the site (Figures 48 and 49).
144. Council advised that larger trees should be planted in the front setback zone should the street tree planting identified could not be supported by Transport for NSW. Council also advised the basement setback should be increased in this scenario to provide larger trees to increase shade and provide a visual buffer to the development.

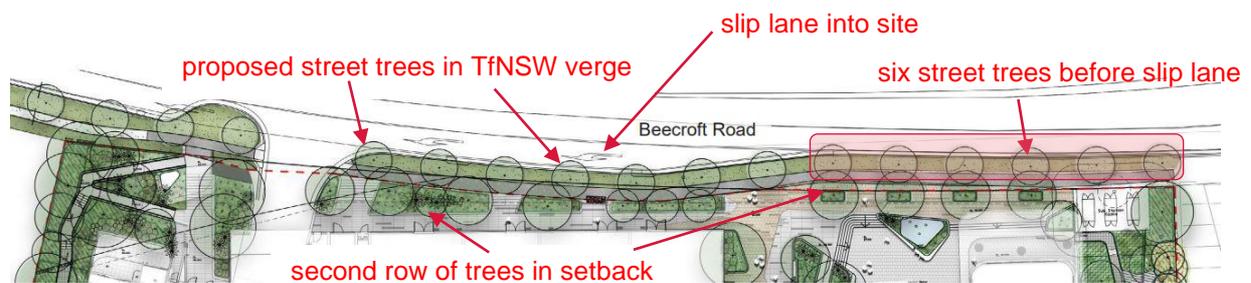


Figure 48 | Proposed rows of tree planting along Beecroft Road (Source: Applicant's RTS)

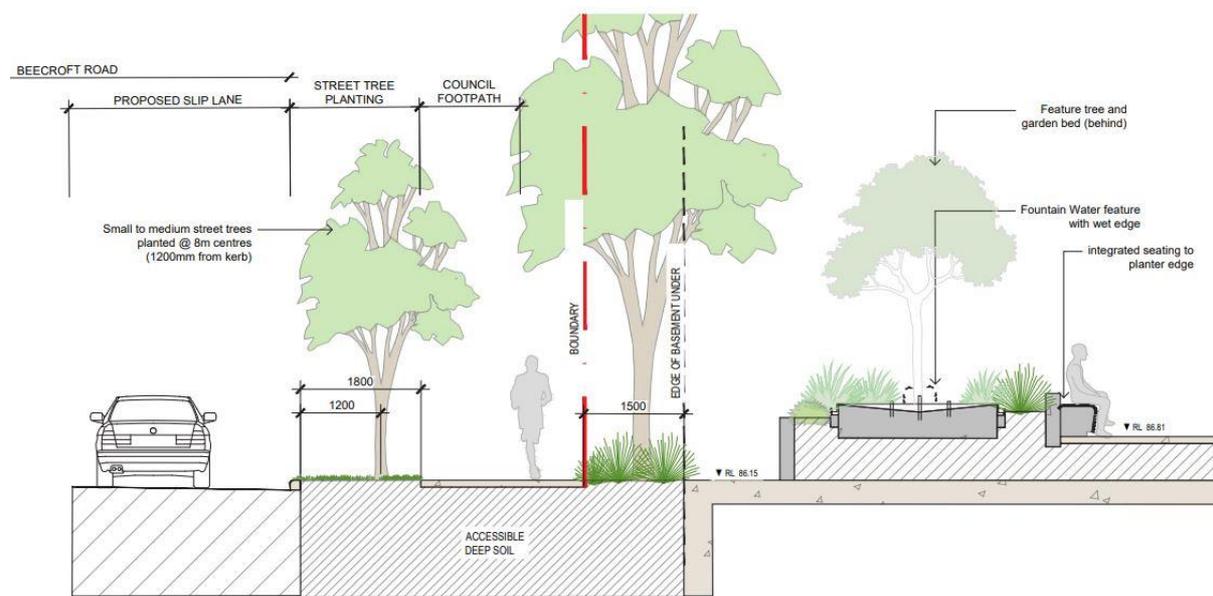


Figure 49 | Section of street tree and on-site tree planting along Beecroft Rd (Source: Applicant's RTS)

145. In response to the requirement of Condition B2 of the Concept Approval and Council's concerns, the Applicant consulted further with TfNSW on the proposed street trees along Beecroft Road.
146. TfNSW confirmed that it supports the proposed street tree planting outside the clear zone for through traffic on Beecroft Road (located within the slip lane).
147. TfNSW requested that the street tree planting zones be designed in accordance with TfNSW Landscape Guidelines. This includes species selection to ensure the trees are capable of bending or snapping in the event of collision.

148. The Department notes the proposed trees fronting the slip lane frontage are acceptable to TfNSW. The Department notes that six trees are outside this area and would be deleted. However, the Department is satisfied the deletion of these trees would not materially affect the landscaped presentation of the development along Beecroft Road noting a second row of trees are proposed within the site's setback area (**Figure 49**).
149. The Department therefore considers the RtS has satisfied the requirement of Condition B2 and the proposed tree planting along Beecroft Road frontage of the site is acceptable.

6.5 Traffic and Transport

6.5.1 Traffic impacts

150. The application is accompanied by a Traffic Impact Statement which identified the proposed SSD would result in fewer peak hour vehicle trips compared to the Concept Approval.
151. The proposed reduction in number of apartments from 442 in the Concept indicative design to 374 in the proposal results in 11% reduction in traffic generation.
152. The proposal will have a two-way vehicular access off Ray Road and a left in/left out vehicular access off Beecroft Road with a slip lane for vehicles to decelerate before entering the site.
153. Public submissions raised concerns with traffic congestion within and through the Epping Town Centre from traffic generated by the proposal and other proposed developments.
154. Council raised concerns that the proposal does not provide a new east-west link road between Ray Road and Beecroft Road.
155. TfNSW provided advice on the applications and raised no concerns about traffic impacts but requested further information on the design of the proposed driveway accesses and slip lane.
156. In the RtS, the Applicant cited the Concept Approval's commentary on acceptable traffic impacts and provided design details for the proposed access driveways and slip lane as requested by TfNSW. The additional information was considered satisfactory by TfNSW subject to recommended conditions which have been incorporated in **Appendix H**.
157. The Department acknowledges Council's request for a new east – west road through the site. However, the Department notes that the Concept Approval already considered the feasibility of a new east – west link road and concluded that it would not improve the performance of the road network. This finding was consistent with Council's 2018 Epping Town Centre Traffic Study, which found the inclusion of a new link road would not improve delays at surrounding major intersections.
158. The 2018 Traffic Study demonstrated the provision of a new east-west public road would stabilise north-bound background traffic growth for a short period of time, before traffic returns to saturated conditions due to increasing background traffic growth with compounding delays on a physically constrained road network.
159. The Department considers the circumstances of the site, including its traffic and development context, has not changed since the Concept Approval and the findings of the Concept assessment in respect to potential for a link road remain valid.

160. The Department accepts TfNSW advice and considers the traffic impacts of the proposal is acceptable noting:
- the Department’s assessment of the Concept Approval concluded that the development would generate less than a 1% increase in traffic volume within the local road system and would not change the level of service of the major intersections. These findings are consistent with the submitted Traffic Impact Statement submitted with the application.
 - the Traffic Impact Statement confirms the current SSD proposal would reduce total traffic generation by 11% compared to the approved Concept, due to the reduction of proposed apartments.
161. The Department therefore finds the proposal has acceptable traffic impacts and supports TfNSW’s recommended conditions including the preparation of a final Green Travel Plan, further approval for roadworks along Beecroft Road and enforcing restrictions on vehicle movements to the site.

6.5.2 Car parking and bicycle parking

162. The Concept Approval set maximum car parking rates and minimum bicycle parking rates for the development. The proposed modifications do not change these approved rates.
163. The proposal is consistent with the approved car parking and bicycle rates as outlined in **Table 6** below:

Table 6 | Car parking and bicycle parking space comparison

Parking component	Approved parking under Concept	Proposed parking
Resident spaces	maximum 300 spaces	299 spaces
Visitor spaces	maximum 53 spaces	53 spaces
Commercial spaces	maximum 13 spaces	13 spaces
Resident bicycle spaces	minimum 374 spaces	374 spaces
Visitor bicycle spaces	minimum 37 spaces	40 spaces
Commercial bicycle spaces	minimum 5 spaces	8 spaces

164. Some public submissions raised concerns that the proposal would put pressure on street parking while others raised concerns that the proposed parking would contribute to increased traffic congestion.
165. The Department accepts the proposed car parking and bicycle parking are consistent with the Concept Approval.
166. The Department also notes the proposed car parking generation is derived from applying TfNSW car parking rates which are lower than the Hornsby Development Control Plan previously applied to the site (prior to Council boundary adjustments). The lower parking rates were also adopted in

the Concept Approval because the site is 300 m from the Epping Station, which provides access to both the Northern Suburbs Rail Line and the North West Metro Line.

167. The Department recommends conditions to ensure the maximum and minimum car parking and bicycle parking spaces are provided during the Construction Certificate phase and a final Green Travel Plan is prepared to assist occupants of the development with travel choices to and from the site.

6.6 Design excellence

168. The HLEP requires the consent authority to not grant consent to development involving the erection of a new building unless it considers the development exhibits design excellence. The HLEP goes onto provide matters for considering whether the development exhibits design excellence, including the quality of architectural design, form and arrangement of buildings and the management of impacts upon the locality. These are set out in **Appendix E** together with the Department's comments.
169. The Concept Approval also included an endorsed Design Excellence Strategy which required the Detailed SSD to be presented to the SDRP and a response to the Panel's advice by the Applicant.
170. The SDRP reviewed the proposal on two occasions and advised that it supported the following elements:
- engagement with indigenous artists in the formation of the Connecting with Country framework for the site
 - meeting and exceeding sustainability targets
 - the approach to managing the significant level differences across the site
 - removal of previously shown townhouses at lower ground levels fronting the northern boundary and Ray Road.
171. Elements which the SDRP advised needed further development included:
- further details of connecting and designing with Country including moving concepts to proposals, and considering landscape design, soil structure and biodiversity
 - illustration of how the scheme fits within the wider context in the locality, in relation to built form, character and impacts on surrounding uses
 - improvements in the public realm and landscape proposals, including the through-site link as discussed in Section 6.3 above
 - managing privacy impacts between apartments, as discussed in Section 6.4 above
 - review of ADG compliance for natural cross ventilation, as discussed in Section 6.4 above
 - facilitating electric vehicle use in future.
172. In response, the Applicant provided greater details of their Connecting with Country response, streetscape analysis of the context surrounding the proposal, amendments to improve residential amenity, improvements to the through site link and landscaping and allowance for electric car charging.
173. The Government Architects Office (on behalf of the SDRP) advised that it was satisfied the Applicant has satisfactorily considered and responded to the SDRP advice.

174. The Department agrees that the Applicant has satisfactorily responded to the SDRP advice and considers the proposal meets the design excellence requirements of the HLEP as it:
- presents a high-quality architectural design with clear and strong character of materials and finishes that responds to the site and local area
 - supports a high level of residential amenity
 - delivers a well-designed public through-site link with good amenity that allows for easy and direct movement of people and is interweaved with the proposed non-residential spaces to support mixed use and employment
 - incorporates appropriate landscaping of the site including green roofs and communal open spaces with 29% site coverage for tree planting.
175. The Department also recommends a further Design Integrity Review process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence, can be referred for further advice from the DRP.

6.7 Other issues

176. The Department’s consideration of other issues is provided below:

Table 7 | Other issues

Issue	Findings	Recommendations
Consistency with Concept Approval	<p>The Concept Approval (SSD 8784) sets the parameters for future development on the site and conditions to be met by future applications.</p> <p>Consideration has been given to the requirements of the Concept Approval throughout this report.</p> <p>The Department has also undertaken a detailed assessment of the proposal against the Concept Approval in Appendix C.</p> <p>The Department is satisfied the proposal is consistent with the Concept Approval and accompanying Design Guidelines. Where amendments are proposed through the Modification, they are considered to be acceptable as outlined in this assessment report.</p>	No additional conditions required.
Amenity impacts to existing residential properties	<p>The site is located within an established residential area with medium to high density residential developments. Residential flat buildings of 3 to 5 storeys are located to the site’s north and west along Ray Road.</p> <p>The Department is satisfied the proposal would not result in any significant overshadowing or privacy impacts as:</p> <ul style="list-style-type: none"> • the proposal is separated from nearby residential buildings by either Ray Road, Devlins Creek or the Epping Sydney Metro Service Facility • the proposal is consistent with approved envelopes and the proposed modifications would 	No additional conditions required.

	<p>not result in any significant overshadowing or privacy impacts beyond those already assessed and approved.</p> <ul style="list-style-type: none"> the overshadowing diagrams indicates that the proposal would not overshadow residential apartment buildings to the north and west by more than 2 hours during mid-winter. <p>The Department therefore considers the proposal would have acceptable amenity impacts to surrounding residential properties.</p>	
Impacts to adjoining development proposal at 246-250 Beecroft Road	<p>Adjoining the southern boundary of the site, there is currently a development application (with Council) seeking approval for a 15 storey mixed-use development at 246-250 Beecroft Road.</p> <p>The Department notes that the submitted plans and shadow diagrams demonstrate that the proposal would maintain acceptable building separation (at least 12m from the southern boundary) and solar access (more than 2 hours mid-winter) to this proposed development having considered ADG requirements.</p> <p>The Department therefore concludes the relationship between the proposal and the proposed mixed-use development at the adjoining site is acceptable and would maintain an acceptable level of residential amenity for future residents of both developments.</p>	
Site Contamination	<p>The application was accompanied by a Detailed Site Investigation (DSI) which concluded that the site is suitable for the proposed mixed commercial and residential development, provided asbestos contamination is removed from site, any fill or natural soil material removed is to be classified for off-site disposal and any material imported to the site should be validated as suitable for the intended use in accordance with EPA guidelines.</p> <p>Based on the findings of the DSI, the Department is satisfied that the site is suitable for the proposed use, subject to the recommendations in the DSI being adopted.</p>	Condition C36 requires compliance with the Detailed Site Investigation and ensures measures are in place should any unanticipated contamination be found during works.
Bushfire	<p>Condition C28 of the Concept Approval requires the preparation of a Bushfire Risk Assessment as the site was within 100m of Category 1 bushfire prone land at the time of the Concept Approval.</p> <p>The SSD is accompanied by a letter from a qualified bushfire consultant advising the site is no longer on bushfire prone land. Further, it advised the bushfire prone land maps have been amended as the adjoining site no longer contains Category 1, 2 or 3 vegetation and the site is no longer in the vegetation buffer zone.</p> <p>The Department is therefore satisfied that the proposal would not be subject to any adverse bushfire risks.</p>	No additional conditions required.

Flooding and Stormwater Management

Council requested data from stormwater modelling to address issues relating to overland flow and flood management along Ray Road.

In response to Council's request, the Applicant supplied modelling and clarifications to address Council's comments.

Council accepted the RTS's Flood Study and provided further advice on the design and location of the onsite detention tank.

The Department notes the proposal was accompanied by a Flood Impact Assessment, which undertook a detailed flood assessment for the proposed development. Flood modelling was carried out to assess the impact of the proposed development. The Flood Impact Assessment concluded:

- the proposed development has insignificant impact on the surrounding properties, assets, or infrastructure
- there is some overland flow through the site and hence the proposed development includes an overland flow path at its base along Ray Road
- provision of on-site detention is likely to maintain the existing runoff regime and hence not adversely impact the inundation of the adjoining creek environment due to the proposed development
- the proposal does not result in increased runoff and hence the downstream environment is not affected due to increase in flood flow, velocity, or depth
- the concept for shelter-in-place during a flood emergency is feasible for the proposed development and therefore not likely to impact the existing emergency management arrangements in the area.
- the basement car parking access is protected from the 1 in 100 flood event by raised levels and a flood gate that would be triggered in accordance with a Flood Response Plan as required in the conditions of consent.

Based on the findings of the Flood Impact Assessment, the Department is satisfied the proposal would provide suitable flooding and stormwater management, subject to the imposition of appropriate conditions including the recommendation from Council to amend the location of the on-site detention tank away from habitable rooms.

Conditions B36-B38 and B70-B72 set out requirements for stormwater management.

CPTED

As required by Condition C21 of the Concept approval, the proposal was accompanied by a Crime Prevention Through Environmental Design (CPTED) Report providing assessment of the public and private domain within the proposal and making recommendations for safety and crime prevention.

Condition B22 requires the recommendations of the CPTED Assessment to be incorporated into the plans for

	<p>The Department is satisfied the proposal has had regard to CPTED principles and the proposed mitigation measures would appropriately minimise safety and crime issues.</p>	<p>Construction Certificate.</p>
Noise	<p>As required by Condition C24 of the Concept, the proposal was accompanied by a Noise and Vibration Impact Statement which:</p> <ul style="list-style-type: none"> models and makes recommendations in relation to noise impacts upon and due to the proposal models and makes recommendations on vibration impacts on surrounding properties due to the proposal assesses construction noise and vibration impacts. <p>The assessment found that:</p> <ul style="list-style-type: none"> surrounding properties will not be affected by noise and vibration subject to standard measures being put in place the proposed apartments affected by road traffic noise will need specific acoustic treatment and natural ventilation construction noise can be mitigated and managed to acceptable levels. <p>The Department is satisfied the proposal would not result in any significant noise and vibration impacts on surrounding properties and the future noise environment on occupants of the development can be appropriately mitigated through the implementation of recommended conditions.</p>	<p>Conditions C24 and D15-D21 include requirements in relation to noise and vibration assessments, limits, and management during construction.</p>
Wind	<p>As required by Condition C17 of the Concept Approval, the proposal was accompanied by a Wind Impact Assessment which modelled the existing wind conditions and provides predictions for ground conditions within and around the proposed development.</p> <p>The report found that proposed publicly accessible spaces, private courtyards and rooftops will have acceptable wind speeds upon completion.</p> <p>The Department is satisfied the proposal would not result in unacceptable wind impacts to the public domain and would provide comfortable open space and publicly accessible areas within the site, subject to the recommendations of the Wind Assessment being incorporated.</p> <p>The Department is also satisfied the proposal would not result in unacceptable wind impacts to neighbouring properties.</p>	<p>Condition B28 requires the recommendations of the Wind Assessment to be incorporated into the plans for Construction Certificate.</p>
Heritage	<p>As required by Condition C16 of the Concept Approval, the proposal is accompanied by a Heritage Impact Statement commenting on heritage items in the vicinity of the site including a house at 25 Ray Road located</p>	<p>Condition C22 includes an unexpected finds protocol for any</p>

	<p>100m to the north-west and bushland at Beecroft Road Reserve located 80m to the north.</p> <p>The assessment found that the proposal would have a neutral impact on heritage items due to lack of visual connection between the site and the items with existing structures already blocking view lines.</p> <p>The Department finds the proposal would not result in any significant heritage impact as the closest heritage items are located 80-100m from the site and not within view of the proposal.</p>	<p>artefacts discovered during construction.</p>
<p>Developer Contributions</p>	<p>Section 7.11 of the EP&A Act enables consent authorities to levy developer contributions, as a condition of development consent, towards the cost of providing local public infrastructure and facilities required as a consequence of development.</p> <p>The proposal is subject to contributions under Council's Contributions Plan.</p> <p>The Department recommends a condition of consent requiring contributions be paid in accordance with Council's contributions plan.</p>	<p>Condition B13 sets out requirements for securing developer contributions.</p>
<p>Affordable housing</p>	<p>The Concept Approval required 5% of all dwellings be provided as affordable housing.</p> <p>Council and a public submission raised concern about the amount of affordable housing being proposed and suggested that it should be increased.</p> <p>The Department notes that there was no statutory obligation for the Concept Approval to provide affordable housing at the time of its determination. The 5% affordable housing commitment was in line with Landcom's Affordable Housing Strategy at the time.</p> <p>The Department notes the proposal fully complies with the Concept Approval as it includes 19 dwellings (5%) which will be managed by an affordable housing provider. The application documents also included a copy of the covenant registered on the land title securing the use of the apartments for affordable housing for 10 years.</p>	<p>Condition E38 and E39 sets out requirements for the nominated dwellings to be affordable housing.</p>
<p>Public Art / Connecting with Country</p>	<p>The proposal includes Connecting with Country, through public art features within the through site link and landscaped areas.</p> <p>The SDRP acknowledged the amended proposal provided a deeper understanding of Country as it relates to this site, and Applicant's application of this knowledge to the landscape design.</p> <p>The SDRP noted that the public art and landscape should incorporate the relationship of the site to native vegetation as part of the overall Connecting with Country design response.</p> <p>The Department agrees with the SDRP's advice and is satisfied that the proposal will incorporate high quality public art derived from engagement with indigenous</p>	<p>Condition B34 sets out requirements for implementing the Connection with Country proposals through landscaping.</p>

artists within the landscape design, including Connecting with Country responses.

The Department recommends conditions to ensure the proposal will continue to engage with indigenous artists through design workshops in implementing their landscaping design.

Construction impacts

Transport for NSW recommended the preparation of a final Construction Traffic and Pedestrian Management Plan (CTPMP) prior to construction.

The proposal was accompanied by a draft CTPMP within the Traffic Impact Assessment lodged. It set out preliminary details of traffic routes and vehicle types accessing the construction site.

The Department has considered the construction impacts of the proposal on the locality in relation to matters including traffic, noise, air quality and waste management.

The Department considers that, subject to standard conditions, the potential construction impacts associated with the proposal can be appropriately managed and mitigated to an acceptable level.

Conditions C22 to C29 set out requirements for the preparation of a Construction Management Plan and associated Sub-plans.

7 Evaluation

177. The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response to the submissions.

178. The Department considers the proposal is acceptable as:

- it is consistent with the strategic planning framework for the site which seeks to deliver additional housing and a small amount of non-residential space near the Epping Town Centre
- it would deliver additional housing with excellent access to public transport connections to employment centres, services, and amenity, consistent with the 30-minute city planning vision supported by Council and the Greater Cities Commission
- the proposed modifications to the building envelopes, including minor exceedances of the height standard for the site, are reasonable as they arise from natural ground level changes across the site and the need to provide higher floor-to-floor heights for compliance with the National Construction Code
- it fits well within the existing and desired character of the locality, with a height and scale not dissimilar to other recent built and proposed development in and around the Epping Town Centre.
- it was amended in response to advice received from the State Design Review Panel to deliver better public access through a pedestrian link and improve residential amenity
- it has reduced traffic generation compared to the approved Concept and has acceptable access arrangements and car parking
- it would deliver several public benefits, including the provision of 19 dwellings as affordable housing, a new pedestrian through site link and non-residential uses for the day-to-day needs of residents
- it is considered to achieve design excellence in its architectural expression, use of high-quality materials, good residential amenity, and contribution to public domain.

179. This assessment report is hereby presented to the Independent Planning Commission to determine the application.

8 Recommendation

180. The Concept Modification and Detailed SSD application are referred to the Independent Planning Commission as Council has made a submission by way of objection to the exhibition of the applications.
181. The Department considers the proposal can be approved, subject to the conditions of consent (**Appendices G and H**).
182. This assessment report is hereby presented to the Independent Planning Commission to determine the applications.

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

Appendices

Appendix A – List of documents

Key documents relied upon by the Department in its assessment

- 1 Environmental Impact Statement
- 2 Modification Report
- 3 Submissions
- 4 Applicant's Response to Submissions
- 5 Applicant's response to Request for Information

The above documents and relevant supporting information to this assessment report can be found on the NSW Planning Portal:

Concept Modification:

<https://www.planningportal.nsw.gov.au/major-projects/projects/242-244-beecroft-road-epping-mod-1>

Detailed SSD:

<https://www.planningportal.nsw.gov.au/major-projects/projects/242-244-beecroft-road-epping>

Appendix B – Department's consideration of public and Council submissions

Issue	Consideration
Public Submissions	
Increased traffic congestion	The Department's assessment concluded that the proposal has an acceptable traffic impact on the local road network as it generates 11% less vehicle movements than the approved Concept Approval. Please refer to Section 6.5.1 of this Report.
Overdevelopment of towers in Epping Town Centre	The Department notes the proposal is on a site zoned for high density housing with a 48m height limit. The proposal has a density and scale in keeping with the development potential of the site and consistent with a proposal for a similar 15 storey development at 246-250 Beecroft Rd to the south. Please refer to Section 6.2 of this Report.
Infrastructure needs – Epping has insufficient playgrounds, open space, and parks for the proposed residents.	The Department finds that the proposal has a density and scale in keeping with the development potential for the site and the proposal has less apartments than the approved Concept. Conditions include a requirement to contribute to local infrastructure costs through the payment of Section 7.11 Developer's Contributions.

A driveway off Ray Road is not supported and all traffic should enter and exit via Beecroft Road.

The proposal provides two driveways, with one on Ray Road and one on Beecroft Road. The location of the proposed driveway on Ray Road is about 7m from the former driveway providing access to the site, which was an office park. The proposed driveway on Ray Road is necessary noting the other street frontage of the site, Beecroft Road is a classified state road and access to the site is limited to left in and left out. The design and location of the proposed driveways are acceptable to Council and TfNSW subject to recommended conditions for roadworks and public domain works. The Department also accepts Council's and TfNSW's advice and recommended conditions of consent.

Alternative land uses for restaurants and large scale shops should be pursued.

The site is zoned R4 High Density Residential. The Department notes the zoning objectives of the site is to provide high density housing and non-residential uses only for the day-to-day needs of local residents. Large scale commercial land uses are prohibited under the zone. Please refer to **Section 6.1** of this Report.

Proposal will impact the amenity of the residential area with increased shadows, wind, and noise

The Department has carefully considered the amenity of surrounding residential properties and find the proposal is acceptable from an overshadowing, wind, and noise perspective and consistent with the requirements of the Apartment Design Guide.

Please refer to **Section 6.7 and Appendix E**.

Proposal will place pressure on on-street car parking spaces.

The Department accepts the proposed on-site residential and non-residential car parking provision. The proposal complies with the maximum rates of the Concept Approval. Please refer to **Section 6.5.2** of this Report.

Affordable housing should be increased to 30% of dwellings.

The Department notes the proposal complies with the Concept requirement to provide a minimum 5% affordable housing, with the Concept applicant (Landcom) having an affordable housing policy to provide between 5 and 10% affordable housing across all projects it is involved in.

The Department notes a covenant has been registered against the title and the recommended approved plans include the location of the affordable dwellings.

Please refer to **Section 6.7** of this Report.

Proposal will increase pedestrians at crowded intersection crossings.

The Department finds that the proposal has a density and scale in keeping with the development potential for the site.

The Department notes the site is located outside of the Epping Town Centre and is located in a high to medium density residential area. Pedestrian paths along the site and surrounds are not identified to experience congestion.

Building heights should be restricted to 3 to 4 storeys.

The Department notes the height of buildings standard for the site is 48m and the proposal is generally in accordance with that standard.

Please refer to **Section 6.2.2** of this Report.

All car parking spaces should have electric car charging.

The Department notes the RTS included a commitment to provide charging capability to meet the (new) National Construction Code for 100% of parking spaces. The Department recommends conditions to implement the recommendations of the Applicant's engineers in relation to power supply and future metering.

Support the proposal due to its proximity to heavy rail and metro stations.

The Department notes the site is located approximately 300 m to Epping Station which provide access to both the Northern Suburb Line and Sydney Metro line.

City of Parramatta Council

Building Height

- height exceedance is not minimal
- Buildings C and E have some habitable spaces above the height standard
- no additional public benefit is within the proposal to justify the impact from the height non-compliance

The Department has carefully considered the requested dispensation from the 48m height standard in Section 6.2. The assessment concludes that the height non-compliances are acceptable as they arise from the undulating natural ground levels and higher floor-to-floor heights for building compliance. The Department also concludes the height non-compliance does not have additional impacts on surrounding properties compared to a compliant scheme.

Please refer to **Section 6.2** of this Report.

Setbacks and Building Separation

- front and rear setbacks should be 7m
- reduction of landscaped area along Beecroft – basement should be realigned to provide deep soil to the boundary
- increases in building lengths are not supported
- extension of Building D results in a 65m continuous street wall
- reduction of deep soil within the site which is required for large canopy growth
- balconies of apartments should not extend beyond the existing approved building envelopes
- Building A and D should better align as they have ground floor commercial and should have a greater front setback.
- Buildings D and B should better align.
- no extension of Buildings E and C is supported

The Department has carefully considered the proposed setbacks and their landscaping outcomes, in particular:

- compared to the approved Concept, the building envelopes are changed to a minor extent and increase the building separation while infilling voids or gaps between buildings which were cause for privacy issues.
- front and rear setbacks fully comply with the approved Concept, with the detailed design having less balconies along Ray Road and more soft landscaping and deep soil
- the proposal includes two rows of tree planting along Beecroft Road and soft landscaping in planter beds to soften the appearance of the development.
- building lengths are acceptable. Building D is 4m longer in a northerly direction than the original Concept and this extension is minor and acceptable. Building B, also fronting Beecroft Road, is narrower and setback further from the street.
- the building alignments are as per the Concept approval and the Department does not consider there is merit in realigning the proposal. This issue was not included in Council's comments at the Concept stage or EIS stage of the SSD.

Please refer to **Section 6.3** and **6.4** of this Report.

Setback to Devlins Creek

- extension of Building E and extension of Building C are not supported as they impact any effort to naturalise Devlins Creek in future.

The Department has carefully considered the setback to Devlins Creek in **Section 6.4** of this Report.

The Department notes the amended landscaping proposal includes a landscaped setback with lightweight boardwalk and tree planting along the site's boundary with Devlins Creek drain. Basement and other building structures are setback from this boundary. The Department therefore is satisfied that the proposal would not preclude the creek being re-naturalised in future should the current concrete culvert be removed.

Basement Setbacks and Alignment

- the basement should be consolidated beneath the building footprints and consistent with all building setbacks to provide opportunities for large trees and deep soil planting.

The Department notes the proposal will result in achievement of Apartment Design Guide recommendations for deep soil planting area and overall tree canopy coverage. In particular, tree canopy coverage was increased with the RTS from 22% of the site area to 29%. Please refer to **Section 6.4** of this Report.

Building Separation

- non-compliant separation between Buildings A and C
- non-compliant separation between Buildings B and D
- non-compliant separation between Building A and the southern boundary
- use of privacy screening should not mitigate the impact of lack of building separation

The Department has carefully considered the matters raised by Council and the State Design Review Panel in relation to building separation and privacy impacts. The proposal was amended at the RTS stage to address corners and wings between buildings. The Department finds the proposed building separation is acceptable and have been increased compared to the approved Concept.

Please refer to **Section 6.3** of this Report.

Tree Planting

- power lines along Beecroft Road should be undergrounded and street trees capable of growing to more than 13m should be proposed
- large trees should be planted in the Beecroft Road setback at 8-10m intervals
- tree species along Beecroft Road should be *Lophostemon confertus*
- tree species along Ray Road should be changed. *Waterhousia floribunda* are suggested.

The Department notes that Transport for NSW has confirmed street tree planting in the road reserve is acceptable along the proposed slip lane to Beecroft Road. Tree species will need to be confirmed as complying with TfNSW guidelines and may not be as desired by Council due to requirements for species that bend and snap in the event of vehicle collision.

Conditions relating to residual tree planting matters are adopted as per Council's recommendations:

- trees in setback to Beecroft Road to be planted in minimum 8-10m intervals, as is proposed in the landscape drawings except for the entry to the through site link
- tree species in the setback to Beecroft Road to be in accordance with Council's suggestion
- tree species along Ray Road to be in accordance with Council's suggestion.

Please refer to **Section 6.4** of this Report.

Site Reconfiguration

- the percentage of apartments receiving no direct sunlight is 17.6%, exceeding the ADG guidance of 15%.
- Reduction in separation between building wings results in north facing bedrooms having oblique windows facing west instead of north.

The Department finds the number of apartments receiving no sunlight, at 17.6% compared to 15% as recommended by the Apartment Design Guide is acceptable and a minor departure.

The Department notes that north facing bedrooms are not guided by any planning controls or guidelines for solar access like living rooms or private open space. Privacy treatments are incorporated for the relevant bedrooms to deal with cross viewing to other apartments.

Please refer to **Appendix E** of this Report.

Way finding and building accesses

- Consolidation of service vehicle and entry to basement parking is supported.
- Building E fire escape should exit directly to the street instead of the communal open space for safety reasons.
- Building E would benefit from access to the communal open space having a more direct path from the lobby and lifts.
- Building C access from the core to the communal open space should be more direct.
- Building A should have access to communal and open space through Building B and should have access to the rooftop open space above Building A.

The submitted RTS included additional way finding information. It confirmed that Building A has access to the communal and public open space through Building B and residents of Building A have access to the rooftop of Building A by extending the elevator to the rooftop.

The Department is satisfied that future residents of the proposed buildings will have reasonable access to communal open spaces.

There is a fire stair centrally located in the core Building E and would be required to meet fire safety requirements prior to the issue of the Construction Certificate.

Building A Entry

- Reduction in the area and width of the residential lobby to Building A does not promote a sense of address or visual interest and activation.
- Addition of an apartment at the Ray Road frontage of Building A is not supported.

The Department acknowledges Council's submission in relation to the proposed apartment along Ray Road for Building A and reduction in the lobby space.

The Department also notes advice from the Government's Architect's office on this matter. The Department recommends conditions to reduce the size of the apartment and increase the area of the entry lobby. Please see **Section 6.3** of this Report.

Solar access to Communal Open Space

- Communal open space should be reinstated to Buildings C or E as it receives more sunlight.

The Department has carefully considered the proposal's solar access to open space and concluded that the proposal is acceptable, without additional space on Building C or E, as the rooftops of Buildings A, B and D results in overall compliance with solar access to communal open space.

Please refer to **Section 6.3** of this Report.

Pedestrian Through Site Link

- Applicant's revisions to the through site link appear much better resolved
- the link should have a clear visual connection from Beecroft Road. The current alignment of the ramps, stairs and retaining walls obstruct clear sightlines to the link.
- the link must be 3m wide.
- check that the connected ramps must not have a combined vertical rise of more than 3.6m

The Department considers the through site link has an acceptable visual connection to Beecroft Road and has been amended to remove some visual barriers at the RTS stage.

The through site link is 3m wide along its length and the revised ramps do not have a vertical rise of more than 3.6m.

Please refer to **Section 6.4** of this Report.

Accessibility and Adaptability

- ensure compliance with the Access Report
- wayfinding and shoreline identification is provided from the footpaths to the buildings to the building entries.
- consider ramped access directly from Beecroft Road footpath to provide a less convoluted path of travel.
- adaptable apartments require design amendments to bathrooms, showers, and door widths.

The Department notes the amended proposal with the RtS reduced the length of the ramps along the through site link and a lift have been included to improve accessibility. The RtS also provided additional way finding information and clarified connections of pathways around the proposed buildings.

The Department notes the detailed design for accessibility and adaptable units are required to be provided as part of the construction certificate process. The Department recommends conditions that demonstrate adaptable units comply with Australian Standards.

Affordable Housing

- no further comments are provided in relation to the delivery of affordable housing.

The Department notes Council's comments.

Public Domain

- All existing footpaths, kerbs and gutters along both street frontages should be reconstructed.
- footpaths should be 1.8m wide and constructed to Council's standards
- footpaths should be built at the property boundary enabling as wide a verge as possible
- electrical pillars, where required, should be installed neatly with a distance of 100mm from the property boundary
- street furniture should be provided as per Parramatta Public Domain Guidelines.

The Department accepts Council's advice and recommends conditions for public domain works adopt these requirements.

Flooding and Stormwater

- flood study lodged with the Response to Submissions is satisfactory
- proposed on site detention tank should be relocated so it is not beneath or adjacent to habitable rooms
- an additional access grate to the on-site detention tank is required.

The Department accepts Council’s recommended conditions in relation to the on-site detention tank details.

Appendix C – Consistency of Detailed Design SSD with Concept Approval conditions

Concept Approval	Department’s Consideration
Affordable Housing Registered on Title	
<p>B1. Prior to the determination of the first future Development Application, a restriction must be registered against the title of the property on which the development is carried out...that will ensure a minimum of 5% of the approved residential gross floor area is either dedicated, transferred to, or managed by a Registered Community Housing Provided and made available as affordable housing as defined in SEPP (Affordable Rental Housing) 2009.</p>	<p>The EIS included evidence of a positive covenant that has been registered on the title securing the affordable housing dwellings. These are to be managed by a Community Housing Provider.</p>
Design Guidelines	
<p>B3. Prior to the lodgement of any detailed development application, the Design Guidelines must be amended to the satisfaction of the Planning Secretary [in relation to]:</p> <ul style="list-style-type: none"> • additional design guidance for the through-site link • additional design guidance for street tree planting along Beecroft Road • additional design guidance for the Ray Road frontage 	<p>The Design Guidelines were updated to include the matters required by Condition B3 prior to the lodgement of the Detailed Design SSD. The updated Guidelines are addressed in Appendix C below.</p>
Environmental Performance / ESD	
<p>B3. Prior to the lodgement of future development applications, the Applicant shall submit an updated ESD Report to the satisfaction of the Planning Secretary which amends</p>	<p>An updated ESD memorandum was lodged and approved by the Planning Secretary prior to the lodgement of the Detailed Design SSD.</p>

the “targets” in previous report to “minimum targets”.

Maximum Building Envelopes

C1.	Future development applications must demonstrate that the buildings are wholly contained within the plans listed in Condition A2	The Concept Modification contains altered building envelopes. The SSD is wholly contained within the updated envelopes.
C3.	The maximum achievable gross floor area (GFA) is 38,700m ² and this amount will only be achieved subject to demonstration of: <ul style="list-style-type: none">• being wholly contained within the approved building envelopes• compliance with the conditions of this concept approval• demonstration of design excellence.	The SSD complies with the maximum approved GFA, and the Department is satisfied the buildings are wholly contained within the proposed building envelopes, the development complies with the conditions of the Concept and the development demonstrates design excellence.

Built Form and Urban Design

C4.	The detailed development applications shall address compliance with: <ul style="list-style-type: none">• the Design Excellence Strategy• the Design Guidelines• the conditions of this consent.	The Department is satisfied the SSD addresses compliance with the Design Excellence Strategy, Design Guidelines, and conditions of the Concept Approval.
C5.	The following elements are not inconsistent with the concept proposal but are subject to further assessment with the relevant detailed development application: <ul style="list-style-type: none">• land uses including residential accommodation, office premises, business premises, food and drink premises, medical centres and shops• indicative signage zones, following preparation of a Signage Strategy• subdivision.	<p>The SSD seeks consent for land uses, including partially prohibited land use in the form of commercial premises, and stratum subdivision.</p> <p>The SSD does not seek consent for any signage. The Department recommends a condition requiring further development consent for signage, for example through a local development application with Council.</p>

Design Integrity

C6.	Future development applications must be accompanied by a Design Integrity Report that demonstrates how design excellence and design integrity will be achieved in accordance with: <ul style="list-style-type: none">• the design objectives of the Concept Development Application	<p>The SSD includes a Design Report by Turner Studio Architects which addresses the objectives of the Concept approval, the design guidelines, the State Design Review Panel advice, and the conditions of the Concept.</p> <p>The SSD includes satisfactory responses to SDRP advice.</p>
-----	---	--

<ul style="list-style-type: none"> • consistency with the approved Design Guidelines • the advice of the Design Review Panel • the conditions of this consent. <p>The DIR must include a summary of feedback provided by the DRP and responses by the Applicant to this advice. The DIR must also include how the process will be implemented through to completion of the approved development.</p>	<p>The Department recommends conditions in relation to design excellence to ensure Turner Studio remains contracted into the construction certificate phase and requires the Applicant to advise the Department of any changes to the design to determine whether further review by Government Architects Office or the SDRP may be required.</p>
<hr/> <p>Affordable Housing</p>	
<p>C7. Future development applications must demonstrate compliance with</p> <ul style="list-style-type: none"> • [repeated requirement from Condition B1] • Apartments to be managed by the Community Housing Provider are to be a mixture of studio, 1 bedroom, 2 bedroom and 3 or more bedroom apartments in line with the apartment mix of the remainder of the residential accommodation. 	<p>The SSD demonstrates that the affordable housing dwellings will have a dwelling mix of 1, 2 and 3 or more bedrooms consistent with the mix of the entire development. There is 16% 1 bedroom, 53% 2 bedroom and 31% 3 bedroom affordable housing dwellings.</p>
<hr/> <p>Car Parking and Bicycle Parking</p>	
<p>C8. Future development applications must include a Car Parking Strategy and Management Plan and demonstrate compliance with:</p> <ul style="list-style-type: none"> • [a series of car parking rates, motorcycle parking rates, bicycle parking rates, car share rates and end-of-trip facility requirements] 	<p>The submitted Traffic and Parking Report demonstrates compliance with each car parking and bicycle parking rate adopted in the Concept approval.</p>
<hr/> <p>Travel Demand Management</p>	
<p>C9. Future development applications must be accompanied by a Green Travel Plan.</p>	<p>The SSD includes a satisfactory Green Transport Management Plan.</p>
<hr/> <p>Traffic, Access, and Parking Assessment</p>	
<p>C10. Future development applications must be accompanied by a Traffic and Transport Impact Assessment.</p>	<p>The SSD includes a satisfactory Traffic and Parking Assessment.</p>
<p>C11. Future development applications must include consideration of:</p> <ul style="list-style-type: none"> • Design options to enforce left in/left out vehicle movements from the Beecroft Road access point and prevent traffic 	<p>The proposed slip lane has been designed to be enable left in/left out vehicle movements.</p> <p>The proposed slip lane incorporates a kerb build out to the north of the proposed entry driveway to prevent</p>

<p>entering the Epping Services Facility from entering the deceleration lane, such as provision of a splitter island at the proposed car park access</p> <ul style="list-style-type: none"> • Review of the Ray Road vehicle access for visibility and safety for vehicles turning out, conflict with pedestrians and conflict associated with vehicles turning right into the development and through vehicles. • Project demand for double marked lanes up to Carlingford Road from the development access point of Ray Road in consultation with RMS and Council. 	<p>vehicles entering the Services Facility from entering the slip lane.</p> <p>The SSD includes a new driveway approximately 7m from the position of the existing driveway which serviced a large business park development. Road safety audits will be carried out to refine the design of the driveway prior to construction.</p> <p>The SSD forecasts low demand of 12 vehicles per hour in the afternoon peak turning right from Ray Road into the driveway. The Applicant notes there is existing “No Stopping” signposting between Carlingford Road and the south-west corner of the site. As such, the Applicant contends, and the Department agrees, that the warrants for introducing double marked lanes on Ray Road up to the proposed driveway are not met.</p>
<p>C12. Future development applications must include a Construction Traffic and Pedestrian Management Plan (CTMP),</p>	<p>The SSD includes a preliminary Construction and Pedestrian Traffic Management Plan with the Traffic and Parking Assessment. The Department recommends conditions of consent which require a final CTMP prior to commencement of construction.</p>
<p>C13. Independent road safety audits are to be undertaken for all stages of further design development involving road operations and traffic issues and cognisant of all road users. Any issues identified by the audits will need to be closed out in consultation with Sydney Coordination Office, RMS and/or Council to the satisfaction of the relevant roads authorities.</p>	<p>Independent road safety audits are required to be carried out prior to the commencement of construction in accordance with Transport for NSW guidelines.</p>
<p>Sydney Metro Corridor Protection</p>	
<p>C14. Future development applications must include the preparation and submission of documentation compliance with Sydney Metro Underground Protection Technical Guidelines.</p>	<p>Sydney Metro Corridor Protection team have reviewed the SSD documentation and advised it satisfies their Guidelines. They recommended a series of conditions of consent for reporting and management requirements on the development.</p>
<p>Sydney Water Conditions</p>	
<p>C15. Future development applications must address compliance with:</p> <ul style="list-style-type: none"> • No building or permanent structure is to be built over the stormwater channel or within 1m from the outside wall of the stormwater channel or within Sydney Water easement, whichever is larger. • Submit elevation drawings within the stormwater channel to ensure the 	<p>The SSD demonstrates that no structures will be located over the stormwater channel and within 1m of the outer face of the stormwater channel.</p>

proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel and away from any Sydney Water easement.

Heritage Impact Assessment

C16. Future development applications must include a detailed Heritage Impact Statement for the proposed works, including an unexpected finds protocol for Aboriginal and historical archaeology.

The SSD includes a satisfactory Heritage Impact Statement which includes an unexpected finds protocol.

Wind Impact Assessment

C17. Future development applications must be accompanied by a Wind Impact Assessment including computer modelling within a wind study of detailed built form. Wind criteria for the use of the different spaces around the development are to be adopted. Recommendations of the Wind Impact Assessment must be incorporated in the drawings lodged.

The SSD includes a satisfactory Pedestrian Wind Environment Study including wind tunnel assessment.

Environmental Performance / ESD

C18. Future development applications must demonstrate consistency with the approved ESD Report and Addendum

The Sustainability Report adopts the minimum targets of the Concept approval.

C19. Future development applications must demonstrate how the principles of ESD have been incorporated into the design, construction, and ongoing operation of the proposal.

The Sustainability Report demonstrates how the principles of ESD are incorporated into the development.

C20. The Environmental Sustainability Strategies prepared for the future development applications are to identify which independent sustainability rating tool certification will apply to the whole site, and identify the targeted rating level that represents at least best practice.

The Sustainability Report adopted the Greenstar Design and Building Rating tool and the development is targeting a 5 star rating.

Security and Crime Assessment

C21. Future development applications must be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to Crime Prevention Through Environmental Design (CPTED)

The SSD includes a satisfactory Crime Prevention Through Environmental Design (CPTED) assessment.

principles and NSW Police publication
“Safe Place: Vehicle Management”

Construction Impact Assessment

<p>C22. Future development applications must provide analysis and assessment of the impacts of the construction works and include:</p> <ul style="list-style-type: none">• Construction Traffic and Pedestrian Management Plan• Community Consultation and Engagement Plan• Noise and Vibration Impact Assessment• Construction Waste Management Plan• Air Quality Management Plan.	<p>As per Condition C22, the Department recommends conditions of consent requiring a CEMP and associated sub-plans prior to the commencement of work.</p>
<p>C23. The plans above may be prepared as part of a Construction Environmental Management Plan prepared for implementation under the conditions of any consent for future development applications.</p>	<p>As above. The Department recommends conditions of consent requiring the CEMP and sub-plans be prepared and put in place prior to construction.</p>

Noise and Vibration Assessment

<p>C24. Future development applications must be accompanied by a Noise and Vibration Impact Assessment that demonstrates the following requirements are met:</p> <ul style="list-style-type: none">• vibration from construction does not exceed the limits established in British Standard B27385-2:1993• provide a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigation measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.	<p>The SSD includes a satisfactory Noise and Vibration Assessment. The Department recommends conditions of consent to require a Construction Noise and Vibration Management Plan which sets project specific noise management levels and standard vibration screening levels.</p>
<p>C25. The Noise and Vibration Assessment must address the conclusions and recommendations of the Concept Noise and Vibration Report dated September 2019 by Wilkinson Murray.</p>	<p>The Noise and Vibration Assessment responds to the recommendations of the Concept Approval.</p>

Flooding and Stormwater Assessment

C26. Future development applications must be accompanied by a Flood and Stormwater Impact Assessment.	The SSD includes a satisfactory Flood Report and supplementary flooding analysis in response to Council's submissions.
---	--

Reflectivity Assessment

C27. Future development applications must include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.	The SSD includes a satisfactory reflectivity analysis by Turner Studio.
--	---

Bushfire Risk Assessment

C28. Future development applications must be accompanied by a Bushfire Risk Assessment, demonstrating compliance with Planning for Bushfire Protection 2019.	The SSD is accompanied by a letter from a qualified bushfire consultant advising the bushfire prone land maps have been amended and the site no longer contains Category 1, 2 or 3 vegetation and is no longer in the vegetation buffer and is therefore not bushfire prone land.
--	---

Appendix D – Consistency of Detailed Design SSD with Design Guidelines

The Design Guidelines (DGs) were generated and amended during the Concept SSD assessment and determination process to ensure the delivery of high-quality built form and landscape outcomes and provide a framework for meeting the intended vision and objectives for the development.

The Department has carefully considered the proposal against the relevant objectives and controls within the DGs below.

Controls	Department's Consideration
Urban Design Principles	
<p>1. Introduce low scale street defining buildings along Beecroft Road and Ray Road.</p> <p>1.1 Locate low scale buildings along the site's two street frontages at Ray Road and Beecroft Road.</p> <p>1.2 Buildings to meet the Apartment Design Guide</p> <p>1.3 Apartment design to encourage passive surveillance of streets, courtyards, common areas</p> <p>1.4 Building design to incorporate balconies, façade treatments and screening to provide articulation and modelling to built form</p> <p>1.5 Incorporate communal open space on rooftops</p> <p>1.6 Use high quality, durable materials along public space, streets, and communal spaces</p> <p>1.7 Architectural expression and character to be consistent through development with</p>	<p>The Design Guidelines are addressed as follows:</p> <ul style="list-style-type: none"> • low scale, 5-7 storey, buildings are located along the street frontages • ADG guidance is addressed and the Department's assessment concludes the performance of the proposal is satisfactory • the proposal achieves a good balance between surveillance of the public domain and open spaces and providing privacy to occupants • the buildings are appropriately articulated • the proposal includes rooftop open space on Buildings A, B and D • landscape plans demonstrate use of high quality and durable materials • the Design Report confirms the architectural approach is a deliberate consistency in built form, with materials and finishes defined for podiums and towers, which is satisfactory • lobbies are designed as inviting and clearly visible and were reviewed and changed as part of the RTS

<p>variety and difference introduced through colour and material selection.</p> <p>1.8 Residential lobbies designed to be inviting and have a clear identity and entry point.</p> <p>1.9 Investigate opportunities to step the building levels along the slope of Ray Road to provide activated frontage and provide at grade pedestrian access to ensure basement walls do not dominate the frontage.</p> <p>1.10 Where basement walls protrude aboveground and buildings are unable to be stepped, refer to Section 3.10 for basement treatment options.</p>	<ul style="list-style-type: none"> • the Ray Road frontage has not required stepped building levels as pedestrian access is at grade and there are no protruding basement walls • basement walls do not protrude aboveground along Ray Road.
<p>2. Create new through site link to break down the scale of the urban block and increase area connectivity.</p> <p>2.1 Provide an accessible route through the site for pedestrians between Beecroft and Ray Roads.</p> <p>2.2 Use through site link to break down the length of building frontage along Ray and Beecroft Roads.</p> <p>2.3 Use deep soil areas within through site link to provide mature trees for shade and privacy</p> <p>2.4 Provide clear and legible access to residential lobbies located along the through site link</p> <p>2.5 Provide a range of areas for seating, planting, waiting</p> <p>2.6 Use high quality and durable materials for the public domain.</p> <p>2.7 Incorporate Water Sensitive Urban Design for the management of stormwater</p> <p>2.8 Incorporate lighting and sightlines to ensure user safety and comply with Crime Prevention Through Environmental Design Principles</p> <p>2.9 The design of the through site link should increase the amount of landscaped area and rationalise ramps and staircases, such as by</p> <ul style="list-style-type: none"> • Investigate separating the staircase and ramps • Simplify the levels at landings • Reduce the total length of ramps • Increase landscaped spaces at level changes • Consider how the path of travel for ramps will terminate near building entrances. <p>2.10 Investigate design responses to keep the through site link open 18 to 24 hours a day.</p>	<p>The Design Guidelines are addressed as follows:</p> <ul style="list-style-type: none"> • a publicly accessible through site link is provided • the through site link suitably breaks down the building frontage to Ray and Beecroft Roads • deep soil is incorporated primarily at the Ray Road frontage of the through site link to provide tree planting amenity • access to residential lobbies for Buildings B and C is clear and legible • a variety of areas are provided along the through site link for seating, planting, and idling. • landscape plans demonstrate use of high quality and durable materials • landscape plans demonstrate soft landscaping in at-grade gardens, planter beds and planter boxes reduced the hardstand area of the proposal for stormwater management • recommendations of the CPTED report and through site link management plan including lighting and sightlines are subject to conditions of consent • the through site link separates staircases from ramps and increase landscape area compared to the Concept approval. The link was further redesigned at the Response to Submissions stage to rationalise ramps, provide larger areas of landings for variety of uses and incorporate an elevator for ease of access • the Management Plan lodged proposes the through site link be open 24 hours a day.
<p>3. Position taller buildings as a sequence of towers following the site orientation.</p>	<p>The Design Guidelines are addressed as follows:</p>

-
- 3.1 Locate towers in a north to south arrangement along Beecroft Road
 - 3.2 Orient towers east-west to present the narrow edge to the street front and to maximise daylight access to residences
 - 3.3 Arrange towers with an appropriate (minimum ADG) separation to allow for daylight access, visual and acoustic privacy
 - 3.4 Apartment design to encourage passive surveillance of street, courtyards, common areas
 - 3.5 Building design to incorporate balconies, façade treatments and screening to provide articulation and modelling to built form
 - 3.6 Incorporate communal open spaces on rooftops to cater to a range and variety of uses and users
 - 3.7 Use high quality, durable materials
 - 3.8 Architectural expression and character to be consistent through development with variety and difference introduced through colour and material selection.
- the proposed towers are located with their narrow edge to Ray Road and Beecroft Road and oriented east-west as desired and approved
 - separation distance between towers complies with the ADG
 - east and west facing apartments are oriented to Beecroft Road and Ray Road for surveillance of streets, north-south apartments are oriented to the common areas
 - the buildings are appropriately articulated
 - the proposal includes rooftop open space on tower building B, as well as podium buildings A and D
 - landscape plans demonstrate use of high quality and durable materials
 - the Design Report confirms the architectural approach is a deliberate consistency in built form, with materials and finishes defined for podiums and towers, which is satisfactory.

4. Shape and orient tall buildings to maximise solar amenity, cross ventilation, and aspect, and to break down the scale of the buildings.

- 4.1 Split towers into smaller elements to:
 - allow for greater daylight access
 - increase cross ventilation opportunities
 - present a more slender façade area to the street
- 4.2 Use breaks in towers to provide natural daylight and ventilation to residential lobbies.
- 4.3 Rotate tower elements to increase daylight access and to break down the scale of the built form.

The Design Guidelines are addressed as follows:

- the proposed towers are modified in a minor way compared to the approved Concept and retain east-west orientation and footprints that allow for satisfactory daylight access, natural ventilation, and narrow edge to streets
- lift corridors are provided with satisfactory natural light and ventilation particularly above the podium levels within tower forms
- compared to the approved Concept, the envelopes of the towers are rotated a small amount to optimise solar access.

5. Locate non-residential uses at ground level adjacent to the busy Beecroft Road and adjacent to the through site link.

- 5.1 Locate non-residential uses at ground floor fronting Beecroft Road and the through site link
- 5.2 Provide floor to floor heights suitable for a range of non-residential uses
- 5.3 Use high quality and durable materials for non-residential spaces
- 5.4 Design of non-residential spaces and building façade to be open and inviting, and visible from the public domain
- 5.5 Public domain and common areas fronting the non-residential uses to incorporate seating, planting, and waiting areas with high quality materials and finishes
- 5.6 Promote activation at street level along Beecroft Road frontage.

The Design Guidelines are addressed as follows:

- commercial uses are located along Beecroft Road and the eastern end of the through site link
 - floor to floor heights were increased as part of the Response to Submissions and provide suitable height for commercial uses
 - landscape plans demonstrate use of high quality and durable materials
 - commercial spaces are located adjacent to a publicly accessible plaza and landscaped setback to Beecroft Road
 - the design of the Beecroft Road plaza and adjacent areas includes seating and planters for visitors and users of the commercial spaces
 - commercial uses are located along Beecroft Road and the eastern end of the through site link to activate the east frontage of the site.
-

6. Use landscaping to

- **Define the public and private domain at ground level**
 - **Provide deep soil buffers to adjacent properties**
 - **Create new rooftop communal spaces of varied character.**
- 6.1 Provide native mature trees and plantings in deep soil areas for shade, privacy, and ecosystem development
- 6.2 Provide a range of areas for seating, planting, waiting along through site link and common areas
- 6.3 Rooftop communal spaces are to provide shading, communal productive gardens, BBQs, areas that accommodate individuals and groups, protection from the wind
- 6.4 Provide clear and legible access to residential lobbies located along the through site link
- 6.5 Use high quality and durable materials for the public domain
- 6.6 Incorporate Water Sensitive Urban Design for the management of stormwater
- 6.7 Incorporate lighting and sightlines to ensure user safety and comply with Crime Prevention Through Environmental Design Principles
- 6.8 Consult with Roads and Maritime (RMS) to explore opportunities to plant street trees along the Beecroft Road frontage, including tree setbacks from kerb, species, and mature canopy height

The Design Guidelines are addressed as follows:

- the proposal achieves a high percentage of site area as deep soil planting and overall open space, with 21% deep soil area and 29% tree canopy coverage forecasted after 10 years
- the through site link was amended at the Response to Submissions to simply the design and provide a variety of spaces for users
- rooftop communal open spaces on Buildings A, B and D incorporate shade options, space for productive gardening, BBQs, wind protection and additional amenity through a 16m pool and gym
- access to residential lobbies for Buildings B and C is clear and legible
- landscape plans demonstrate use of high quality and durable materials
- landscape plans demonstrate soft landscaping in at-grade gardens, planter beds and planter boxes reduced the hardstand area of the proposal for stormwater management
- recommendations of the CPTED report and through site link management plan including lighting and sightlines are subject to conditions of consent
- Transport for NSW (RMS) have confirmed that street tree planting along the proposed Beecroft Road slip lane is satisfactory, subject to demonstrating compliance with their guidelines.

Appendix E – Statutory Considerations

Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in Section 1.3 of the Act. A response to the objects is below.

Object of Section 1.3 of EP&A Act	Department's Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources	<p>The proposal promotes the social and economic welfare of the community by providing employment and housing within a highly accessible site to public transport, and, in doing so, contributing to the achievement of State, regional and local planning objectives.</p> <p>The proposal comprises development associated with existing transport infrastructure and does not have any impacts on the State's natural or other resources.</p> <p>The proposal is predicted to generate 265 construction jobs and 15 operational jobs.</p>

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment	The proposal has integrated ESD principles and targets as discussed in Section 4.5 of this report.
(c) to promote the orderly and economic use and development of land	<p>The proposal represents the orderly and economic use of the land primarily as it will increase housing and provide employment opportunities near public transport.</p> <p>The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding development.</p>
(d) to promote the delivery and maintenance of affordable housing	The proposal includes the delivery of affordable housing with a minimum 5% of dwellings to be affordable housing managed by a community housing provider.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats	The proposal is supported by a BDAR waiver, which confirms that no remnant native vegetation, threatened flora species, ecological communities, or their habitat, listed under the BC Act would be affected by the proposal.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<p>The site does not contain heritage items and is not located near or within a conservation area. The closest heritage items are 80m and 100m to the north and north-west and the Heritage Impact Statement concludes there is a neutral impact upon them due to lack of views between the sites.</p> <p>The Department is satisfied that the development will have no adverse impact on local heritage items and there is little potential for aboriginal archaeological remains.</p>
(g) to promote good design and amenity of the built environment	The proposal demonstrates a good design approach to the relevant planning controls and local character. The development has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulations, and the site-specific construction management plan required by conditions of consent. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate impacts. Ongoing management and maintenance of the development will be by the building management and owner's corporation.
(i) to promote the sharing of the responsibility for environmental planning and assessment between	The Department publicly exhibited the proposed development as outlined in Section 5 of this report. This

the different levels of government in the State	included consultation with Council and other Government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the proposal which included notifying adjoining landowners and displaying the application on the NSW Planning Portal and at Service NSW Centres.</p> <p>The Department also referred the RtS to Council and other relevant Government agencies and made it publicly available on the NSW Planning Portal. The engagement activities carried out by the Department are detailed in Section 5 of this report.</p>

Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed below.

Section 4.15(1) Evaluation	Department's Consideration
(a)(i) any environmental planning instrument	The Department's consideration of the relevant EPIs is provided below and in Section 6 of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to The Hills DCP in Section 6 of this report.
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	The site is not identified as being located within a designated coastal area.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the proposal have appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as summarised in Section 5 and considered in Section 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed in Section 6 of this report.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into

consideration in the Department's environmental assessment. The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- Draft State Environmental Planning Policy (Remediation of Land)
- The Hills Local Environmental Plan 2019.

State Environmental Planning Policy (Planning Systems) 2021

An assessment against relevant sections of the Planning Systems SEPP is set out in the table below:

Relevant Section	Department's Consideration
<p>2.1 Aims of Policy</p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	<p>The proposal is identified as SSD.</p>
<p>2.6 Declaration of State significant development: Section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposal is permissible with consent and is specified in Schedules 1 and 2.</p>
<p>Schedule 1 State significant development —general (clause 19 (2))</p> <p><i>19 Rail and related transport facilities</i></p> <p>Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes:</p> <p>(a) commercial premises or residential accommodation</p>	<p>The proposal has a CIV of more than \$30 million and is part of a concept development application which involved development within a rail corridor for the purpose of residential accommodation and commercial premises.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021

The SEPP Transport and Infrastructure aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing

for consultation with relevant public authorities about certain development during the assessment process.

The SEPP is applicable as the proposal:

- involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro North West corridor.
- involves development with frontage to a classified road (Beecroft Road) requiring Transport for NSW referral and advice.

The Department sought and received advice from Sydney Metro Corridor Protection and Transport for NSW on the proposal. Both agencies are satisfied with the proposal and recommended a series of conditions of consent that have been incorporated in **Appendix H**.

The proposal includes residential development in proximity to a classified road (Beecroft Road), and railway infrastructure (Northern Rail Line) and the SEPP requires the consent authority to consider acoustic impacts in such circumstances. The application is supported by an Acoustic Report which provides an assessment of noise and vibration impacts.

The Department has considered construction and operational noise and concludes noise impacts can be appropriately managed and/or mitigated. The Department has recommended a condition requiring the development to comply with the recommendations made with the Acoustic Report.

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

BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy, and thermal comfort. BASIX requires all new dwellings to meet sustainable targets of a 35% reduction in energy use (building size dependent) and 40% reduction in potable water.

The application was accompanied by a BASIX certificate, which demonstrated the proposal will achieve sustainable targets of a 35% reduction in energy use and 43% reduction in potable water, exceeded the minimum requirements of the SEPP.

The ESD Report accompanying the application identifies that the development will achieve a 5-star Green Star “Design and As-Built” rating for both residential and non-residential developments.

State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP Resilience and Hazards aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment for the site which concludes that no significant contamination impacts have been identified that would preclude redevelopment of the site for the proposed land uses.

The Department is satisfied that the site will be made suitable for the proposed uses subject to the recommendations of the soil and contamination assessment report being adopted in future detailed development applications. The Department recommends conditions to ensure measures are in place should any unanticipated contamination be found during future works.

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

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department is satisfied that the proposal concept achieves the objectives of SEPP 65 as detailed in the table below:

Design Principles	Department's Consideration
1. Context and Neighbourhood Character	The proposal is consistent with the desired future character for the area and reflects the development standards of HLEP.
2. Built Form and Scale	The proposal results in a suitable built form and scale consistent with the desired future character of the precinct.
3. Density	The development is generally consistent with the maximum height permitted under HLEP and achieves the design outcomes of the ADG. The Department considers the development achieves an acceptable density envisaged under the applicable planning controls.
4. Sustainability	The development proposes ESD principles and sustainability measures as detailed in Section 4 of this report.
5. Landscape	The proposal will incorporate a range of landscaped and open space areas.
6. Amenity	The proposal will achieve good amenity by providing a built form which results in appropriate solar access to residential dwellings, communal and private open spaces, and adjoining land. It has been designed to have negligible privacy impacts and promotes high density residential living with convenient access to the high frequency rail services and Epping Town Centre services.
7. Safety	The proposal promotes the principles of Crime Prevention through Environmental Design through appropriate design which provides opportunities for passive surveillance of common areas from residential and non-residential uses, activation of spaces by locating mixed uses on the ground floor, and pedestrian and cycle links to transport for residents, workers, and visitors to the site.
8. Housing Diversity and Social Interaction	The proposal promotes housing diversity with a range of housing options including 1, 2 and 3 bedroom dwellings of various sizes and layouts and the provision of 19 (5%) dwellings as affordable housing. The provision of a through-site link, plaza, retail spaces and communal open space areas encourages social interaction amongst residents and visitors to the site
9. Aesthetics	The proposal provides an urban form and scale consistent with the Concept Approval and the UDG. The project has been the subject of a formal Design Review process, with presentations to the SDRP throughout the design development to ensure design excellence principles and objectives are realised.

Apartment Design Guide (ADG)

An assessment of the proposal against the ADG best practice design principles is provided in the table below. The concept proposal was prepared at the scale of a masterplan and the proposal has been assessed against the relevant Design Criteria relevant to a masterplan scale.

Relevant Criteria	Department's Consideration
2E Building Depth <ul style="list-style-type: none">Use a range of building depth of 12-18 m from glass line to glass lineWhere greater depths are proposed demonstrate layouts can achieve acceptable amenity	<p>The proposal is contained within the approved building envelopes. The proposal achieves building depths consistent with the design criteria in the ADG.</p>
3B Orientation <ul style="list-style-type: none">Building type/layouts respond to streetscape, optimising solar access.Overshadowing of neighbouring properties is minimised	<p>The Applicant has demonstrated the proposal achieves appropriate solar access to future dwellings, communal open space, and adjoining sites. The proposal is fully contained within the approved building envelope.</p> <p>The submitted shadow diagrams illustrate that the neighbouring proposal at 246-250 Beecroft Road will have complaint solar access and the impact to properties to the south-west along Ray Road is minimal and compliant.</p>
3C Public Domain Interface <ul style="list-style-type: none">Transition between public/private without compromising securityAmenity of public domain is retained and enhanced	<p>Entry points to the buildings are distributed throughout the site, adjoining internal open space areas or along street frontages. Residential entry points and courtyards within front setback areas are delineated through use of appropriate materials.</p> <p>Residential entry points are clearly defined and provide appropriate reciprocal surveillance between the public domain and the buildings without compromising access, use, and circulation.</p>
3D Communal and Public Open Space <ul style="list-style-type: none">minimum 25% of the siteminimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in mid-winter	<p>The proposal includes 4,146 m² of communal open space (41% of the site area) of which over 50% receives 2 hours of solar access during mid-winter.</p>
3E Deep Soil Zones <ul style="list-style-type: none">deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air qualityfor sites greater than 1,500 m² a minimum of 7% to 15% of the site should provide for deep soil zone(s).	<p>The proposal provides minimum soil depths of 1.2 m within the through site link and on the podium communal open spaces, in addition to appropriate soil volumes, to support substantial tree planting.</p> <p>The Department notes the proposal will achieve 21% deep soil provision and 29% tree canopy cover (see Section 6.3.3).</p>

3F Visual Privacy

Minimum separation distance from building to side boundary:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6 m	3 m
Up to 25m (5-8 storeys)	9 m	4.5 m
Over 25m (9+ storeys)	12 m	6 m

A 12m building separation recommendation to the southern boundary is met by the proposal.

The northern boundary adjoins the Epping Services Facility for the operational metro line and the setback to the boundary is reduced to approximately 6m, as there would be no perceived privacy conflict. The setback area between the proposed building and the common boundary with the Epping Service Facility would also be provided with deep soil landscaping to improve outlook and amenity.

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain
- Access, entries, and pathways are accessible and easy to identify
- Large sites provide pedestrian links for access to streets and connection to destinations

Building access points have a direct connection to street frontages or public domain areas. Residential lobbies are separated from retail frontages. Pedestrian entrances are visible, accessible and allow for reciprocal surveillance between entrances, the street or public domain areas.

3H Vehicle Access

Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

The proposal includes vehicle access for the residential and service vehicles consistent with the requirements of the Concept Approval.

3J Bicycle and Car Parking

- Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less
- Parking is available for other modes of transport
- Car parking design access is safe and secure
- Visual and environmental impacts of underground, at grade or above ground car parking are minimised

The proposal provides residential and non-residential car and bicycle parking in accordance with the Concept Approval (see **Section 6.4.2**).

4A Solar and Daylight Access

- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area
- Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter

The proposal results in 72.8% of the dwellings achieving 2 or more hours of direct solar access, between 9.00am and 3.00pm, midwinter in accordance with the ADG.

There are 17.6% apartments that have no direct solar access between 9am and 3pm in midwinter. This minor departure is acceptable as the building envelopes are orientated generally east-west, producing a higher proportion of south facing apartments, and the non-compliance relates to eight

- Shading and glare control is provided

apartments of the 374 proposed. It is however noted that the proposal would have more than 70% of apartments with living rooms and open space in sunlight for more than 2 hours in midwinter. The Department therefore concludes that the proposal, overall provides a reasonable level of solar access to the proposed apartments.

4B Natural Ventilation

- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated)
- Overall depth of a cross-over or cross-through apartment does not exceed 18 m

The proposal is subject to high traffic and rail noise and does not need to be naturally cross ventilated as per the dispensations within the ADG. The proposal supplements non-noise affected cross ventilated apartments with apartments that are naturally ventilation through the use of acoustically treated plenums.

Where cross-through dwellings are proposed, they are less than 18 m deep.

4C Ceiling Heights

- Measured from finished floor level to finished ceiling level, minimum ceiling heights for residential are:
 - Habitable rooms = 2.7 m
 - Non-habitable rooms = 2.4 m
- Mixed uses area = 3.3 m for ground floor and first floor to promote future flexibility of use

The proposal provides ceiling heights in accordance with the design criteria in the ADG.

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35 sqm
 - 1 Bed 50 sqm
 - 2 Bed 70 sqm
 - 3 Bed 90 sqm
- Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms
- Habitable room depths are limited to 2.5 x the ceiling height
- In open plan layouts the maximum habitable room depth is 8 m from a window
- Master bedroom has a minimum area of 10 m² and other bedrooms have 9 m²
- Bedrooms have a minimum dimension of 3 m (excluding wardrobes)
- Living rooms have a minimum width of:
 - 3.6 m for studio and one Bed

The proposal includes a range of dwellings sizes and layouts providing increased options and affordability.

Dwelling Type	Dwelling Sizes
1 bedroom	From 50m ² to 55m ²
2 bedroom	From 76m ² to 90m ²
3 bedroom	From 95m ² to 123m ²

The ADG guidance on window dimensions, room depths and room dimensions are adopted in the proposal.

<ul style="list-style-type: none"> - 4 m for 2 and 3 Bed • The width of cross-over or cross-through apartments are at least 4 m internally. 	
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - Studio apartments min area 4 m² - 1 Bed min area 8 m² min depth 2 m - 2 Bed min area 10 m² min depth 2 m - 3 Bed min area 12 m² min depth 2.5 m • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m² • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety 	<p>The submitted drawings and accompanying Architectural Statement demonstrate the proposed balconies meet or exceed the minimum size and width requirements established in the ADG. Further, balconies are located to optimise solar access, outlook, and passive surveillance, and designed to provide safety and privacy for users.</p>
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is 8 – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated 	<p>The proposal has five circulation cores, with each core being served by two lifts. Further, each core has no more than 10 dwellings per floor.</p> <p>In addition, each circulation core has access to natural light and ventilation and designed to encourage interaction.</p>
<p>4G Storage</p> <p>The following storage is required (with at least 50% located within the apartment):</p> <ul style="list-style-type: none"> - Studio apartments 4 m³ - 1 Bed apartments 6 m³ - 2 Bed apartments 8 m³ - 3 Bed apartments 10 m³ 	<p>Storage is provided for each apartment, either within the apartment, basement, or a combination of these areas, consistent with ADG requirements.</p>
<p>4H Acoustic Privacy and 4J Noise and Pollution</p>	<p>The internal layout of apartments separates noisy and quiet spaces. Non-habitable rooms, storage areas, and circulation spaces are strategically located to buffer external noise sources.</p>

<ul style="list-style-type: none"> Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. Noise impacts are mitigated through internal apartment layout and acoustic treatments 	<p>The application was accompanied by an Acoustic Report and supplementary information submitted with the RtS which assesses potential noise and vibration sources and recommends acoustic treatments to achieve required noise levels.</p>
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> Provision of a range of apartment types and sizes Apartment mix is distributed to suitable locations within the building. 	<p>The proposal includes 1, 2, and 3 bedroom dwellings of various sizes and layouts, including the provision of 19 (5%) dwellings as affordable housing (Section 6.2.2).</p>
<p>4L Ground Floor Apartments</p> <ul style="list-style-type: none"> Street frontage activity is maximised where ground floor apartments are located Design of ground floor apartments delivers amenity and safety for residents 	<p>The proposal includes apartments at ground floor facing the internal communal courtyards and one apartment along Ray Road.</p> <p>Condition B1 requires a reduction in bedrooms for the Ray Road apartment to enable a larger lobby into the building and delete a bedroom next to an outdoor seating area and lobby door. The Department concludes that the required amendments produce an acceptable balance between active street frontage and apartment amenity.</p> <p>Apartments that front open space areas including the through site link are either elevated above the surrounding ground levels or visual and noise privacy impacts have been considered and incorporated.</p>
<p>4M Facades</p> <ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area Building functions are expressed by the facade 	<p>The facades incorporate a variation of materials, textures, colour, composition, and detail designed to respond to the building typology, surrounding context and to provide individuality. Building lobbies are defined using materials that identify access points and use.</p>
<p>4N Roof Design</p> <ul style="list-style-type: none"> Roof treatments are integrated into the building design and positively respond to the street Opportunities to use roof space for accommodation and open space is maximised Roof design includes sustainability features 	<p>Sustainability measures incorporated into the roof design include:</p> <ul style="list-style-type: none"> use of predominantly native, sun-loving plants that tolerate low water to reduce water use and maintenance solar panels to facilitate on-site renewable energy generation roof colours and treatments to minimise heat gain
<p>4O Landscape Design and 4P Planting on Structures</p> <ul style="list-style-type: none"> Landscape design is viable and sustainable Landscape design contributes to streetscape and amenity 	<p>The proposal includes landscaped spaces designed to enhance the site and encourage outdoor recreation. These include roof top communal areas, planting on podium structures, residential private open spaces, and planting to streets and paths.</p> <p>Plants, trees, and landscaping materials have been selected to suit site conditions, create canopy</p>

<ul style="list-style-type: none"> • Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure 	<p>coverage, increase shading, and reduce urban heat effect, and facilitate long term growth and vitality. The landscape report and plans accompanying the application inform the implementation of the landscape design. They provide details of plant species, soil volumes, treatment of deep soil areas, planting on structures, street planting, pavement design, watering, and maintenance requirements.</p>
<p>4Q Universal Design</p> <ul style="list-style-type: none"> • The universal guidelines are adopted in the design of apartments • A variety of apartments with adaptable designs are provided • Apartment layouts are flexible and accommodate a range of lifestyle needs 	<p>20% of the dwellings comply with the silver level of universal design standard.</p>
<p>4S Mixed Use</p> <ul style="list-style-type: none"> • Mixed use developments are provided in appropriate locations and provide street activation and encourage pedestrian movement • Residential levels are integrated within the development, safety and amenity is maximised. 	<p>The proposal includes non-residential on the ground floor, which will encourage good street level activity through pedestrian movements and reciprocal surveillance of public and private areas</p> <p>There is appropriate separation of residential uses with separate entry areas, minimal ground level interface with non-residential uses, and location of active public areas away from residential open space areas.</p>
<p>4T Awning and Signage</p> <ul style="list-style-type: none"> • Awnings are well located and complement and integrate with the building • Signage responds to the context and design streetscape character 	<p>Awnings and covered areas are provided to the active retail areas and residential lobbies, integrated with the architectural features of buildings.</p> <p>The EIS confirms that the application does not seek consent for any signage.</p>
<p>4U Energy Efficiency</p> <ul style="list-style-type: none"> • Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation 	<p>The ESD Report identifies minimum targets to be included in the developer's requirements to ensure high environmental performance.</p> <p>The proposal achieves natural ventilation in accordance with the minimum requirements of the ADG.</p>
<p>4V Water Management and Conservation</p> <ul style="list-style-type: none"> • Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into the site design 	<p>The proposal incorporates measures to achieve water sensitive principles and conservation of potable water such as water efficient fittings, appliances, and wastewater reuse.</p> <p>Stormwater and flood management systems have been designed in consultation with Council.</p>
<p>4W Waste Management</p> <ul style="list-style-type: none"> • Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity 	<p>Waste management facilities are incorporated within the building. They include dedicated waste collection areas for residential and non-residential uses, communal waste rooms with garbage chutes and recycling bins, bulk waste area for residents, and</p>

-
- Domestic waste is minimised by providing safe and convenient source separation and recycling
- garbage collection points located away from pedestrian areas.
-

4X Building Maintenance

- Building design detail provides protection from weathering
 - Systems and access enable ease of maintenance
 - Material selection reduced ongoing maintenance cost
-

The materials and finishes to be selected are long lasting, low maintenance, have low embodied energy, with potential reuse and recycling.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject site is within the catchment draining to the Hawkesbury Nepean River system and as such the provisions of SEPP Biodiversity and Conservation apply. The broad aim of the SEPP is to ensure the impact of urban development on the Hawkesbury Nepean River is minimised by considering catchment management, water quality and quantity, and protection and management of environmentally sensitive areas, flora and fauna and wetland habitats.

The Department notes the proposal does include the removal of existing non-native trees and shrubs from legacy planter beds that were not demolished with the former business park demolition in 2012.

The application was accompanied by a BDAR waiver, issued under the *Biodiversity Conservation Act 2016*. The Department is therefore satisfied the proposal will not have any significant impact on biodiversity values.

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant, and SEPP 55 has been reviewed as part of that program. The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk, and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

Hornsby Local Environmental Plan 2019

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the HLEP and those matters raised by Council in its submissions on the development (refer to **Section 5**).

The Department concludes the development is consistent with the relevant provisions of the HLEP as provided below:

Relevant Clause	Department's Consideration
<p>2.1 Land use zones</p>	<p>The site is located within the R4 High Density Residential Zone under the Hornsby Local Environmental Plan 2013 and the residential development and neighbourhood shops are permissible with consent.</p> <p>The Department notes however notes that commercial premises larger than 100m² neighbourhood shops are prohibited development in the R4 Zone. However, the Concept Approval granted consent for a range of commercial uses as State Significant Development may include the development being partly prohibited.</p> <p>The Department finds the proposal, which includes 923m² of commercial floor space is consistent with the Concept Approval. The Department also considers the proposal meets the objectives of the R4 High Density Residential Zone which is to provide for the housing and to enable other land uses to meet the day-to-day needs of residents.</p>
<p>2.3 Zone objective and Land Use Table</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p><u>R4 High Density Residential Zone objectives:</u></p> <ul style="list-style-type: none">• to provide for the housing needs of the community within a high density residential environment.• to provide a variety of housing types within a high density residential environment• to enable other land uses that provide facilities or services to meet the day to day needs of residents• to encourage high density residential developments in locations that are close to population centres and public transport routes	<p>The Department considers the proposal is consistent with the objectives of the zone as it provides high density housing with a mix of commercial uses which will serve the needs of the local residents and encourage housing and employment opportunities in close proximity to well serviced public transport.</p>
<p>2.6 Subdivision - consent requirements</p> <p>Land to which this Plan applies may be subdivided, but only with development consent.</p>	<p>The Department notes the proposal seeks consent for the staged stratum subdivision of the development.</p>

<p>4.3 Height of buildings</p> <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The Department notes the proposal generally complies the 48m maximum height of buildings standard applicable to the site (see Section 6.1.1).</p> <p>The Department's consideration of the Applicant's Clause 4.6 submission in relation to non-compliance with the height standard, primarily in relation to rooftop plant, is contained in Appendix F.</p>
<p>4.4 Floor space ratio</p> <p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>The Department notes there is no FSR standard applicable to the site.</p>
<p>5.10 Heritage conservation</p> <p>Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic, or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged, or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p>	<p>The Department notes that there are no identified heritage items within the site and the closest items are 80m and 100m from the site and not visible. A Heritage and Archaeological Impact Statement (HAIS) submitted as part of the proposal found the site was unlikely to contain any archaeological sites. It is recommended that future development of the site include an unexpected finds protocol should any objects be encountered.</p>

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

5.21 Flood planning

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The Department notes the proposal was accompanied by a Flood Impact Assessment, which undertook a detailed flood assessment for the proposed development. Flood modelling was carried out to assess the impact of the proposed development. The Flood Impact Assessment concluded:

- the proposed development has insignificant impact on the surrounding properties, assets, or infrastructure
- there is some overland flow through the site and hence the proposed development includes an overland flow path at its base along Ray Road
- provision of OSD is likely to maintain the existing runoff regime and hence not adversely impact the inundation of the adjoining creek environment due to the proposed development
- the proposal does not result in increased runoff and hence the downstream environment is not affected due to increase in flood flow, velocity, or depth
- the concept for shelter-in-place during a flood emergency is feasible for the proposed development and therefore not likely to impact the existing emergency management arrangements in the area.
- the basement car parking access is protected from the 1 in 100 flood event by raised levels and a flood gate that would be triggered in accordance with a Flood Response Plan as required in the conditions of consent.

7.1 Acid sulphate soils

The Department notes the proposal was accompanied by a Detail Site Investigation report, which identified there is no appreciable risk of acid sulfate soil (A.S.S) presence within natural residual soils at the site, and therefore no future management for the potential presence of A.S.S is required during future ground disturbance works.

7.2 Earthworks

The Department notes appropriate conditions have been recommended to ensure the proposed earthworks will be undertaken in accordance with all relevant Australia Standards and best practices to ensure the works do not impact on surrounding development.

7.4 Biodiversity (Terrestrial)

The Department notes the site is not on land identified as “Biodiversity” on the Terrestrial Biodiversity Map and does not involve the removal of any existing vegetation. The proposal was also accompanied by a BDAR waiver, issued under the *Biodiversity Conservation Act 2016*. The Department is therefore satisfied the proposal will not have any significant impact on biodiversity values.

Hornsby Development Control Plan 2013

In accordance with clause 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under Hornsby Development Control Plan, where relevant, have been considered in **Section 6** of this report.

Appendix F – Consideration of Clause 4.6 Submission

The proposal seeks a variation to the maximum height of buildings standard permitted under the Hornsby Local Environmental Plan 2013.

The non-complying portions of the development are shown in the following modelling provided within the Response to Submissions:



The proposal seeks a maximum height of 50.9m (occurring for Building E), therefore exceeding the maximum height of buildings standard under the HLEP by up to 2.9m and at the various lesser heights shown in the figure above.

Clause 4.6(2) of HLEP permits the consent authority to consider a variation to a development standard. The aims of clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

When considering a proposed variation, clause 4.6 requires the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) (above), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained (although this is not required for SSD).*

The following provides an assessment of the proposed exception to the development standard under clauses 4.3 of the HLEP, applying the tests summarised by *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and *Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827*.

1. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The Applicant's has submitted a written request seeking a variation to the height of buildings standard that applies to the site under the HLEP.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the height standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the objectives of the standard, in keeping with the first test of the five part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

More specifically, the Applicant's written request provides the following reasons to demonstrate that compliance is unreasonable and unnecessary in the circumstances of the case:

- non-complying portions of the development are generally the communal open space elements or plant at the rooftop levels
- the departure does not attempt to gain additional apartment yield or floorspace on the site
- the variation is due to uneven topography and localised undulation of the site
- the departure is minor in nature at up to 6% at the highest point (Building E at 2.9m above the standard)
- the impacts of the variation on visual bulk and scale, overshadowing, privacy, and acoustic privacy are minor are acceptable

- there are sufficient environmental planning grounds to justify the departure including provision of communal open space and compatibility with existing and future character in the locality.

For the reasons provided above, the Department accepts that compliance with the height standard is unreasonable or unnecessary given the circumstances of the case.

2. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers there are sufficient environmental planning grounds to justify the development's contravention of the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the proposed variation in building heights is attributed by the uneven existing ground levels from previous development and the former construction works for Sydney Metro. As a result, some portions of the development, particularly along Beecroft Road frontage, are below the height standard and other parts are above.
- the amended proposal within the RtS further consolidated the proposed roof top plant and further reduced the maximum variation to the height standard from 3.8 m to 2.9 m
- the proposed variation to the building height standard does not materially change the scale of the buildings. The proposed buildings are up to 15 storeys and would be compatible with the existing and desired future character at the locality, including the adjoining proposal at 246-250 Beecroft Road and surrounding developments.
- the proposed 15 storey development provides appropriate transition in building heights from the Epping Town Centre to properties to the west of the site (further away from the Epping Town Centre) which are zoned for medium and high-density residential developments and with height standards of 12 to 26.5m (4 to 8 storeys).
- higher floor-to-floor heights of 3.15m compared to 3.1m previously contemplated in Concept Approval have been incorporated due to recent updates to the National Construction Code for greater services zones, attributing to higher overall building height.
- the proposed variation to building height does not cause additional external impacts such as additional overshadowing to the proposed development to the south or existing development to the south-west and west.

The Department considers the Applicant's arguments above to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a neutral planning outcome for the site. The Department also considers the proposed additional height is acceptable because:

- the development is consistent with the objects of the EP&A Act by promoting the orderly and economic use and development of the land and promoting and delivering good design and amenity of the built environment.
- the proposal achieves the objective of the height development standard – refer to the discussion below.

3. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The objective of the height standard under the HLEP is:

- *to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The Department considers the proposal is consistent with the relevant objectives of the standard, as:

- the Department's assessment of the proposal, specifically the built form assessment provided in Section 6.2, concludes that the proposal is considered appropriate for the site constraints and development potential in the locality. The Department further considers that the infrastructure capacity in the locality is managed by Council and the recommended conditions include Section 7.11 contributions to Council towards local services and facilities.

4. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The objectives of the R4 High Density Residential Zone are:

- *to provide for the housing needs of the community within a high density residential environment*
- *to provide a variety of housing types within a high density residential environment*
- *to enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The Department considers the proposed development is consistent with the objectives of the R4 zone, as the proposed development:

- will provide for the housing needs of the community in a mixed use development with a density and scale which facilitates 374 apartments, or about 925 residents
- provides a range of 1, 2 and 3 bedroom apartments with a range of apartment sizes to enable housing choice.

Conclusion

Having considered the Applicant's written request, the Department considers the Applicant has provided sufficient environmental planning grounds to justify the contravention of the height of buildings development standard and the matters required to be demonstrated have been adequately addressed.

The Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 and the proposed development is in the public interest because it is consistent with the objectives of the height standard and the objectives for development within the zone. Further, the proposal would not result in any unreasonable impacts on the surrounding area and the site is well located to accommodate a marginally taller development than the height standard.

Appendix G – Recommended Conditions - Concept MOD

Appendix H – Recommended Conditions – Detailed Design SSD