

ASSESSMENT REPORT – SECTION 96 MODIFICATION

Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/484/2013/A
Assessment officer:	Kate Lafferty
Property:	78-100 Church Street Parramatta Lot 100 DP 792374, Lot 504 DP 701136
Proposal:	Section 96(2) application to modify the approved 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking
Date of receipt:	30 September 2015
Applicant:	Think Planners
Owner:	Eco World Sydney Development Pty Ltd
Submissions received:	Not applicable
Is the property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	The application is not substantially the same development and therefore cannot be approved as a Section 96 application
Recommendation:	Refusal

Legislative requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007

Relevant legislation/policies:	SEPP65, SEPP55 (Remediation of Land), SEPP (Infrastructure), SEPP (Urban Renewal), SEPP (Basix), Parramatta LEP2007, Parramatta DCP 2011, Parramatta Section 94A Contributions Plan
Variations:	N/A
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	4,778m ²
Easements/rights of way:	There are rights of carriageway at the rear of the site. This matter was considered in detail in the original application.
Heritage item:	No
In the vicinity of a heritage item:	Yes <ul style="list-style-type: none"> - 47 Campbell Street - 39 Campbell Street (State item) - 21 Wentworth Street - 140 Church Street
Site History:	See "Background" section of the report

Application history

30 September 2015	DA lodged
14 October 2015	JRPP Briefing Meeting

SECTION 96 ASSESSMENT

SITE & SURROUNDS

The site is an irregular shaped land parcel located on the north eastern corner of the intersection of Church Street and Parkes Street, Parramatta. The site has a 110m

frontage to Church Street and 55m frontage to Parkes Street. The site also has frontage to Council owned land, known as Anderson Lane at the rear of the site. This Council owned land contains a public carpark with a vehicular exit adjoining the subject site. The land slopes from the north to south with a fall of approximately 2m.

Site Area: 4,778m²

The site is located on the southern edge of the Parramatta City Centre and is in close proximity to the Westfield Shopping Precinct, Parramatta Train Station and Bus Interchange. A mix of residential, retail and commercial premises surround the subject site. The broad locality is undergoing a significant transformation towards higher density mixed uses and residential development. Currently two x 2 storey older style commercial/retail buildings are located within the subject site.

The site is predominantly vacant with the exception of a display and sales suite for the redevelopment, located on the ground floor of part of the building at 100 Church Street.

The aerial photo below shows the subject site and its relationship to adjoining properties.



Aerial Location Map (subject site is coloured red)



View of subject site (view towards NE corner of Church Street & Parkes Street)

BACKGROUND

DA/484/2014 for the consolidation of lots, demolition and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking was approved (via a deferred commencement consent) by the Sydney West JRPP on 13 May 2015.

The details of the approved application are as follows:

- Construction of a 5 storey podium level containing commercial/retail on the ground floor with residential units and communal open space above
- Construction of a 34 storey residential tower above the podium
- 4 levels of basement parking containing 427 car spaces accessed from the right of carriageway located at the eastern side of the property.
- The proposed mixed use development includes a total of 1,242m² of retail space and 364 residential units.

Original cost of works = \$116,563,354

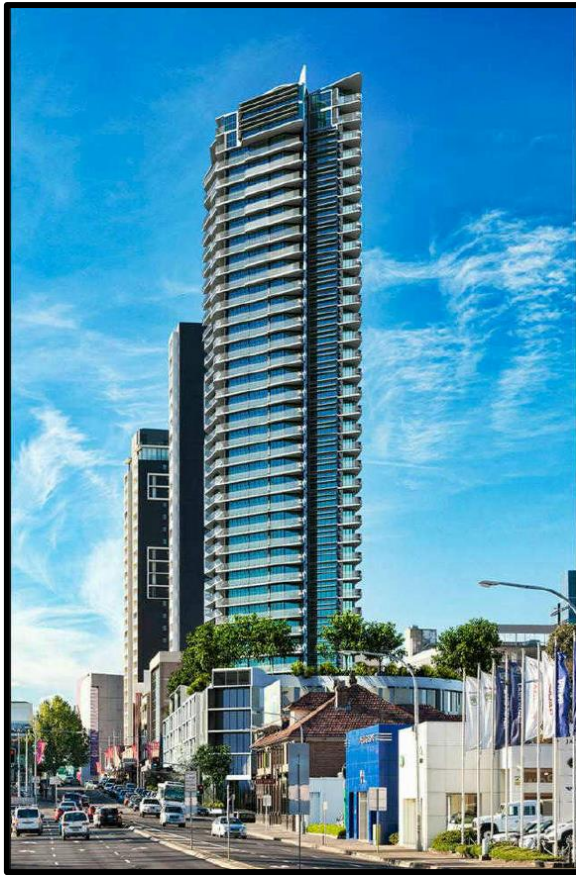
PROPOSED MODIFICATIONS

The application seeks to amend the approved mixed use development.

The application includes the following modifications:

- Substantial modification to the floor configuration from the basement to the tower rooftop
- The vehicular access has been changed from a separated dual access point to a single access point
- A drop off/pick up zone added within Church Street and Parkes Street
- The ground floor has been changed from service delivery/garbage areas to an open forecourt. The back of house operations have been relocated to the basement
- The ground floor has been reconfigured with alterations to the shops and the arcade
- The number of lobbies have been reduced
- An additional level has been added to the podium and deleted from the tower (it is now a 5 storey podium with 32 storey tower)
- The number of units has increased by 33 units and the unit mix has been altered
- The floor space has been increased from 6.55:1 to 6.56:1
- The separation distances (particularly adjoining the northern boundary) have been substantially reduced from 11m to 5.7m
- The façade length of the tower along the Church Street frontage has been increased
- Street alignments have been altered
- The tower floor plate has been increased in size
- All units have been redesigned and reconfigured and many dual aspect apartments are now within single loaded corridors
- Areas of communal open space have been modified and reconfigured and a communal area has been added to the rooftop
- Car parking has been reduced despite the increase in dwellings proposed. All retail parking has been deleted and accessible parking has been significantly reduced.
- The external façade design is substantially altered from the original – both in built appearance and in materials used. The streetscape appearance is completely different.

A new cost of works has not been submitted with the Section 96 application.



Approved Development



Section 96 Application

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

The development is to be determined by the Sydney West Joint Regional Planning Panel (JRPP) as the cost of the original development exceeds \$20 million and the application has been lodged as a Section 96(2) application. Pursuant to Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, the Sydney West JRPP is the determining authority.

The application was considered at the JRPP Briefing Meeting on 14 October 2015. At this meeting the JRPP concurred with council officers that the subject modification was not substantially the same development as originally approved.

PERMISSIBILITY

The site is zoned Mixed Use B4 under the provisions of Parramatta LEP 2007. The proposed development is defined as follows:

“mixed use development means a building or place comprising 2 or more different land uses”

The proposal satisfies the definition of a “mixed use development” and is permissible under the B4 Mixed Use zoning applying to the land.

REFERRALS

No referrals were undertaken on this application. Given that Council officers are of the opinion that this is not a Section 96 application, no referrals were required to be carried out.

PUBLIC CONSULTATION

No public consultation was undertaken on this application. Given that Council officers are of the opinion that this is not a Section 96 application, notification was not required to be carried out.

SECTION 96 MATTERS OF CONSIDERATION

Has the consent lapsed? No – the deferred commencement consent will lapse on 26 May 2017 if the consent does not become operational before that time.

Section 96(2) Modification

Substantially the same development

In order to determine whether the application is substantially the same development, the consent authority must comparatively consider the development as currently approved, and the development as proposed to be modified. This comparative analysis is indicated below utilising both factual and merit based assessment.

Quantitative Comparison (numerical differences)

The quantitative comparison has been provided in detail by the applicant within the Statement of Environmental Effects submitted with the application. This is at **Attachment 1** of this report.

Some of these feature comparisons are listed below:

Feature	Approved Development	Proposed Development
Total GFA	31,290m ²	31,348.50m ² (TBC)
FSR	6.55:1	6.56:1
Retail/Commercial FS	1242m ²	1309m ²
Rooftop facilities	Nil	212m ²
Number of units	364	397
Building height	125m	126m
SW Corner height of podium	22.2m	25.2m
Adaptable Units	36	41
Car parking	427 spaces	400 spaces
Accessible car parking	40 spaces	4 spaces
Double loaded corridors	5-9 units	3-14 units

Number of lifts	9	6
Building Separation	11m from balconies to northern property	5.7m from balconies to northern property

As can be seen from the table listed above and within Attachment 1, there are numerous quantitative changes throughout the entire development.

Qualitative Comparison (non-numerical factors)

- Consideration of the proposed development by the Design Jury reveals that the apartments do not currently meet the Apartment Design Guide in regards to sun access, natural ventilation or balcony size and the proposed open access corridors to apartments will present unresolved wind and air pressure differential issues. In this regard, the reconfiguration of the apartments would adversely impact upon the amenity of the future occupants of the site. This matter is discussed further within the report.
- The proposal provides for a significantly different streetscape appearance in terms of design and materials used
- The substantial reduction in the northern setback to 104-108 Church Street will impact upon the building separation and resultant amenity impacts with the future redevelopment of the adjoining site. The non-compliant setbacks may impact upon the redevelopment potential of the adjoining site
- There is a loss of visual amenity to a greater number of units that now face the Council car park as the number of units facing this car park have been increased
- The increase in apartments will increase car parking demand and traffic generation
- The increase in apartments will increase the waste generation of the site
- The vehicular access has been changed from a separated dual access point to a single access point. The loss of a separate service entry will increase conflict between residential and commercial vehicles.
- The ground floor services and vehicular access have been deleted and replaced with an open forecourt
- The relocation of the service facilities would impact upon the functionality of the vehicular access and car park. Access to the basement by service vehicles has not been demonstrated
- Loading facilities have been deleted which would impact upon the functionality of the commercial facilities and traffic/pedestrian hazards on the street
- The loss of retail car parking impacts upon accessibility for retail occupants and users
- The loss of disabled parking (from 40 spaces to 4 spaces) impacts upon the useability of the adaptable units
- The drop-off pick up zones impacts upon the traffic movements along Church Street and Parkes Street
- The drop-off pick up zones impacts upon the public domain environment and pedestrian useability of Church Street and Parkes Street.

As can be seen from the matters listed above, there are numerous qualitative changes throughout the entire development.

Material and Essential Features

It is considered that the material and essential features of this development relate to the visual appearance of the building, design excellence, the building positioning on the site, the functionality and amenity of spaces and public domain.

(a) Visual Appearance

One of the main and most apparent material and essential features of the development is the visual appearance of the building. The original building was approved with a clearly defined podium and tower. The podium was modulated and the detail and separation from the tower provided a human scale for pedestrians. It was of a static form which relied on materials and articulation to provide its visual appearance. The building contained a defined roof structure.

In contrast, the proposed modified building does not provide a clear distinction between the podium and tower, as the podium morphs into the tower to appear as a single structure. The podium lacks fine grain (attention to detail) and human scale at street level. It is of a dynamic form with its gymnastic contortion of architectural facades. There are no defined roof features.

There are therefore significant differences in the visual appearance of the building from the approved design to the proposed modified design.

(b) Design Excellence

Clause 22B(4)(b) of Parramatta City Centre LEP 2007 reads as follows:

- (4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition, that is consistent with the City Centre Development Control Plan has been held in relation to the proposed development:*
- (b) development in respect of a building that is, or will be, greater than 55m or 13 storeys (or both) in height ...*

It is therefore a requirement that the development must undergo an architectural design competition. The approved development was the winning entry in a design competition, however the proposed modified development was not part of that competition. New architects have been engaged (Woods Bagot) to prepare the Section 96 application and there have been significant changes to the original winning design by Gilsenan Architects. The proposed modification was considered by the Design Competition Jury on 5 November. A summary of the key points discussed at that meeting are as follows:

- The Jury acknowledged the current s96 design provided a significant improvement of the ground floor generally, including arrangements for vehicle access.
- Ultimately however the Jury was of the view that the s96 scheme does not demonstrate “design excellence” primarily because of its inability to satisfy

various elements of the Apartment Design Guide on matters including apartment size, balcony size/depth and cross ventilation. The view was that precedence had been given to the external form of the tower building at the expense of the planning and “liveability” of the apartments.

- Other design matters were also noted such as excessive travel distances to cores, and more technical issues such as insufficient provision for vertical services and questions of structural issues associated with wind loadings.
- The Jury was of the view that if the applicant wishes to move on from the winning scheme, then a new competition is required.

The formal Design Excellence Jury response is at **Attachment 2**.

The proposed modification therefore does not exhibit design excellence and requires a new design competition. Notwithstanding the argument that the design is not substantially the same, the consent authority has no power to approve the application as it does not comply with Clause 22B(4)(b) of Parramatta City Centre LEP 2007.

(c) Building Positioning on the Site

The approved tower was located above the podium providing setbacks to the northern boundary (minimum 13.5m to the building and 11m to the balconies) and to the street (minimum 9.5m to the building and 7.5m to the balconies). This enabled sufficient setbacks to allow for the suitable redevelopment of the adjoining property at 104-108 Church Street and separation of the podium and tower, particularly as viewed from the street level.

The proposed modified tower has substantially reduced these setbacks in the following manner:

- a setback from the northern boundary of 8.3m to the building and 5.6m to the balconies (a reduction of 5.2m to the building and 5.4m to the balconies). This reduction in setback will have a substantial impact upon the redevelopment potential of the adjoining property at 104-108 Church Street and potentially compromise the amenity of future occupants of both sites due to the reduced separation distances.
- A setback from Church Street of 5.8m to the building and 2.8m to the balconies (a reduction of 3.7m to the building and 4.7m to the balconies). In addition to these reduced setbacks, the tower length has increased by 11.2m which results in a more substantial structure located closer to the street. This impacts on the pedestrian environment and views from the street as the podium and tower are less defined with the tower element more dominant. This issue is exacerbated by the lack of fine grain contained within the podium façade, as previously discussed within this report).

(d) *Functionality and Amenity of Spaces*

The functionality and amenity of spaces has been substantially modified within the proposed development. This is particularly evident in the following:

- The service areas have been relocated to the basement which have the potential to impact upon internal traffic and pedestrian movements. The ground floor has incorporated a large public forecourt which impacts upon how the ground floor will function.
- The reconfiguration of the units has impacted upon the amenity of the units within the development. This has been reviewed and commented on by the Design Excellence Jury and discussed further within this report.
- The communal open space areas have been modified.
- The previously approved community room has been deleted from the plans.

(e) *Public Domain*

The approved development contained public domain areas within the site in the form of a through link arcade from Church Street to Anderson Street, and a pedestrian link from Parkes Street to Anderson Lane. Public domain improvements were also provided for in the upgrading of Council owned public spaces within Church Street, Parkes Street and Anderson Lane.

The proposed modified development contains a greater public domain area on the ground floor as the service areas have now been relocated to within the basement (with the exception of loading facilities). This in itself is a substantial change to the design as it completely alters the use and function of a primary area within the development.

The proposed modified development also incorporates new drop off facilities in Church Street and Parkes Street. These drop off facilities impact upon the traffic flows and on the pedestrian environment, by reducing the opportunity for improved public pedestrian in terms of footpaths widths and tree planting.

All of the above essential and material features have been modified from the original approved development.

Conclusion

Given the above, it is considered that the cumulative quantitative and qualitative changes to elements of the proposed development 'radically transform' the approved development and the proposal is not 'essentially or materially the same' as the approved development. This is particularly evident in the fact that the Design Competition Jury report that the proposal does not achieve design excellence and that a new design competition is to be held. In this regard, the proposed development to be modified is not considered to be substantially the same development as to that which the original development consent relates.

Consultation with Minister, public authority or approval body

Not applicable. Consultation has not been carried out with the Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body.

Notification & Submissions

The application was not notified. In accordance with the provisions of Section 96(2)(c) of the Act, the notification of the application is only required if the consent authority grants the modification of the application. As the application is being recommended for refusal, notification is not warranted in this instance.

Threatened Species

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

Section 79C Assessment

The proposed modifications have been briefly assessed in accordance with the relevant matters for consideration under Section 79C of the EP&A Act, 1979.

In this regard, it is considered that a full merit based assessment was not required for the proposed development. This opinion is also reiterated within the legal advice provided by the applicant and submitted with the application. The legal advice opines that the first test is to determine whether the application is substantially the same as a pre-condition to any merit assessment. If the consent authority is of the opinion that the application is substantially the same, then it may proceed to consider whether the application should be approved on its merits, in consideration of the matters referred to in Section 79C of the EPAA.

As Council officers are of the opinion that the application is not substantially the same, and the pre-condition of the assessment has not been satisfied, then there is no requirement to proceed with a merit based assessment of that application.

Notwithstanding the above, a certain level of merit assessment and consideration of environmental impacts has been undertaken to determine whether the application is substantially the same development. These matters have been addressed within the report.

Conclusion

After consideration of the development against the relevant statutory and policy provisions, the proposed modification to the approved mixed use development cannot be approved as it is not substantially the same as the original approved application, and therefore inconsistent with the provisions set out in Section 96 of the Environmental Planning and Assessment Act, 1979. Therefore, it is recommended that the application be refused.

Recommendation

REFUSAL

That the Sydney West Joint Regional Planning Panel as the consent authority, **refuse consent** to modify Development Application No. DA/484/2014 for the modification of an approved mixed use development on land at 76-100 Church Street, Parramatta for the following reason:

1. The proposed development cannot be approved as a Section 96(2) application as the proposed development is not “substantially the same” as the approved development for the purposes of Section 96 of the EP&A Act. This is because:
 - (a) the proposed development is not 'essentially or materially the same' as the approved development
 - (b) the quantitative changes to the proposed development are significant in number and substance - including, the increase in the number of units, the redesign of the units, the increased floor plates, car parking, alterations to the mix of units and setbacks, are of a substantial nature
 - (c) the qualitative changes to the visual appearance of the proposed development are substantial. The proposal provides for a significantly different streetscape appearance in terms of design and materials used
 - (d) the qualitative changes to the proposed development are significant in number and substance - including modifications to service locations, loss of parking and increased environmental impacts, are of a substantial nature
 - (e) the proposal has not demonstrated design excellence and has not followed an architectural design competition process as required under the provisions of Parramatta City Centre LEP 2007
 - (f) the essential and material features have been modified from the original approved development and result in a development which is not substantially the same
 - (g) the cumulative quantitative and qualitative changes to elements of the proposed development 'radically transform' the approved development.

ATTACHMENT 1

QUANTITATIVE COMPARISON

(Source: Statement of Environmental Effects prepared by Think Planners)

FEATURE	APPROVED DEVELOPMENT	PROPOSED DEVELOPMENT
Overview		
Total GFA	31,290.00 m ²	31,348.50 m ²
Amount under max GFA	244.80 m ²	186.3 m ²
FSR	6.55	6.56
Apartments Only	27,113.30 m ²	26,867.30 m ²
Corridor	2,688.90 m ²	2,604.90 m ²
Retail/Commercial	1,242.00 m ²	1,309.10 m ²
Lobby/Amenities	419.00 m ²	355.40 m ²
Rooftop Facilities	0.00 m ²	211.9. m ²
Apartments		
Total Apartments	364	397
1 Bed	90 (25%)	118 (30%)
2 Bed	256 (70%)	258 (65%)
3 Bed	18 (5%)	21 (5%)
Adaptable Apartments	36 (10%)	41 (10%)
Size – Studio	38.50 m ²	N/A
Size – 1 Bed	50 m ²	52.40 m ²
Size – 2 Bed	70 m ²	72.10 m ²
Size – 3 Bed	95 m ²	109.60 m ²
Balcony		
Total Balcony Area	6,507.00 m ²	9,071.30 m ²
Minimum Balcony Depth	2	2

FEATURE	APPROVED DEVELOPMENT	PROPOSED DEVELOPMENT
Building		
Overall Building Height	125 m	126 m
SW Corner Height of Podium	22.20 m	25.20 m
Floor to Floor Height	3 m	3.10 m
Ceiling Height	2.70 m	2.70 m
Total Storeys	39	39
Retail	1	1
Podium	4	5
Tower	34	33
Rooftop	1	1
Basement Levels	4	4
Max Building Depth	28 m	28 m
Dwelling Depth	8-13 m	4-10 m
Street Frontage		
Church Street	110 m	110 m
Parkes Street	55 m	55 m
Open Space		
Total Communal Area	3,006 m ²	3,071.95 m ²
Percentage Communal Area	63%	64%
Deep Soil	0 m ²	0 m ²
Car Parking		
Total Car parks	427	400
Retail	41	0
Residential	386	395
Disabled (as a % of residential)	38 (9%)	4 (1%)
Storage Area		
Studio	6 m ³	NA
1 Bed	6 m ³	3 m ³ in apts, 3 m ³ in basement
2 Bed	8 m ³	4 m ³ in apts, 4 m ³ in basement
3 Bed	10 m ³	5 m ³ in apts, 5 m ³ in basement
Internal Circulation		
Double Loaded Corridor	5 – 9 units	3 – 14 units

FEATURE	APPROVED DEVELOPMENT	PROPOSED DEVELOPMENT
Access		
Lifts		
Total Number of Lifts	9	6
Tower	4	4
Podium	5	2
Ventilation		
% Apartments with Ventilation	64.3%	80.1%
Apartments with Natural Ventilation	234	113 out of 141 apartments noting that the ADG deems units above 9 storeys to be cross ventilated.
Solar Access		
% Apartments with Solar Access	76.4%	77.1%
Apartments with Solar Access	278	306
Other		
Building Separation	<ul style="list-style-type: none"> • 11m minimum from balconies to northern property 	<ul style="list-style-type: none"> • 5.7m minimum from balconies to northern property
Street Alignment	<ul style="list-style-type: none"> • Nil setback required to Church Street, Parkes Street and Anderson Land • Setback provided to Parkes Street to allow future widening 	<ul style="list-style-type: none"> • Nil setback required to Church Street, Parkes Street and Anderson Land • Setback provided to Parkes Street to allow future widening
Upper Level Setbacks	<ul style="list-style-type: none"> • Podium is less than 26m therefore nil setback • Upper levels recessed approx. 7m to balcony 	<ul style="list-style-type: none"> • Podium is less than 26m therefore nil setback • Upper levels recessed approx. 8m to balcony
Side and Rear Setbacks	<ul style="list-style-type: none"> • Nil setback to northern boundary at podium • 11m setback to northern boundary above • No rear setbacks applicable on this site • No multiple buildings on this site 	<ul style="list-style-type: none"> • Nil setback to northern boundary at podium • 5.8m setback to northern boundary above • No rear setbacks applicable on this site • No multiple buildings on this site
Architectural Roof Features	<ul style="list-style-type: none"> • Contained within height limit 	<ul style="list-style-type: none"> • Contained within height limit
Flood Prone Land	<ul style="list-style-type: none"> • Site is located outside of the 	<ul style="list-style-type: none"> • Site is located outside of the

FEATURE	APPROVED DEVELOPMENT	PROPOSED DEVELOPMENT
	<p>identified 1:100 year flood</p> <ul style="list-style-type: none"> • All residential habitable areas located above the PMF • Three shops and the service entry affected by the PMF • Car park entry/exit outside the PMF 	<p>identified 1:100 year flood</p> <ul style="list-style-type: none"> • All residential habitable areas located above the PMF • Three shops and the service entry affected by the PMF • Car park entry/exit within the PMF
Mixed Use Buildings: Ground Floor	<ul style="list-style-type: none"> • Ground floor ceiling minimum 3.6m 	<ul style="list-style-type: none"> • Ground floor ceiling minimum 3.6m
Activation	<ul style="list-style-type: none"> • Separate entries for residential and retail • Through site link and arcade provided • Increased public domain amenity • Buildings and shops create active street frontages • Over 50% shopfronts to building on all frontages 	<ul style="list-style-type: none"> • Separate entries for residential and retail • Through site link and arcade provided • Increased public domain amenity • Buildings and shops create active street frontages • Over 50% shopfronts to building on all frontages
Site Links and Lanes	<ul style="list-style-type: none"> • Pedestrian link provided from Chris Street through to Anderson Land • 4m provided through arcade 	<ul style="list-style-type: none"> • Pedestrian link provided from Chris Street through to Anderson Land • 3.8 – 4.3m provided through arcade
Courtyards and Squares	<ul style="list-style-type: none"> • Extended forecourt provided along Parkes Street 	<ul style="list-style-type: none"> • No extended forecourt provided along Parkes Street
Views and View Corridors	<ul style="list-style-type: none"> • No identified view lines are affected 	<ul style="list-style-type: none"> • No identified view lines are affected
Vehicle Footpath Crossings	<ul style="list-style-type: none"> • Service vehicle entry separate to car parking entry • Access proposed from right of carriageway along Anderson Lane at the rear 	<ul style="list-style-type: none"> • Service vehicle and car parking at single entry • Access proposed from right of carriageway along Anderson Lane at the rear
Pedestrian Access and Mobility	<ul style="list-style-type: none"> • Multiple access points proposed and are accessible 	<ul style="list-style-type: none"> • Multiple access points proposed and are accessible
On-site Parking	<ul style="list-style-type: none"> • Proposal provides sufficient car parking 	<ul style="list-style-type: none"> • Proposal provides sufficient car parking
Green Roofs	<ul style="list-style-type: none"> • Communal open space provided on the tower roof however no planting is shown 	<ul style="list-style-type: none"> • Communal open space provided on the tower roof with planting also proposed

ATTACHMENT 2

CORRESPONDENCE FROM DESIGN COMPETITION JURY



Public Works
Government Architect's Office

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2-24 Rawson Place, SYDNEY, NSW 2000
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ABN 81 913 830 179 www.publicworks.nsw.gov.au
Nominated Architect Peter Poulet ARN 5754

Ms Sue Weatherley
Director, Strategic Outcomes
and Development
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Dear Sue,

DESIGN EXCELLENCE COMPETITION PARRAMATTA 76 – 100 CHURCH STREET

I am writing to you in regards to your request for waiver of a new design competition.

We understand that a Design Excellence competition was held for the 76 – 100 Church Street site on 5th of May, 2014. The competition was won by Gilensan Architects and their scheme awarded design excellence subject to a number of design modifications. The site was then sold and the new owner commissioned new architects, Woods Bagot, to develop the design.

The proponent is now seeking exemption from a new Design Excellence Competition on the basis that the new scheme is broadly comparable to the award winning scheme.

In considering this matter we have reviewed the drawings provided to us of the award winning and new schemes, the original competition jury deliberation letter and scoring tables, the Director Generals Design Excellence Guidelines and the Parramatta Council Design Excellence Guidelines.

The Director Generals Design Excellence Guidelines provide the following advice in regards to post competition processes:

To ensure that design quality continues from the development application stage through construction drawings and into physical completion of the building the competition jury will recommend a process to monitor design integrity. Generally, this will require the designer of the winning submission be nominated as the design architect. In some cases, the Jury may recommend a Design Integrity Panel monitor design excellence. Certification that the design is substantially the same and retains the design excellence exhibited in the winning submission will be required at key project milestones, including lodgement of the DA, issue of construction certificate and at completion of the project.

Following review of these documents it was agreed that the proponent and architects should present the revised scheme to the original competition jury (or replacement jury members where the original members were not available) for assessment. The Panel were asked to assess if the revised project achieved design excellence and if so, to determine whether a new competition

could be waived. Also in attendance were PCC City Architect (Kim Crestani), PCC Urban Design Competition organiser (Penny Bowen), a representative of the GA's Office (Olivia Hyde), and a member from the PCC Land Use team.

Whilst a number of improvements to the original design were acknowledged by the Panel, in particular the revised ground plane, it was the unanimous view that design excellence had not been achieved in the new design. A detailed description of the Panels views can be found in the attached Panel Comments letter. Of particular concern were the following issues:

- SEPP 65 Apartment Design Guide non-compliance in terms of sun access, natural ventilation and size;
- Lack of resolution of wind impacts on high level residential apartments, in particular the usability of balconies at these levels, the impact on natural ventilation of apartments and on open access corridors;
- Unacceptably long corridor access to apartments;
- Unacceptable high apartment numbers accessed from a single lobby;
- That the original competition architects have not been retained.

The Design Excellence Competition process was established with the objective of supporting excellent design through fair competition. In recognition of the additional cost and effort required by a competitive process, a successful design competition that achieves design excellence can result in a development bonus in relation to building height and/or floor space.

Post competition substitution of building designs and architects is a risk to the integrity of the design excellence competition process and to the delivery of the excellence sought to support the additional FSR and/or height enabled by it. In light of the above we do not support a waiver in this instance.

Yours sincerely,



Peter Poulet
NSW Government Architect

Date: 23 November, 2015