



SYDNEY WEST CENTRAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Melrose Park Concept Plan and Stage 1 DA Assessment	
Panel Reference	2016SWC008
DA Number	DA/1157/2016
LGA	City of Parramatta
Proposed Development	<ul style="list-style-type: none">Staged Concept Plan, pursuant to s83B of the Environmental Planning and Assessment Act 1979, for up to 1,077 dwellings and associated buildings and roads over 4 stages; andDetailed Development Application for Stage 1 in the north-east corner of the site comprising superlot subdivision of the site; 277 units in 3 residential flat buildings, a 71sqm retail space, public open space area (the western plaza), associated basement parking, site works, and strata subdivision. <p>Amended DA lodged 13/06/2017 and 25/07/2017.</p>
Street Address	657 - 661 Victoria Road & 4 – 6 Wharf Road, MELROSE PARK NSW (Lots 2 & 3 DP588575, Lot 11 DP128907, Lots 1 & 2 DP221045, Lots 71 & 72 DP1136996, Lot 2 DP619396, Lots 1 & 2 DP128912)
Applicant/Owner	Applicant - M Projects Pty Ltd Owner – City of Parramatta Council (Lot 2 DP 588575) and Tyriel Developments Pty Ltd (remainder of site)
Date of DA lodgement	2 December 2016
Number of Submissions	Four (4)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	The development has a capital value of \$102,962,383.00 therefore the consent authority for the proposal is the Sydney West Central Planning Panel (“SWCPP”)
List of all relevant s79C(1)(a) matters	State and Regional environmental planning instruments (EPIs): - <ul style="list-style-type: none">State Environmental Planning Policy (Infrastructure) 2007State Environmental Planning Policy No.55 – Remediation of LandState Environmental Planning Policy (Building Sustainability Index: BASIX)State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

	<ul style="list-style-type: none"> State Regional Environmental Plan (Sydney Harbour Catchment) 2005 Relevant Local EPI <ul style="list-style-type: none"> Parramatta Local Environmental Plan 2011 Relevant Development Control Plan <ul style="list-style-type: none"> Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Conditions of consent Attachment 2 – Staging Plans Attachment 3 – Subdivision Plan Attachment 4 – Landscape Plans Attachment 5 – Architectural Plans Stage 1 Attachment 6 – Summary Civil Plans Stage 1 Attachment 7 – RMS & Transport for NSW Referral Responses Attachment 8 – Certificate of Title Lot 2 Deposited Plan 588575 Attachment 9 – Original & Amended Clause 4.6 Request (height)
Report prepared by	Philip Bull, Associate Director - BBC Consulting Planners
Report date	27 September 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

1. Executive summary

The proposal is a Development Application (DA) pursuant to section 83B of the Environmental Planning and Assessment Act 1979 for: -

- a Staged Development (a Concept Proposal) for 4 stages of development for the entire site providing for up to 1,077 dwellings and 767sqm of commercial floor space in various buildings up to 10 storeys in height and associated roads and open space; and
- a detailed Stage 1 Development Application for 3 residential flat buildings comprising 277 apartments located at the north-east corner of the site facing Victoria and Wharf Roads, public open space (the western plaza), the initial subdivision for the entire site, site works and remediation as required for Stage 1.

The site is zoned B4 Mixed Use under the Parramatta Local Environmental Plan 2011 (the LEP). A 28m height control and 2:1 floor space ratio (FSR) control applies to the site under the LEP.

Prior to adoption of the current LEP the site was zoned for use as open space and previously used as a Council landfill dump. The site is contaminated.

The site's current zoning is anomalous in respect to adjoining zonings, noting land to the south is zoned industrial and land to the north, east and west is generally zoned for low-density residential development. Nevertheless, land to the south is subject to a Planning Proposal that seeks to rezone these sites to B4 Mixed Use and R4 High Density to promote the transformation of this precinct into a mixed-use (predominately residential), high density precinct to be known as Melrose Park. Council endorsed the Planning Proposal on 10 July 2017 for forwarding to the Department of Planning and Environment for Gateway determination. The exhibition of this Planning Proposal is some time away as Council's endorsement of the proposal was based on, amongst other matters, the preparation of a Transport Management Access Plan (TMAP) and site specific DCP provisions for the site prior to exhibition. At this point the Planning Proposal has no statutory status as it is yet to be exhibited.

In general, the Concept Plan and Stage 1 Development provide for a well-considered and desirable transformation of the existing site into a mixed-use (mostly residential) development that will also provide for remediation of a contaminated site, new roads and public spaces.

The key issues with the development concern 6 areas of non-compliance with the 28m height control by up to 7 metres and use of part of the Council owned site to the west, known as Lot 2 DP 588575, for calculation of site floor space when limited development is taking place on that part of the site.

The applicant has lodged a clause 4.6 request to vary the 28m height of buildings development standard for 6 x 10-storey buildings over various stages of development. There is merit to 4 areas of non-compliance with the height control in respect to buildings on the Victoria Road frontage. The basis of supporting these areas of non-compliance are as follows:

- the amenity impacts of these non-compliances are generally internalised within the site;
- these buildings provide an urban design benefit in terms of identifying entries and a varied sky line;
- the siting of these buildings addressing Victoria Road is appropriate on urban design grounds;

- the development is compliant with the site's floor space control; and
- the site's current state and significant contamination status is a site-specific constraint and some weight has been given to the public interest benefits of remediation of the site.

The transformation of the site in accordance with the site's zoning and its remediation is a significant public benefit. The 2 areas of height non-compliance with the building height control not supported are to the south and on the west side of the site. These building envelopes do not satisfy the stated grounds for acceptance of height variations for buildings addressing Victoria Road and would result in amenity impacts outside the site.

The LEP requires 'significant' development to take place on all lots included in an amalgamated site if its area is to be used for the purposes of generating gross floor area (GFA) for the site's maximum FSR. Initially, Lot 2 DP 588575 was excluded from the proposed subdivision and no works were proposed for this land. As part of the amendment of the DA, Lot 2 DP 588575 now includes a rain garden, replacement of hard stand parking spaces with soft landscaping and is included in the proposed land subdivision for later stages of development on the site. This lot is also identified in strategic plans for the locality as open space and is constrained by high voltage power line that transverse it. Nevertheless, this part of the site is used for building separation and open space and it has been proposed as part of the development site (it is part of the residual lot that will be used for later stages of development). Lot 2 DP 588575 is suitably integrated into the development to allow its site area to be used for calculating the GFA available to the development.

The site is also affected by road widening proposals to Victoria and Wharf Roads. Both proposals have no formal strategic planning status in an Environmental Planning Instrument. The landscape plans provide before and after road widening designs for the site. The before road widening landscape plan for Wharf Road allows for retention of 2 mature fig trees that may need to be removed if the road is widened. Given the various strategic planning investigations underway for the locality (such as the TMAP for the sites to the south), it is recommended that actual road widening works are completed with later stages of development of the site, that is the Wharf Road widening as part of Stage 2 and the Victoria Road widening when RMS decide the works are necessary. In the short to medium term additional landscape area around the site is preferable to prematurely widened roads.

The proposed development is a suitable and desirable response to its B4 Mixed Use zoning.

The subject DA is recommended for approval subject to conditions.

2. Site description, location and context

The site is an amalgamation of 10 lots with an area of 47,589sqm. The site comprises the following lots of land, legally known as: -

- Lot 2 DP588575 (owned by the City of Parramatta)
- Lot 3 DP588575
- Lot 11 DP128907
- Lot 1 DP221045
- Lot 2 DP221045
- Lot 71 DP1136996
- Lot 2 DP619396
- Lot 1 DP128912
- Lot 2 DP128912
- Lot 72 DP1136996

The above lots generally address Victoria Road and its corner with Wharf Road. The street address of the site is 657-661 Victoria Road and 4-6 Wharf Road.

The site is an irregular shape and generally falls to the south from its frontage with Victoria Road. The high point of the site is its north-west corner adjoining Victoria Road to the lowest point in the south-east corner of the site fronting Wharf Road. From north-west to south-east the fall across the site is approximately 19m.

The site's first non-agricultural use was as a Council owned and operated waste disposal facility. The most recent uses of the site were as a public park known as Bartlett Park and the remaining part of the site, on the corner of Victoria and Wharf Road, was used as a 'Putt-Putt' mini golf centre, comprising some single storey buildings and various landscaped mini golf courses.

While Victoria Road is a Classified (State) road, Council is the approval authority. Existing vehicular access to the site is provided via a cross over on Wharf Road, approximately 20m south of the signalised intersection with Victoria Road.

Development to the immediate south of the site comprises light industrial development. While to the north, east and west of the site development comprises low-rise residential development.

To the immediate west of the site is the Ermington Gospel Church. Part of the site Lot 2 DP588575 is currently part used as an at-grade parking area for this church.

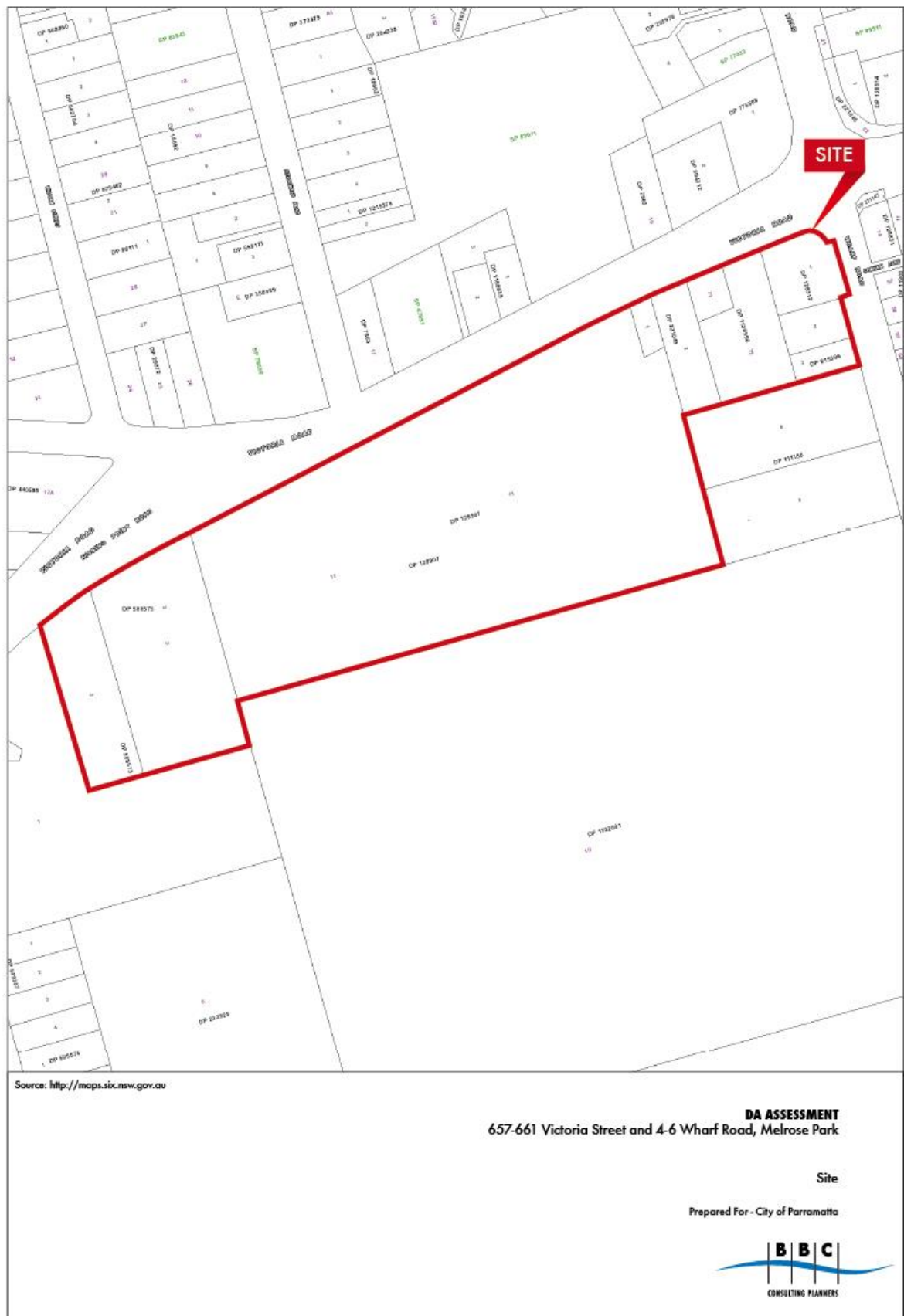
Development to the north and east of the site does not directly border the site and is separated by Victoria and Wharf Roads, respectively. Other than some commercial development around the corner of Wharf and Victoria Roads, development to the north and east generally comprises single to 3-storey dwelling houses.

The site is located on the boundary of the City of Parramatta Council and City of Ryde Council local government areas (across Wharf Road to the east is Ryde).

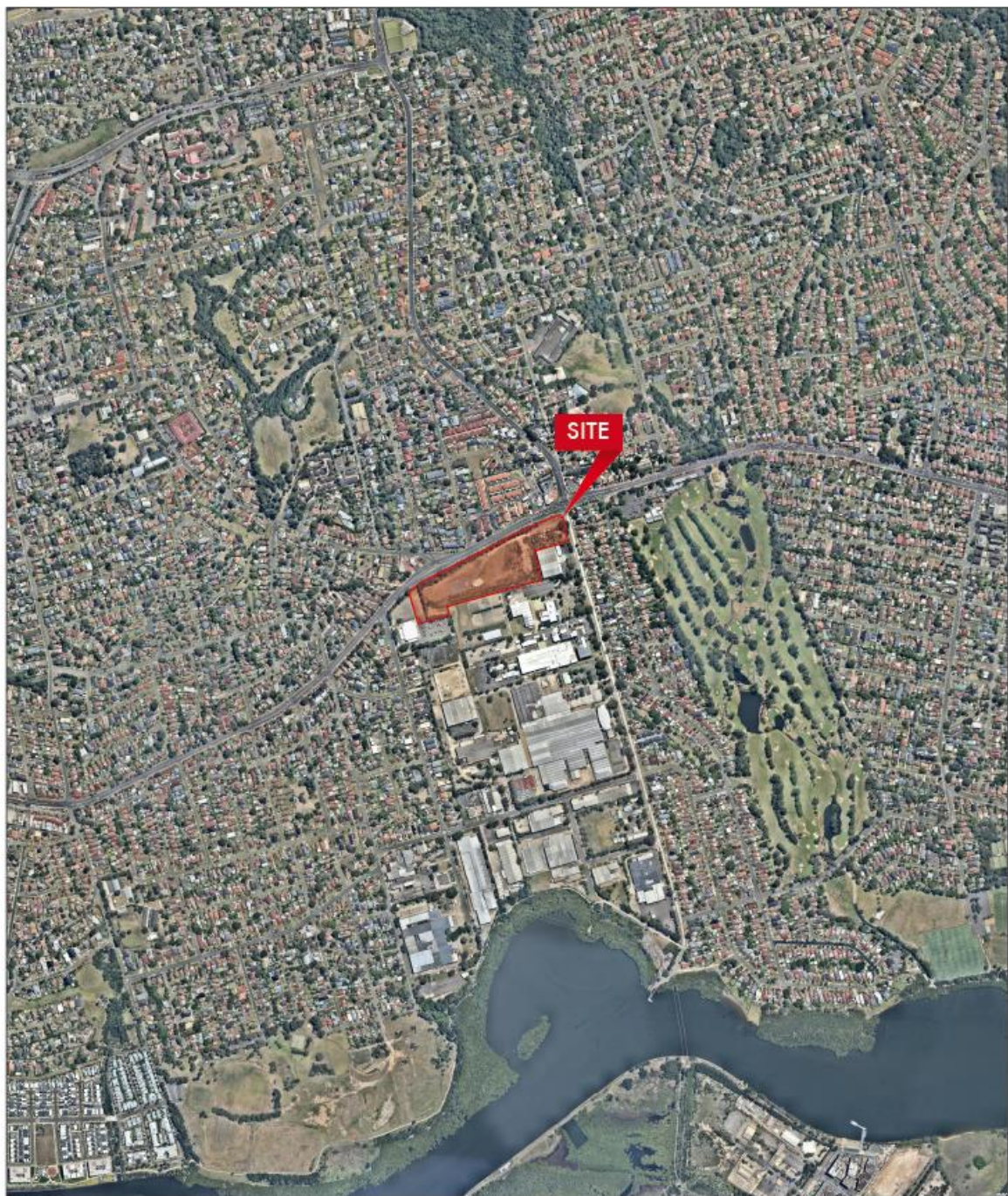
The site is located approximately 15km north west of the Sydney central business district and approximately 6km east of the Parramatta central business district.

Lot and aerial locality maps are provided overleaf.

Map 1 – The Lots



Map 2 – Wider Aerial View



Source: NearMap 2017

DA ASSESSMENT
657-661 Victoria Street and 4-6 Wharf Road, Melrose Park

Aerial Photo - Wider Area

Prepared For - City of Parramatta



Map 3 – Detailed Aerial



Source: NearMap 2017

DA ASSESSMENT
657-661 Victoria Street and 4-6 Wharf Road, Melrose Park

Aerial Photo - Detail

Prepared For - City of Parramatta



3. Strategic planning context

The industrial zoned land to the south and Ermington Gospel Church land to the west are subject to various planning studies and rezoning proposals as summarised in the table below.

Table 1: Melrose Park Planning Proposal History

Date	Action
February 2016	Payce (developer) lodged a draft structure plan and planning proposal (the preparation of a Structure Plan for Melrose Park is required as per the Employment Lands Strategy adopted in July 2016).
May 2016	Council officers' position was not to proceed with any planning proposal in the precinct prior to the finalisation of a Structure Plan.
June 2016	2-part Structure Plan process evolved.
July 2016	Parramatta Employment Lands Strategy and Structure Plan Principles Diagram (see overleaf) reported to Council and adopted. Payce submitted revised Structure Plan.
August 2016	Draft Northern Structure Plan reported and endorsed by Council.
September-October 2016	Exhibition of Northern Structure Plan.
12 December 2016	Council adopted the Northern Structure Plan.
31 March 2017	Revised Planning Proposal lodged by Payce.
20 June 2017	Draft Melrose Park North Planning Proposal* endorsed by IHAP to proceed to Council.
10 July 2017	Council endorses submission of the Planning Proposal for Gateway determination.

*The Melrose Park North Planning Proposal (MPN PP) is a combination of 3 Planning Proposals that have been received for the northern part of Melrose Park plus a cluster of 4 properties that are not subject to their own planning proposals but have been included in the MPN PP for the purposes of consistency. The 3 Planning Proposals are for Payce, Ermington Gospel Church (corner of Hughes Avenue and Victoria Rd) and 8 Wharf Road. The other 4 sites are on Hope Street near Hughes Avenue). Collectively these proposals are described as the 'Planning Proposal'.

The Planning Proposal

The Planning Proposal endorsed by Council on the 10 July 2017 to be forwarded to the Department of Planning and Environment for Gateway determination was for: -

- Rezoning 38-42, 44 and 44A Wharf Road, Melrose Park from IN1 General Industrial and R2 Low Density Residential to a mix of R4 High Density Residential, B4 Mixed Use, B2 Local Centre and RE1 Public Recreation.
- Rezoning 15-19 Hughes Avenue and 655 Victoria Road, Ermington from Part SP1 Special Activities and R2 Low Density Residential to R4 High Residential Density.
- Rezoning 8 Wharf Road, Melrose Park from IN1 General Industrial to B4 Mixed Use.
- Designating 19, 27, 29 and 31 Hope Street as a deferred matter and retaining the current IN1 General Industrial zone and current building height and FSR controls.
- Amending the applicable maximum building height and FSR controls on the site subject to the outcomes of the TMAP.

- Inserting a new local provision that includes a minimum non-residential floor space requirement on the site.
- That the preparation of the TMAP proceed and the outcomes be reported to Council prior to the exhibition of the Planning Proposal to allow Council to endorse the FSR and building height limits to be included in the exhibition material prior to exhibition.
- (e) That a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to formal exhibition of the Planning Proposal.
- That Council officers proceed with the preparation of an Infrastructure Needs List and subsequent negotiations for a Voluntary Planning Agreement (VPA) with the proponents in relation to the Planning Proposal on the basis that any VPA entered in to is in addition to Section 94A developer contributions payable.
- That the site-specific DCP and VPA be publicly exhibited concurrently with the Planning Proposal, should Gateway determination be issued.

This Planning Proposal is for an indicative yield of: -

- Dwelling yield of approximately 5,300 units is proposed.
- Proposed heights range from 16m and up to 72m (taller buildings confined to sparse locations on larger site to south, the following height controls are recommended for adjoining smaller sites, 15-19 Hughes Avenue and 655 Victoria Road (32m) and 8 Wharf Road (14-28m)).
- Proposed FSRs of 1.85:1 to 2:1.

The above yield may be revised based on the investigations required prior to exhibition (e.g. the TMAP).

4. Application background

The proposal was the subject of various pre-DA meetings including a final formal pre-DA meeting on the 14 September 2016. The executive summary from the Council advice from this meeting is provided below: -

- *Breach of Height Development Standard*
 - *Large footprint of 10-storey buildings not considered to be acceptable.*
 - *Number of 10-storey buildings not considered to be acceptable.*
- *Building layouts and separation*
 - *Tenuous connection between different building forms does not alleviate requirement to comply with apartment separation criteria.*
 - *Lack of sufficient setbacks and associated impact on deep soil and planting.*
- *Pedestrianized section of new road*
 - *Consideration of activation with ground floor commercial uses.*
 - *Use of appropriate materials and treatment to ensure pedestrian priority.*
- *Coordination with Melrose Park Masterplan to the south*
 - *Lack of alignment of through-site links and address to future town centre.*
- *Apartment Design Guide non-compliances*
 - *Excessive depth of buildings results in internal rooms with poor amenity.*
 - *Mutual overlooking between units at internal corners of 'L-shaped' buildings*
- *Aesthetics and materiality*
 - *Lack of variation in architectural expression.*
 - *Excessive use of glazing in facades / lack of residential textures and materials.*
- *Deficiency of 3-bedroom units*
- *Insufficient public domain interface detail*
- *Lack of transition of Stage 1 to existing development on eastern side of Wharf Road*

Detailed comments from Council specialists (e.g. Drainage Engineer) were also provided with this advice and the application was reviewed by Council's Design Excellence Advisory Panel (DEAP) prior to lodgement.

5. The proposal

The proposal is for a Staged Development (the Concept Proposal) for 4 stages of development for the entire site and a detailed development for buildings and works associated with Stage 1.

The Concept Proposal is for: -

- indicative yield of 1,077 dwellings;
- 767sqm of commercial floor space (childcare centre and retail space);
- an overall FSR of approximately 1.9:1 across the site;
- building envelopes up to 10 storeys;
- internal road network; and
- open space across 4 development stages.

The Stage 1 Development is for: -

- a residential development comprising 277 apartments located at the north-east corner of the site facing Victoria Road in buildings up to 10 storeys high;
- subdivision – creation of the Stage 1 super lot (Lot 10), Lots 12 and 13 (for future road widening), Lot 11 (for communal open space described as the western plaza area) and Lot 14 (being the western portion of the site residual from Stage 1 for future stages of development on the site);
- construction of a road access into the site from Wharf Road known as EWR-1; and
- Site works and remediation as required.

The Stage 1 Development comprises 3 clusters of building, those being: -

- Building 1 on the corner of Victoria and Wharf Roads;
- Building 2 in the middle of the site; and
- Building 3 (made up of 2 distinct building forms) on the west side of the site.

The 3 buildings share a basement car park and a single car park entry off the new road EWR-1.

An Amended DA was submitted for the site on the 13 June 2017 that modified the original DA as follows: -

- a residential development comprising 277 apartments and 1 retail space (71sqm) located at the north-east corner of the site facing Victoria Road in 3 buildings up to 10 storeys high;
- modified Concept and Stage 1 landscape plans providing for better plan coordination and landscaping of Lot 2 DP 588675, retention of two (2) fig trees to Wharf Road, improved public domain treatments and transition arrangements for before and after road widening of Victoria and Wharf Roads;
- modified Clause 4.6 Request to the height control;
- modified architectural plans addressing SEPP 65 compliance, providing more plan detail and solar access analysis;
- modified road and civil plans whereby, amongst other matters, the initial Stage 1 road to be provided into the site from Wharf Road is reduced and more detail on stormwater drainage provided;
- provision of a set of staging plans dealing with floor space allocation and building envelopes;
- a modified plan of subdivision showing revised roads and a plan of dedication;
- greater detail provided in respect to additional ESD features; and
- the addition of a 71sqm retail unit to the ground floor of Building 3 within Stage 1 of the development.

On 25 July 2017, an amended subdivision plan was provided that integrated Lot 2 DP 588675 into the proposed residual Lot 14 to be used for later stages of development.

On the 15 September 2017, the Concept Plan was amended whereby a new road (NSR-4) running north-south between Stage 2 and 8 Wharf was provided. This road is consistent with the Northern Structure Plan.

Attachments 2-5 provide the proposed (Amended DA) staging, subdivision, landscape, architectural and summary civil plans for the proposal.

The Statement of Environmental Effects (SEE) and Amended DA also includes a Clause 4.6 Request to vary the site's 28m height LEP development standard. A maximum building height of up to 35m is proposed. **Attachment 9** provides the applicant's original and amended Clause 4.6 Request to vary the building height.

6. Referrals

The following internal and external referrals were undertaken:

Table 2: Summary of Referrals

Referral to	Comment
Internal Referrals	
Development Engineer (roads)	Council's Civil Assets team have provided detailed specifications for roads to be dedicated to Council that are reflected in the recommended conditions of consent.
Catchment Engineer	Further details requested relating to overland flow, drainage easements and WSUD. Conditions included to this effect.
Heritage	No objections or conditions required, noting that 'unexpected finds' are covered by notification requirements in the NSW Heritage Act 1977.
Landscape Officer	Previous concern regarding retention of Wharf Road fig trees addressed in Amended DA and suitable conditions reflected in recommended conditions of consent.
Public Domain	Requested amendments to public domain design. These changes are reflected in recommended conditions of consent. The detail of the public domain treatment to Victoria and Wharf Roads is not supported and modified treatments and details are required. A condition requesting this modification is recommended.
Traffic Engineer	<p>Council's Traffic Engineer's requirements are generally reflected in the conditions of consent.</p> <p>The carriageway width of the new road in Stage 1 (EWR-1) are satisfactory. Outstanding issues of concern are: -</p> <ul style="list-style-type: none"> • under provision of on-site car parking within Stage 1; and • road design to be based on high-traffic generating development. <p>See discussion in report.</p> <p>Relevant concerns addressed in recommended conditions of consent.</p>
Urban Design	See discussion in report.

Referral to	Comment
	Relevant concerns addressed in recommended conditions of consent.
Waste	The waste facilities provided, including the internal loading waste pick-up area in the basement car parking, are acceptable subject to the conditions recommended.
Environmental Health - Acoustic Environmental Health - Contamination	No objections – conditions required. No objections – conditions required to reference submitted RAP and to appropriate site audit statements. Relevant concerns addressed in recommended conditions of consent.
Infrastructure	Relevant concerns addressed in recommended conditions of consent.
Social Outcomes	Concerns raised regarding lack of VPA, dwelling mix, agree deferral of affordable housing to later stages of development and support proposal for child care centre. A VPA is not provided or required in this instance and see discussion of other matters in report.
DEAP	Relevant concerns addressed in recommended conditions of consent.
SWCPP	Briefed on 10 May 2015, issues discussed at this meeting were: - <ul style="list-style-type: none"> • Continuity of development over the site; • Nature of Council interest – independent consultant planner will assess DA; • Clause 4.6 height variation request – Council not yet convinced of public interest; • Zoned B4 – Council asked applicant to include retail – perhaps on corner; • Road network surrounding site and traffic figures; • Stormwater drainage/environmentally sustainable design/public domain; • Council is requesting additional/amended information shortly; • Four submissions to date; • Inclusion of affordable housing; • unit mix; and • amenity and open space.
Public Art	A condition of consent is recommended requiring public art within the Stage 1 development.
Environmental Outcomes Place Manager	A condition of consent is recommended requiring up-graded environmental performance within the development.

Referral to	Comment
Strategic Planning	The setback of buildings fronting NSR-2 should be at least 5m to align with the Masterplan under development to the south. A condition is included to this effect.
External Referrals	
RMS (<i>infrastructure SEPP</i>)	Referral provided. See discussion in report relevant conditions of consent reflected in recommended conditions of consent.
NSW Police	No comments provided.
Endeavor Energy	No objections and relevant concerns addressed in recommended conditions of consent.
Sydney Water	No objections - conditions required some augmentation of water and sewer services will be required prior to development of the site.
Transport for NSW	Referral provided (see Attachment 7). See discussion in report and relevant concerns addressed in recommended conditions of consent.

7. Environmental Planning and Assessment Act

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

7.1 Section 5AA: Significant effect on threatened species, populations or ecological communities, or their habitats

The site is in an established urban area and previously was used for semi-rural purposes and as a landfill site and for commercial purposes. The site has low ecological significance and no threatened species, populations or ecological communities, or their habitats, are impacted by the proposal.

7.2 Section 79C: Evaluation

This section specifies the matters that a consent authority must consider when determining a development application, and these are addressed in the Table below:

Table 3: Section 79C(1)(a) considerations

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 8
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Refer to section 9
Section 79C(1)(a)(iii) – Development control plans	Refer to section 10
Section 79C(1)(a)(iia) - Planning agreement	Refer to section 11
Section 79C(1)(a)(iv) - The Regulations	Refer to section 13
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 14

Section 79C(1)(c) - Site suitability	Refer to section 15
Section 79C(1)(d) – Submissions	Refer to section 16
Section 79C(1)(e) – The public interest	Refer to section 17

8. Environmental planning instruments

8.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 - Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (State and Regional Development) 201; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

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

The application is accompanied by a BASIX certificate for Stage 1 buildings and the future stages of works will be required to provide for BASIX compliance, as required. The certificate lists commitments by the applicant as to the way the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

The applicant has stated that the development is intended to exceed BASIX and Council's ESD consultant has recommended various specific measures to achieve this objective that are reflected in a recommended condition of consent to apply to all stages of development.

8.3 State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55)

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

The site has in the past been used as a Council landfill site and for semi-rural purposes. A Remedial Action Plan (RAP) has been prepared for the development by Trace Environmental Consultants that references various site studies where extensive field analysis (e.g. bore holes) has been undertaken. These reports have established that the site is contaminated with heavy metals, Benzo[a]pyrene and coal tars (from dumped road materials) and bonded asbestos. The site will require extensive remedial works prior to its use for high-density residential purposes. The remediation strategy selected is excavation and off-site processing and disposal of contaminated materials.

Given the nature of the site's contamination (loose landfill) it may not be appropriate to remediate in stages. For example, it may not be reasonable to have Stage 1 residential buildings built and occupied while the main landfill area to the west is remediated. Staging of the remediation is not specified in the RAP. Therefore, a condition is to be imposed that

the entire site is remediated or an appropriate staging plan provided prior to release of any Construction Certificates for any habitable structures.

It is recommended that the RAP is modified as required by the recommendations in that report and this report and confirmed as an appropriate plan for site remediation by a NSW EPA accredited site auditor and then the site remediated and again confirmed as suitable for its intended use by an auditor prior to any works for residential development taking place on site.

Subject to the conditions and works recommended the site can be made suitable for its intended purpose. As such the proposal satisfies the requirements of clause 7 of SEPP 55.

8.4 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP), applies to the whole of the Parramatta local government area and aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the entire catchment.

The site is located in the catchment of the Parramatta River. In this instance, only the objectives of the SREP are applicable to the development.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, except for the objective regarding improved water quality. The proposal will satisfy this objective by remediating the site and providing for contemporary stormwater improvements throughout.

These outcomes will be achieved through the imposition of suitable conditions to address site remediation, the collection and discharge of water during construction and operational phases.

8.5 State Environmental Planning Policy (Infrastructure) 2007

The proposal is 'traffic-generating development' under clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) and was referred to Roads and Maritime Services (RMS) for their comment as required.

In this regard, a joint response from NSW Transport and the RMS was received on the 7/2/2017 (see **Attachment 7**). The following issues were raised in their response (issue ***italic bold*** and response below).

Concern raised regarding the traffic generation rates used in applicant's Traffic Report (as these rates were based on sites with higher accessibility to public transport)

See later comment on traffic impacts at Section 14.5 of this report.

Traffic modelling to confirm width of access roads at Wharf and Victoria Road.

Main site access is to be via proposed NSR-2 off Victoria Road and will be required and constructed as part of the detailed DA for Stage 3 of the development. The current application does not need to confirm the specific width of the new Victoria Road access. It is noted that the RMS supports the principle of this road. The Stage 3 DA will be referred to the RMS who will have the opportunity to address this concern at that stage. This is the appropriate Stage to determine the specific design of this new road opening as, by this

stage, land use planning on sites to the south should be more progressed (e.g. the TMAP will be finalised) to better inform the design of this road opening.

It would be premature to determine the specific design of the new Victoria Road opening as part of this DA.

The new road off Wharf Road described as EWR-1 to be built as part of the Stage 1 Development is to be a local road and its design is suitable for its purpose (see Civil Plans Attachment 6).

Construction Management Plan Required

A final Construction Management Plan will be required as a condition of consent for Stage 1.

The Stage 1 Development is not Integrated Development and the necessary RMS comment has been provided for determination of the application. The RMS and Transport NSW have not objected to the proposed new intersection off Victoria Road and the concept of this intersection can be approved and further developed within subsequent detailed development applications for the site.

In terms of the noise impact provision of the SEPP regarding development fronting classified roads (Victoria Road) suitable conditions of consent are recommended to ensure the accommodation is built to the required acoustic standards.

The proposal is acceptable development under the relevant provisions of the Infrastructure SEPP, subject to the conditions recommended.

8.6 State Environmental Planning Policy (State and Regional Development) 2011

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Sydney West Central Planning Panel is the consent authority.

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

SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

The following assessment relates to the Stage 1 Detailed Development Application.

8.7.1 Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is consistent with the design principles for the reasons outlined below:

Table 4: SEPP 65 considerations

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	<p>The site is zoned B4 Mixed Use and its planning controls envisage significantly taller and bulkier building forms than currently exists in the adjoining locality and envisaged under adjoining controls (see later discussion on zoning and height). The site's zoning seeks to facilitate the transformation of the site to high-density, mixed-use development form.</p> <p>The neighbourhood context of the site is suburban post-war, low-scale housing, some commercial development on Victoria Road (particularly its corner with Wharf) and institutional and industrial development to the south of the site. The neighbourhood context lacks strong architectural or urban themes that warrant repetition in the design of the proposed roads,</p>

Requirement	Council Officer Comments
	<p>public spaces and buildings. The site also does not immediately adjoin these existing suburban areas and its only land boundaries are with other sites also ultimately identified for similar transformative urban development – the land to the south and west subject to the Planning Proposal.</p> <p>The proposal provides for high quality and well considered public domain and landscape treatments that will provide for an up-grade to the neighbourhood character.</p> <p>The proposal is acceptable in respect to the neighbourhood planning principles of SEPP 65.</p>
Principle 2: Built Form and Scale	<p>Building heights generally comply with the 28m height control and variations are in part based on urban design grounds, to provide for a varied skyline, and are generally consistent with the principles of SEPP 65.</p> <p>See discussion of building height at Section 8.8.2 of this report.</p>
Principle 3: Density	<p>See discussion of floor space at Section 8.8.4 of this report.</p>
Principle 4: Sustainability	<p>The proposal is BASIX compliant and the following additional ESD measures are proposed:</p> <ul style="list-style-type: none"> • inclusion of 1 car share bays within Stage 1 of the development; • improvements to stormwater infrastructure resulting in overland flow paths being directed to Wharf Road (via EWR-1) and reducing the stormwater drained through adjoining sites; • provision of a rain garden and landscaping beneath the High Voltage lines at Lot 2, which will address stormwater and provide habitat; • commitment to implement Red List for material used on-site and to avoid the using of Red List materials wherever possible; • solar hot water with central gas boosted system to be included within the services design; • energy efficient fittings, fixtures and appliances, including fluorescent or LED lighting, lighting controls and ventilation high efficiency fittings including dual flush toilets and low-flow taps and showerheads; • rainwater collection and reuse; and • aim to achieve Green Star Communities Rating. <p>The proposal is acceptable in respect to the ESD principles of SEPP 65 subject to conditions ensuring the intent of these additional ESD measures are implemented as recommended by Council's ESD consultant.</p>
Principle 5: Landscape	<p>A comprehensive landscape design is provided for the site. The existing site is an old landfill site that has been covered and grassed.</p> <p>Along with remediation of the site, the proposal will provide for a significant up-grade to the landscape character of the site.</p> <p>The proposal is acceptable in respect to the landscape planning principles of SEPP 65.</p>
Principle 6: Amenity	<p>The proposed accommodation is generally compliant with the principles and controls of the ADG – see table below.</p> <p>The proposal is acceptable in respect to the amenity planning principles of SEPP 65.</p>

Requirement	Council Officer Comments
Principal 7: Safety	<p>Building entries are well identified, public spaces are designed to have an open and observed character and unit security systems will be provided to the new buildings. In general, the high-density nature of the accommodation will mean the adjoining private and public open spaces proposed will have good casual surveillance.</p> <p>The proposal is acceptable in respect to the safety planning principles of SEPP 65.</p>
Principal 8: Housing Diversity and Social Interaction	<p>The proposed accommodation provides for 12 3-bedroom units (4.3%). The majority of units are 2-bedroom (180 or 65%) or 1-bed / studio units (85 or 30.7%).</p> <p>The public domain spaces provided are considered excellent for interaction of unit occupants; however, limited convenience retail or commercial space is provided.</p> <p>No affordable housing is proposed within the development. The proposed development is compliant with its density (FSR) control under the LEP and there is no statutory or policy requirement to provide affordable housing as part of the development.</p>
Principle 9: Aesthetics	<p>The proposal's architects (AJ&C) are well regarded and acknowledged as capable of creating high-quality urban spaces. The proposed building forms are a series of 6 to 10 storey tower forms sitting in a landscaped context. The buildings will part address Victoria Road behind a landscape setback (even after the proposed road widening has been implemented). Building materials are to be varied from glass curtain wall to masonry façade finishes. All facades treatments have a horizontal emphasis.</p> <p>The proposal is acceptable in respect to the aesthetic principles of SEPP 65.</p>

8.7.2 Design Review Panels

The application was referred to the City of Parramatta's Design Excellence Advisory Panel (DEAP), in keeping with the requirements of this clause, on the 15 February 2017. The DEAP provided the following comments.

“Concept Plan

Further development is required particularly for the following issues:

- *Building envelopes;*
- *Building separation; and*
- *Orientation and form of open space.*

Stage 1 Application

The proposed Clause 4.6 Application for Variation to Height Controls is likely to be supported by the panel subject to the following matters.

The area is undergoing transition allowing for an opportunity to create major change within the area regarding the public realm, built form and stormwater retention. More specific details are needed in regard to specific building features.

The panel recommends that a coordinated approach to public domain and stormwater management should be given to the entire Melrose Park area rather than focusing on the subject site independently. – Details should be provided for the design of urban

elements including way finding features such as lighting, street furniture and signage. This will ensure a consistent public realm, specifically from Victoria Road Wharf Road, Hope Street and Hughes Street.

Further detail is needed in regard to the relationship between the public domain and the medium to high density housing surrounding the relocated town centre. Consideration should be given to the relationship between the private and public characteristics of the streetscape.

The panel require that any future illustrations for the proposed through site connections within the development should include future development specifically to the south adjoining town centre/shopping centre and the residential Super Lots.

We would like to see street sections illustrating proposed levels, illustrating the relationship of the new streets to the existing boundary lines. The architectural sections do not show the full extent of the streets to the building on the other side of the street.

The panel feels the architectural drawings and the landscape drawings need to be coordinated. The landscape plan illustrates a zig zag path leading from this walkway to the village green. The architectural plans illustrate a linear path with stairs and a zig zag pathway.

The 9-metre separation to No. 8 Wharf Road is potentially too narrow to accommodate external ground floor outdoor spaces and the pedestrian walk way linking to the Super Lots to the south. The panel questions the utility of that connection when it leads to a gated open space in the Stage 1 DA. It would be preferable if it connected through to Victoria Road. That being said, we are not sure where it leads to the south.

The panel notes that the section needs to illustrate the relationship for the ground floor of each buildings to the proposed open spaces. The two sections in the set of drawings provided need to adequately detail this relationship.

The panel is of the view that the separation distance between the proposed concept's building envelopes will need to prove it will satisfy the ADG building separation requirements.

The north-south building in Super Lot AA should be relocated to align with NSR-2 with the communal open space relocated to the west side. This would mean the north-south building in Super Lot AA would need to step down in a similar manner to those buildings fronting NSR -2 in Super Lot AB.

The applicant will need to demonstrate that 50% of the communal open space receives two hours of solar access.

The panel believes that the proposed retail should be located close to the proposed playground and open space at the north end of NSR- 3 rather than corner of Wharf road and Victoria Road. It would appear that retail in this location would be below the Wharf kerb level. Wharf Road is unlikely to have on-street parking this locution to service the retail.

The panel feels that more detail is required with regards to building entrance terraces and balconies particularly at ground level, grade changes, and landscape elements such as fences and walls level to make proper assessment.

The panel notes that given the scale of this development it would like to see solar access and natural cross ventilation reassessed and confirmed with Council. Our preliminary assessment appears to indicate the proposal may not satisfy the ADG

The Panel would like the applicant to confirm Stage 1 application does not include the landscaped extension of NSR 3. It is illustrated on the landscape plans and the stage Application

Active ESD provisions such as rainwater re-cycling, solar power and solar hot water were not discussed at the meeting, however it is assumed that at a minimum these measures will be included in the development.

In relation to the design and layout of private balconies, the Panel recommends that:

- *HVAC equipment should ideally be grouped within designated screened plant areas either on typical floors or on roof-tops.*
- *Wall mounted equipment (e.g. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and ducts.*
- *If equipment is located on private balconies, additional area above ADG minimum should be provided.*
- *Rainwater downpipes are thoughtfully designed and integrated into the building fabric.*
- *The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.*
- *Balustrade design must address visual screening of large items typically stored on balconies, for example BBQ's, clothes drying devices and bicycles.*

The Panel recommends that annotated 1:20 details of all proposed façade types are included with the DA submission and form part of the consent documentation.

The Panel recommends that conditions are included in any development consent to ensure that as a minimum:

- *The architect is engaged to provide sufficient detailed documentation for the building facades and public areas so as to ensure that the approved design intent is met;*
- *Any proposed change to external materials and/or details as specified in the approved documents is to be submitted to Council for approval;*
- *The architect is engaged to undertake regular (monthly) site inspections; and*
- *Regular reports are provided to Council that verify design intent is being met."*

The above comments are addressed below.

Modified and better coordinated concept, architectural, landscape and civil plans have been provided with the Amended DA.

Before and after road widening plans are provided in the Amended DA to allow appropriate landscape treatments during the transition to the final road widened form of the site.

Additional landscape and architectural plans (e.g. detailed entry sections) have been provided to better illustrate the connection of buildings/units to the open space and ground level in general.

In general separation distances between units within the Stage 1 buildings are appropriate or where there are variations to recommended standards, unit separation is suitably managed via design (e.g. privacy treatments and off-set windows to inactive areas of the buildings such as stairs). External separation between Stage 1 buildings is over existing or proposed new roads and suitable. Separation distances within later stage buildings can be managed when the detailed buildings for each stage are proposed, noting that the envelopes proposed are not building forms and subsequent buildings will be modulated within those envelopes to achieve appropriate building separation. A condition in this regard is recommended, requiring detailed building forms to be articulated within the approved envelopes to achieve visually interesting building forms and appropriate building separation.

The concerns regarding the layout of north-west orientated building on Lot AA (Stage 3) have been explored and tested by the applicant and the proposed orientation is considered suitable. Lot 2 (the land under the adjoining powerlines) is also now to be part of the Stage 3 lot. The presentation of this building and its open space, to the new street is considered appropriate.

Updated and more detailed shadow diagrams are provided in the Amended DA. These plans confirm that open space areas satisfy the 2-hour mid-winter (50%) requirement.

The Stage 1 DA does include the landscape extensions of NSR-3, which is the pedestrian link between the new road and Victoria Road.

Additional ESD measures are provided in the Amended DA and enhanced via conditions of consent as discussed.

A variety of detailed plans amendments have been made to the architectural plans in the Amended DA, such as additional windows to some units to improve light and air, reduction in size of windowless rooms/alcoves and additional plans and details

The conditions recommended by DEAP are generally reflected in the recommended conditions of consent.

The Amended DA, subject to conditions, satisfactorily addresses the concerns raised by Council's DEAP.

8.7.3 Apartment Design Guide

The relevant provisions of the ADG are considered within the following assessment table:

Table 5: Apartment Design Guide provisions

Standard	Requirement	Proposal	Compliance
Part 2			
2A to 2D,	LEP height and floor space controls	Non-compliant height and floor space	See discussion
2E: Building Depth	12-18m from glass line	Generally compliant	Yes
2G to 2H: Street and side setbacks	Appropriate to context – noting brownfield nature of site	Setbacks suitable and address future road widening	Yes

Standard	Requirement	Proposal	Compliance
2F: Building Separation	Vary between 12 and 24m given height of buildings	12m	See discussion
Part 3			
3B: Orientation	Define street, orientated to north	Buildings suitably address Victoria and Wharf Roads and the new EWR-1.	Yes
3C: Public Domain Interface	High quality public domain interface	Variety of spaces provided and design/configuration suitable	Yes
3D: Communal & Public Open Space	25% site (2,120sqm) and 50% solar access	37% provided (3,308sqm) (non including 894sqm public open space). Main areas all solar compliant.	Yes
3E: Deep Soil	7% of site (593.67, 6m depth/widths	1,578sqm provided and adequate dimensions	Yes
3F: Visual Privacy	9-12m separation	Minor areas of non-compliance, dealt with adequately in design.	See discussion
3G: Pedestrian Access and Entries	Well considered entries, level access	All entries central to buildings and well considered.	Yes
3H: Vehicle Access	Access off secondary street and well-integrated into building design.	Assess off new road EWR-1 and well considered.	Yes
3J: Bicycle and car parking	Local DCP rates apply (not within 800m of rail station)	Suitable parking provided.	Yes
Part 4			
4A: Daylight / Solar Access	70% units achieve min. 2 hours mid-winters solar access. Max. 15% face south	77% solar compliance 12% south facing	Yes
4B: Natural Ventilation	60% cross ventilated 18m depth	69% cross ventilated Depth suitable	Yes
4C: Ceiling heights	2.7m ceiling	Ceiling height complies	Yes

Standard	Requirement			Proposal	Compliance
4D: Apartment size & layout	Apartment type	Minimum internal area		All units comply	Yes
	Studio	35m2			
	1 bed	50m2			
	2 bed	70m2			
	3 bed	90m2			
4E: Private open space & balconies	Dwelling type	area	depth	Generally complies – 1 studio (unit 1205) has no balcony.	Yes
	Studio	4 m2	-		
	1 Bed	8m2	2m		
	2 Bed	10m2	2m		
	3+ Bed	12m2	2.4m		
4F: Common circulation & spaces	8 units off a lift core.			Max. 9 units off lift core in Building 2.	Yes - foyer design adequate.
4G: Storage	Dwelling type	Storage size		Complies	Yes
	Studio	4m2			
	1 Bed	6m2			
	2 Bed	8m2			
	3+ Bed	10m2			
4H: Acoustic Privacy	Separation, design and construction			Complies	Yes
4J: Noise and pollution	As above			Complies	Yes
4K: Apartment mix	A variety of apartments are provided			Complies	Yes
4L: Ground floor Apartments	Direct access to open space/street.			Ground floor units good access to open space/street.	Yes
4M: Facades	Well composed, varied building elements			Complies	Yes
4N: Roof design	Well designed and varied roofs.			Complies	Yes

Standard	Requirement	Proposal	Compliance
4O: Landscape Design	Well considered landscape design required.	Complies	Yes
4P: Planting on structures	Appropriate soil profiles to be provided.	Given the extent of landscape areas above basements and on roofs, conditions recommended regarding appropriate soil depths	Yes
4Q: Universal Design	20% benchmark silver level universal design features Liveable Housing Guideline's (55 units)	Not specified	No – condition recommended.
4S: Mixed Use	Non-residential uses to be provided and promote active street frontages	71sqm retail space provided	Yes
4T: Awnings and Signage	Awning required to streets with high pedestrian use	No awnings provided. A condition and expanded terrace to the proposed retail space is recommended.	No – condition recommended.
4U: Energy Efficiency	Passive solar design and materials for ESD required	Exceeds BASIX requirements and addition measures proposed.	Yes
4V: Water management and conservation	Water efficiency	Compliant BASIX water provisions and new stormwater system to be provided.	Yes
4W: Waste management	Waste storage facilities required	Complies	Yes
4X: Building maintenance	Building designed to be protected from weathering and allow maintenance	Complies	Yes

8.7.4 Building Separation

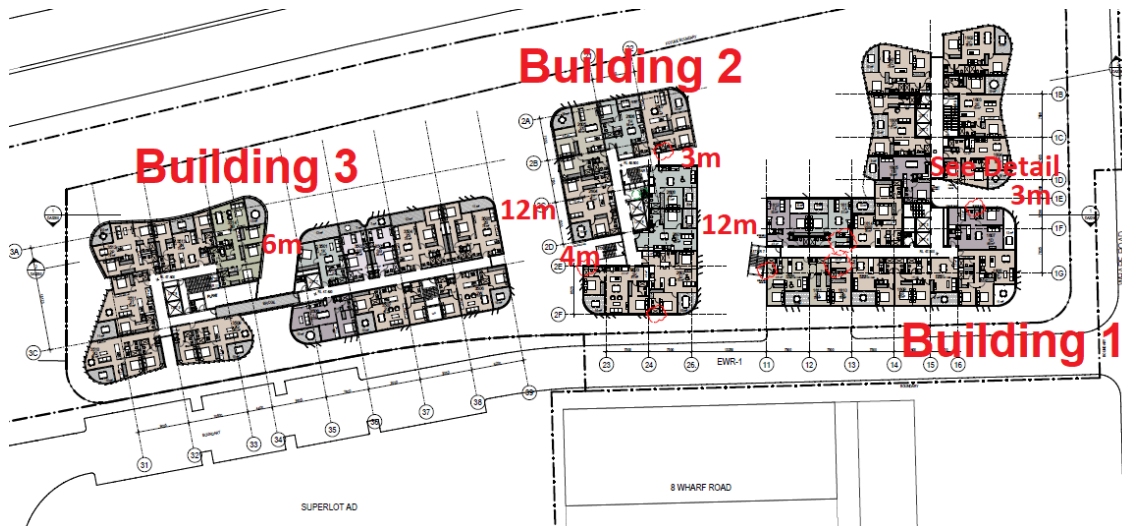
The Stage 1 buildings are designed as three (3) clusters of high-rise buildings. At various points between buildings, and in each building between units, building and unit separation is below SEPP 65 minimum separation requirements.

For example, at 6-storeys, SEPP 65 recommends the following separation distances: -

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

The level 7 floor plan for Stage 1 is provided below and areas of minimal building separation are identified.

Building Separation Level 6 Stage 1 Development



Source: AJ&C Architects

Areas of minimal building separation are addressed within the design of units via off-set use of adjoining rooms (e.g. windows off non-habitable area face habitable) and privacy treatments to openings and balconies, as shown in the detail provided below from the east facing alcove of Building 1.

Level 6 east facing alcove of Building 1



Source: AJ&C Architects

Building separation is tight and often compromised between Stage 1 buildings; however, separation is generally well addressed in the design via superior design and privacy treatments. Nevertheless, the level of plan detail provided will need to be further refined and improved to ensure that the inadequate building separation between Stage 1 buildings can be acceptably managed. A condition in this respect is recommended.

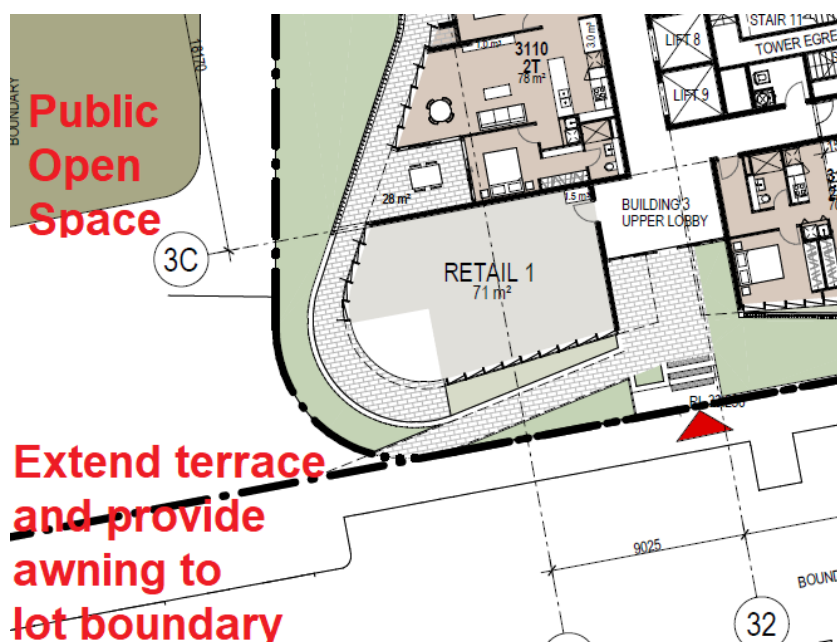
8.7.5 Mixed-Use

The site's zoning suggests greater commercial use is a necessary attribute for this development – see latter discussion of zoning at Section 8.8.1 of this report.

The 71sqm retail space provided to the main public open space area is a small and appropriate contribution to land use diversity on the site. The retail space addresses the south-west corner of the proposed western plaza public open space area. The useability of

this space should be enhanced with an expanded terrace area and awning, as shown in the detail provided below from the Building 3 ground floor plan. A condition in this regard is recommended.

Proposed retail shop building 3



Source: AJ&C Architects

8.7.6 Communal Open Spaces

A variety of ground and roof level communal open spaces are provided within Stage 1. In general, all spaces achieve minimum of 2 hours of solar access over 50% of their area as required. The analysis provided did not include consideration of adjoining buildings in later stages in respect to the western plaza public open space between Stage 1 and Stage 4. There is a 10-storey building proposed to the west side of this space within Stage 4. Nevertheless, on review, Stage 1 and Stage 4 buildings will still provide for minimum 2 hours mid-winter solar access over 50% of this space, given the space faces generally north to Victoria Road.

8.8 Parramatta Local Environmental Plan 2011

The proposal's compliance with the provisions the PLEP is summarised in the table below.

Table 6: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 4.3 Building height	A 28m building height control applies to the site and 10 storey buildings up to 35m are proposed over 6 locations (2 within Stage 1). See discussion	No
Clause 4.4 FSR	A FSR control of 2:1 applies to the site and a stated maximum FSR of 1.9:1 is proposed for the Concept Plan and 1.87:1 for Stage 1. See discussion	Yes
Clause 5.9 Trees	Trees are identified for removal and a suitable landscape plan provided. Given the contaminated state of the site and transformative nature of the site's zoning the extensive tree removal	Yes

Clause	Comment	Complies
	proposed is warranted on planning grounds. Two (2) large fig trees to Wharf Road are to be retained in the pre-road widening landscape plan and it is recommended these trees be retained in the post-road widening plan. The trees along the Victoria Road frontage can remain prior to widening of that road.	
Clause 5.10 Heritage	The site is not heritage listed but adjoins various Heritage Items. See discussion	Yes
Clause 6.1 Acid sulphate soils	The site is identified as Class 5 Acid Sulfate soils and the works are not considered a risk in this regard.	Yes
Clause 6.2 Earthworks	Can be managed via conditions	Yes
Clause 6.3 Flood Planning	The site is not identified as flood prone.	Yes

8.8.1 Zoning and permissibility

The proposal provides for 4 land uses, those being: -

- residential flat buildings all stages;
- a 696sqm child care centre within Stage 4;
- a 71sqm retail premises within Stage 1; and
- public open space within Stage 1.

The range of land uses may also evolve with detailed DAs for later stages.

The site's B4 zoning is an open zoning, in as much as any use not prohibited is permissible in the zone. The 4 land uses which are proposed within the Concept Plan and Stage 1 Development are permissible uses in the site's zoning.

Clause 2.3(2) of the Plan requires the consent authority to have regard to the zone objectives when determining a development application.

The objectives for the Zone B4 Mixed Use are to: -

"Zone B4 Mixed Use

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- *To create opportunities to improve the public domain and pedestrian links.*
- *To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre."*

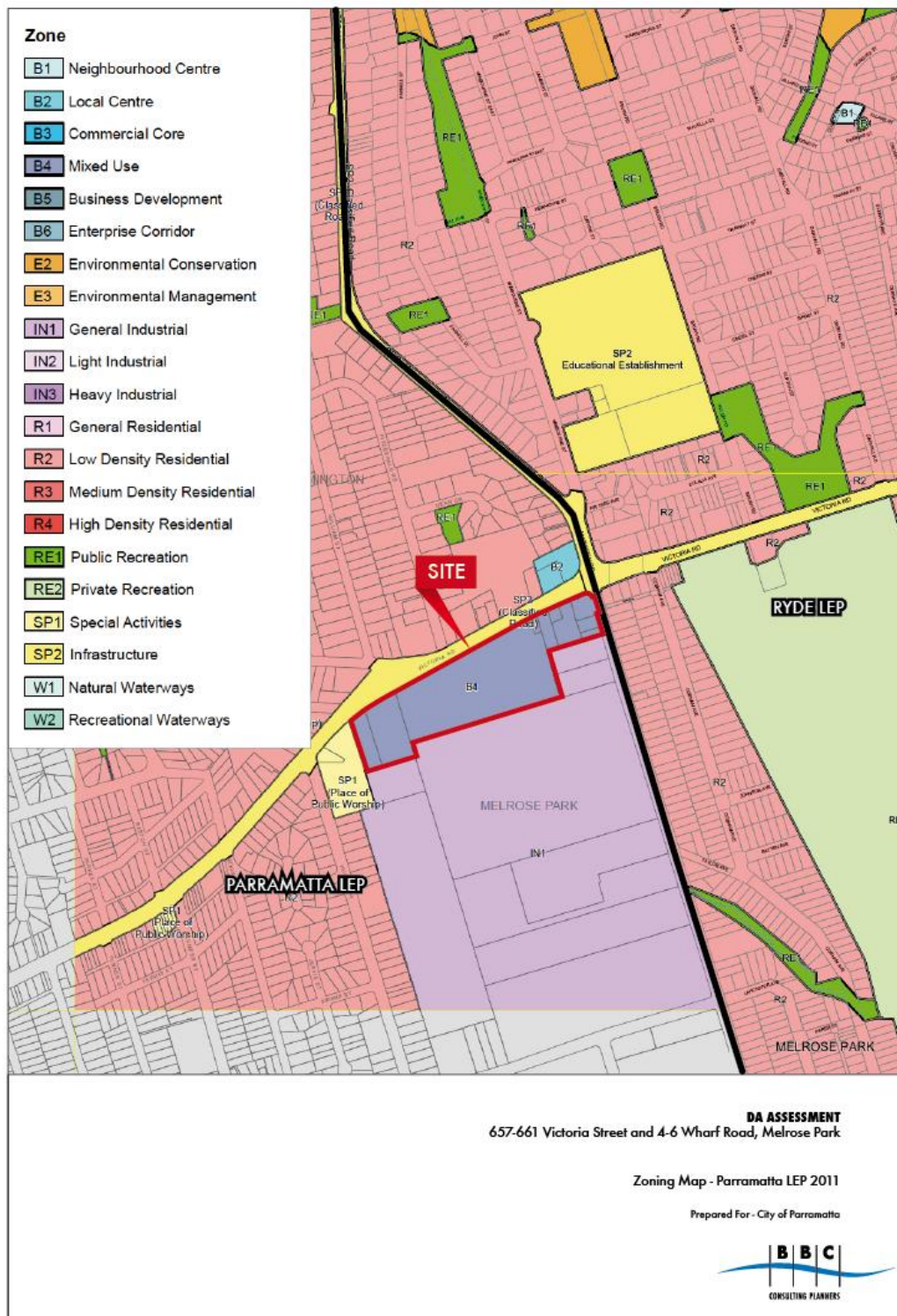
The site was zoned 6(A) Public Open Space until 2011 and as such had limited development potential.

The site's current B4 Mixed Use zoning was adopted with the current Parramatta Local Environmental Plan 2011.

Adjoining land is generally zoned Low Density Residential R2 and IN1 General Industrial zoned land.

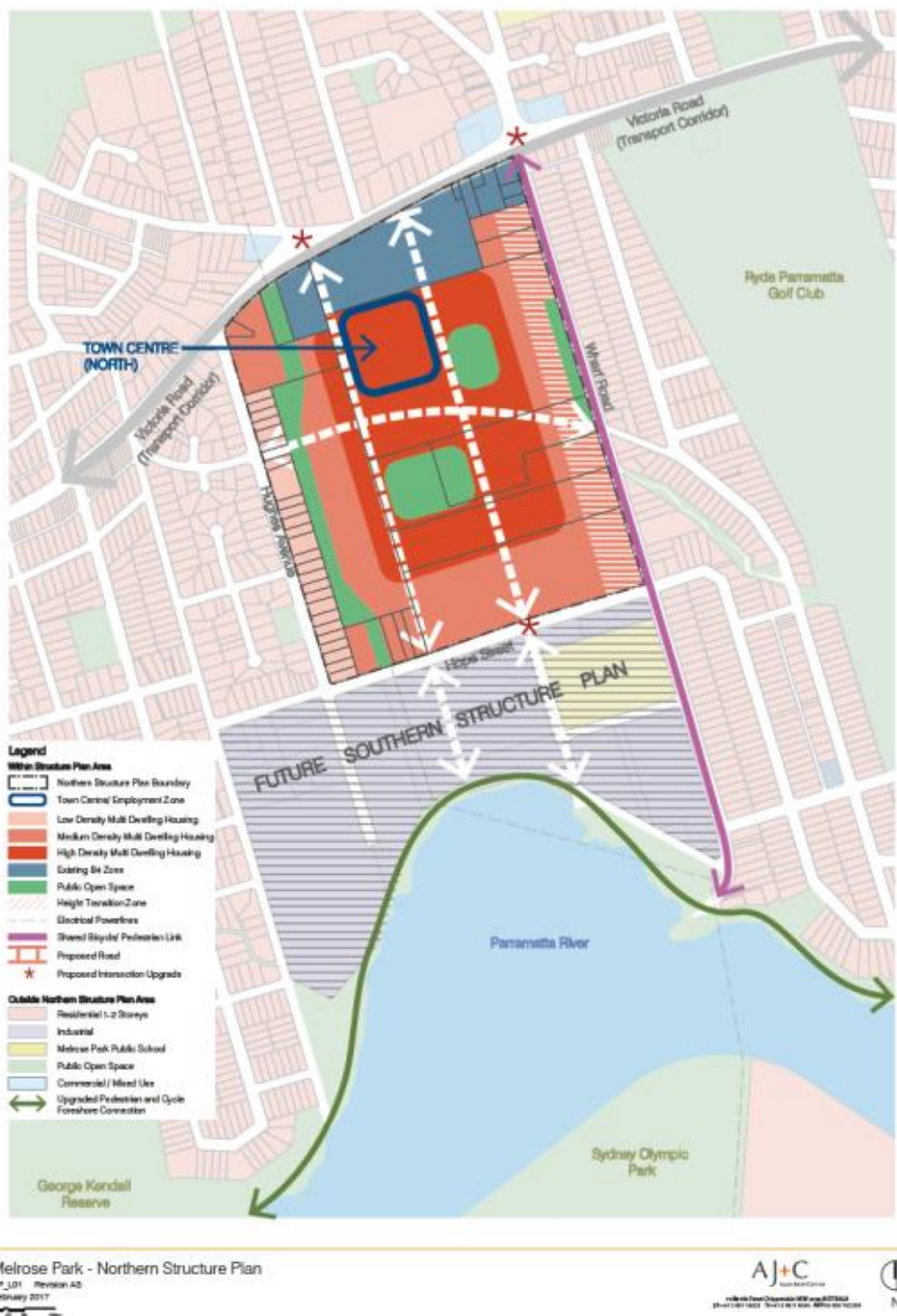
The site's current zoning and broader zoning context is shown in the diagram overleaf.

Map 4 – Zoning



A formal town centre is identified just to the south of the site. A copy of the current adopted Northern Structure Plan is provided overleaf.

Map 6 – Northern Structure Plan



The Concept Plan provides for a 696sqm childcare centre within Stage 4 and at Stage 1 a 71sqm retail space is provided. The provision of commercial floor space within the proposal is low and appears to rely on future planned development in the broader locality, such as land to the south within the Northern Structure Plan currently the subject of a Planning Proposal. There is no control in the LEP requiring a minimum amount of non-commercial floor space within the B4 zone and a residential flat building is a permissible land use in this zone. An exclusively residential development could be approved on the site under its B4 zoning.

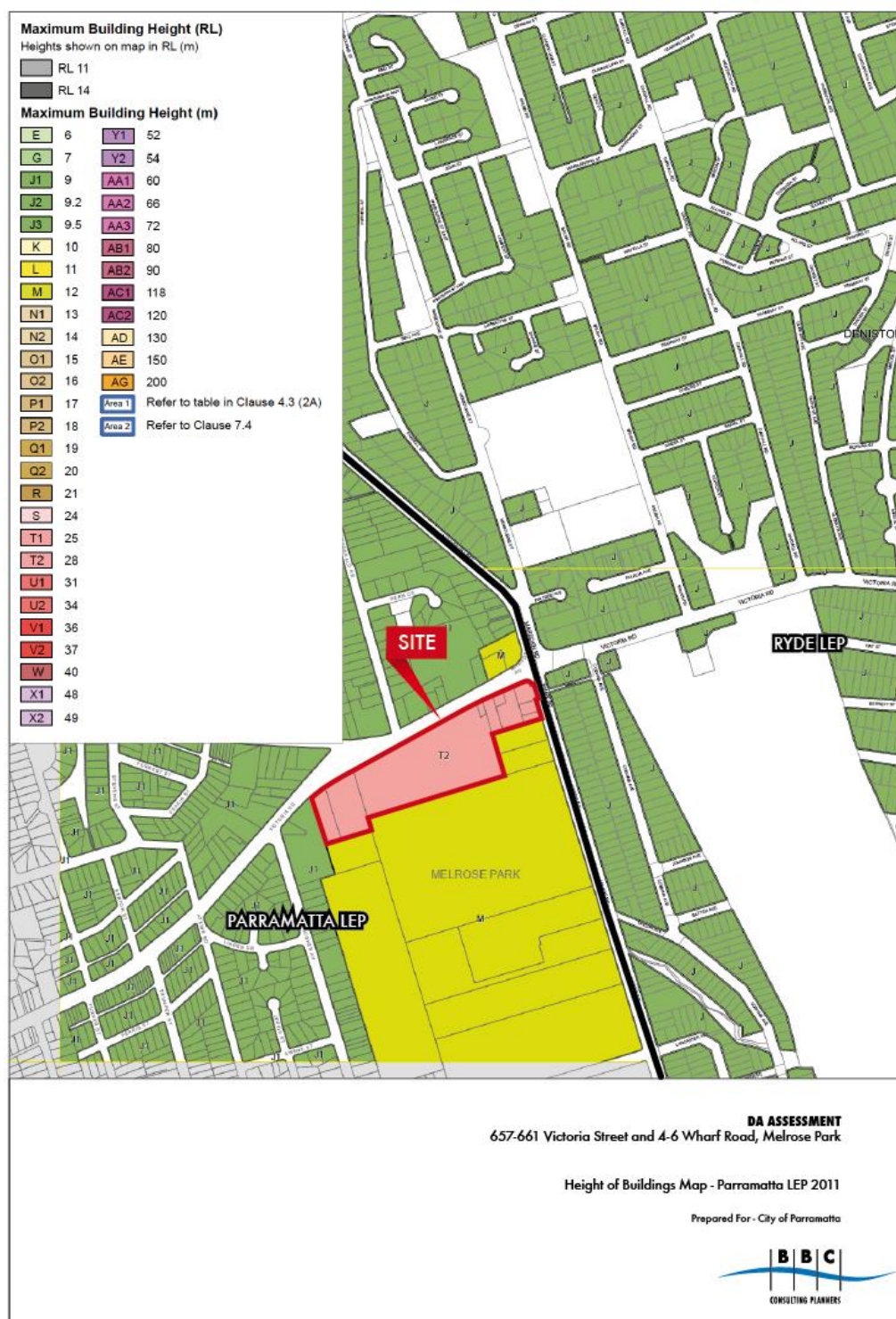
Based on the broader strategic context of the site, the amount of commercial floor space proposed within the Concept Plan and Stage 1 Development is acceptable.

Noting the assessment within this report, the proposal is consistent with the zone objectives.

8.8.2 Building Height

The site has a building height control of 28m. The site's height map and the broader context of adjoining land, in terms of height controls, is shown below.

Map 7 – Height Controls Plan



Adjoining residential land has a height control of 9-9.5m. Adjoining commercial and industrial land has a 12m height control.

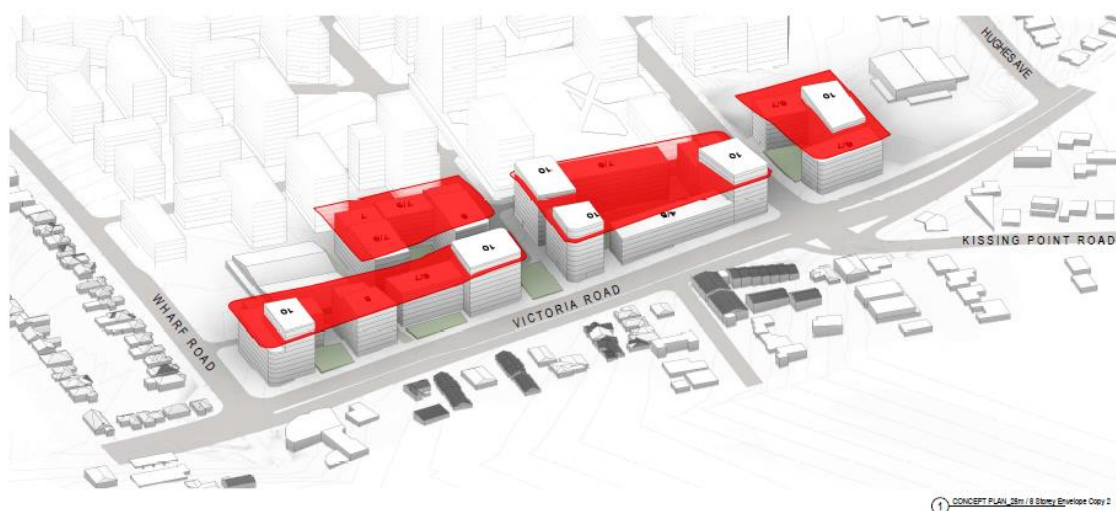
The development provides for 6 areas of non-compliance with the 28m height control in the form of 10 storey buildings up to 7m over the control (35m high).

The specific areas of non-compliance are: -

- Stage 1 – 2 buildings @ 10-storeys (buildings 1 and 3)
- Stage 3 – 1 building @ 10-storeys
- Stage 4 – 3 buildings @ 10-storeys

An asymmetric plan of building envelopes showing elements above the 28m height control is provided below.

Concept Plan Height Non-compliance



Source: AJ&C Architects

The applicant has provided a Clause 4.6 Request in respect to compliance with the 28m height control (see **Attachment 9**).

In summary, this request is based on the following grounds.

“The proposed localised increases in height are considered appropriate and would provide for a superior than height compliant development. The tallest components of the site are strategically located to celebrate key corners within the site, establish a landmark development and frame views and the streetscape. The proposal results in a scale of development that is appropriate within the emerging Melrose Park Precinct and provides an acceptable built form transition to existing neighbouring residential development.

The variation to the height standard would not result in a breach of the FSR for the site and the additional population would support future and existing retail units and commercial centres.

The proposed development is considered to better satisfy the objectives of the height of buildings development standard and the B4 Mixed Use zone by delivering a more appropriate development outcome for the site and the broader area.”

(Keyland Consulting Pty Ltd Clause 4.6, December 2016)

The Amended DA included additional grounds for the submitted Clause 4.6 Request that are summarised as: -

“Clause 4.6 allows for flexibility in the application of development standards in appropriate circumstance and this Request has been shown to satisfy the provisions of 4.6(3), 4.6(3) and 4.6(4) of the PLEP 2011.

This addendum has comprehensively considered the proposed increase in height considering the strategic, contextual and region context and the Structure Plan. The proposal has been shown to deliver a far superior scheme for the site that includes significant benefits for existing and future residents.

The proposed increase of building height is wholly consistent with the objectives of the development standard and the B4 Mixed Use zone and clear planning grounds have been provided that justify contravening the development standard.

As shown in the original Clause 4.6 Request and highlighted within this addendum, a strictly height compliant scheme would fail to deliver a development of sufficiently high quality and would fail to maximise the development potential of this strategically important site. There is therefore no public benefit in maintaining the height of buildings development standard.

The proposed localised increases in height are considered appropriate and would provide for a superior outcome to a height compliant development. The proposal has been designed to provide appropriate built form transition to neighbouring residential area and to the adjoining developments within the Melrose Park Precinct. The tallest components of the site are strategically located to:

- *respect neighbouring residential amenity*
- *celebrate key corners within the site*
- *establish a landmark development and frame views and the streetscape*

In summary, for the reasons set out within the original Clause 4.6 Request and this addendum, the proposed development represents a far superior outcome for the site consistent with discussions with senior Council staff over the past 12-18 months following the acquisition of the site. The variation to the development standard is fully justified in this instance and should be varied as proposed in the application.”

(Keyland Consulting Pty Ltd Amended Clause 4.6, 13 June 2017)

The applicant’s argument for the additional height is focussed on the proposition that taller buildings allow for a more varied and desirable skyline across the site that could not be achieved with compliant buildings. The stated assumption is that a compliant scheme would involve a monotonous series of 8-storey, street wall buildings across the site.

8.8.3 Assessment of Clause 4.6 Request

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (clause 4.6 (3) (a)).

There is no precedent in the locality for non-compliance with the 28m height control in this zone, given that the current B4 zoned land is specific to this site and currently isolated from other B4 zoned land. Indeed, on review of adjoining zonings and height controls (see **Map 7**), the 28m height control is anomalous in this locality given current adjoining height controls that range from 9 to 12m. The planning justification for taller buildings on the site rests with the proposed planning controls for the adjoining sites to the south.

The current Planning Proposal for the adjoining sites seek buildings in the range of 16m and up to 72m (taller buildings are confined to sparse locations on the larger sites to the south). The adjoining smaller sites are recommended for the following height controls: -

- 15-19 Hughes Avenue and 655 Victoria Road (32m); and
- 8 Wharf Road (14-28m).

This Planning Proposal is yet to be exhibited and has no formal statutory weight at this stage.

Nevertheless, the Melrose Park/Northern Precinct Planning Proposal process is well underway and it is reasonable to give anticipated development on sites to south some weight in the assessment of this Clause 4.6 Request.

The site is isolated from adjoining low-density areas by Victoria and Wharf Road. The sites that directly border the site are identified in the Planning Proposal to be up-zoned. The physical effects of the non-compliant buildings are generally internalised within the site or those effects affect adjoining sites identified for similar redevelopment.

The bulk and scale of the proposed non-compliant buildings is not out-of-character with the envisaged scale of buildings to the south. While it is noted that the Planning Proposal has not been exhibited yet, enough supporting material has been developed as part of this strategic planning process to make it clear that a 10-storey building will be compatible with the scale and size of buildings envisaged for the greater Melrose Park redevelopment area.

The buildings addressing Victoria Road provide an urban design benefit in terms of identifying entries and a varied skyline. The siting of these buildings addressing Victoria Road is appropriate on urban design grounds, as Victoria Road forms a ridgeline of sorts to the northern edge of the site and it is the principal road in this locality. Taller buildings are appropriate to main streets and ridgelines.

The development in general will still be under the site's floor space control and the non-compliance with the building height control is not associated with excessive site density or an overdevelopment of the site.

Are there are sufficient environmental planning grounds to justify contravening the development standard? (clause 4.6 (3) (b))

The logic of the Melrose Park/Northern Precinct Planning Proposal's height controls is that taller buildings are meant to be grouped around the new town centre to the south of the site (see **Map 5**). In general, taller buildings are meant to be in the middle of the site and buildings on the edge of the precinct are to be lower to mediate with adjoining low-scale development.

The non-compliant (10-storey) buildings, particularly the southern building in Stage 4, do contribute to unreasonable overshadowing on adjoining lots to the south that are planned for high-density development, specifically the town centre. The non-compliant (10-storey) building proposed within Stage 3 is on the western edge of the site that adjoins powerlines and land identified to be used as open space.

There is suitable urban design merit to the 4 non-compliant (10-storey) buildings within Stages 1 and 4 that present directly to Victoria Road. This edge of the site is considered akin to a ridge line addressing a busy and wide road. These buildings do dramatize entries to the site and their physical impacts (mass and shadows) are suitably internalised within the site. Nevertheless, there is no suitable planning grounds for the southern Stage 4 building and Stage 3 building to exceed the height control.

Is the proposed development 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 (clause 4.6 (4) (a) (ii))

The objectives of the height control at clause 4.3 (1) of the LEP are: -

“(1) The objectives of this clause are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas,*
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.”*

In terms of objective 1(a), the exceedance of the height control exaggerates the site's height and does not provide for a transition in built form and land use intensity within the area covered by this Plan, noting that most adjoining land is currently zoned for low-density housing. However, when considered against the emerging building heights planned for land to the south the proposed variations are considered to provide a suitable transition in built form and land use to the wider Melrose Park redevelopment area.

In terms of objective 1(b), the DCP nominates a view looking southeast towards Sydney City from Victoria Road, Ermington across the site. This view is suitably preserved via the north south grid road pattern proposed. Also, this view is diminished at street level via compliant buildings and to a certain extent it is recaptured by future residents within southeast facing units.

In terms of objective 1(c), the building heights are considered to have suitable regard to adjoining heritage sites.

In terms of objective 1(e), the proposed height exceedance does not respect the existing character and scale of adjoining low density residential areas.

In terms of objective 1(f), the proposal partially addresses this objective; however, as discussed previously the southern 10-storey buildings within Stages 3 and 4 fail this objective.

The exceedance of the height control fails objectives 1 (e), 1(f) and in part 1(a).

The concern with objective 1(a) is that the current height control has no contextual support in its immediate locality. However, weight is given to the current Planning Proposal to land to the south of the site. While this Planning Proposal has not yet been exhibited and has no formal status, it is reasonable planning practice to give consistent planning policy weight. In this regard, the greater Melrose Park redevelopment area has been the subject of numerous studies, Planning Proposals, adopted Master Plans and recent Council resolutions all heading towards its transformation from light industrial and low-density

housing to a high-density, mixed-use precinct. The proposed planning controls for these sites to the south will provide for an appropriate contextual fit for the higher buildings proposed. It is accepted that the locality is transitioning from a low-density and industrial character to a high-density, mixed use character.

Objectives 1 (e) and 1(f) are satisfied if the southern 10-storey building within Stage 4 and Stage 3 building are not supported.

As discussed, the proposal is generally compliant with the zone objectives subject to part acceptance of the applicant's Clause 4.6 Request.

The public benefits the applicant has stated as attributable to the development and in part supporting the public interest test of Clause 4.6 are: -

- ESD features beyond BASIX compliance;
- A public domain up-grade to the site, including new roads and public spaces;
- Retail and commercial use on the site;
- Public Art;
- Site Remediation - approximately \$14 million towards site remediation ensuring that the site, and particularly its public open spaces and the public domain, can be made suitable for its intended use; and
- Payment of development contributions.

These stated public benefits are in many respects just the type of activities an applicant developing a site of this nature would be expected to provide in a compliant development.

However, the site is distinct from typical B4 zoned land in as much as it is ostensibly vacant and highly contaminated. The integration of the site into the adjoining urban fabric and its remediation is a significant public benefit. While these benefits are not intrinsically linked to non-compliant building height, there is enough of a planning justification for the areas of non-compliant building height to be supported for the public interest benefits of the development in general to be grounds for part support of the applicant's Clause 4.6 Request.

Conclusion – 4.6 Assessment

There is partial merit in the Clause 4.6 Request submitted in respect to the 4 10-storey buildings within Stages 1 and 4. The 10-storey buildings within the southern parts of Stages 3 & 4 do not warrant a variation of the 28m height control. The consent is conditioned to exclude these buildings from exceeding the height control.

The grounds for part acceptance of the applicant's Clause 4.6 Request are: -

- the physical effects of these building are generally internalised within the site;
- the bulk and scale of the proposed non-compliant buildings is not out-of-character with the envisaged scale of buildings to the south;
- these buildings do provide an urban design benefit in terms of identifying entries and a varied sky line;
- the siting of these buildings addressing Victoria Road is appropriate on urban design grounds;
- the development will be under the site's floor space control; and
- the site's current state and contamination is a site-specific constraint and some weight has been given to the public interest benefits of remediation of the site.

Subject to part acceptance of the applicant's Clause 4.6 Request, the proposal is acceptable on building height grounds.

8.8.4 Site Area and Floor Space

The Stage 1 Development comprises various sites, including lots for future road widening to Victoria and Wharf Roads, the western plaza public open space and a new road EWR-1 off Wharf Road.

The residual land is incorporated into a new Lot 14.

See proposed subdivision plan at **Attachment 3**.

The western most Lot 2 DP 588575 is to be consolidated into Lot 14 for future stages of subdivision.

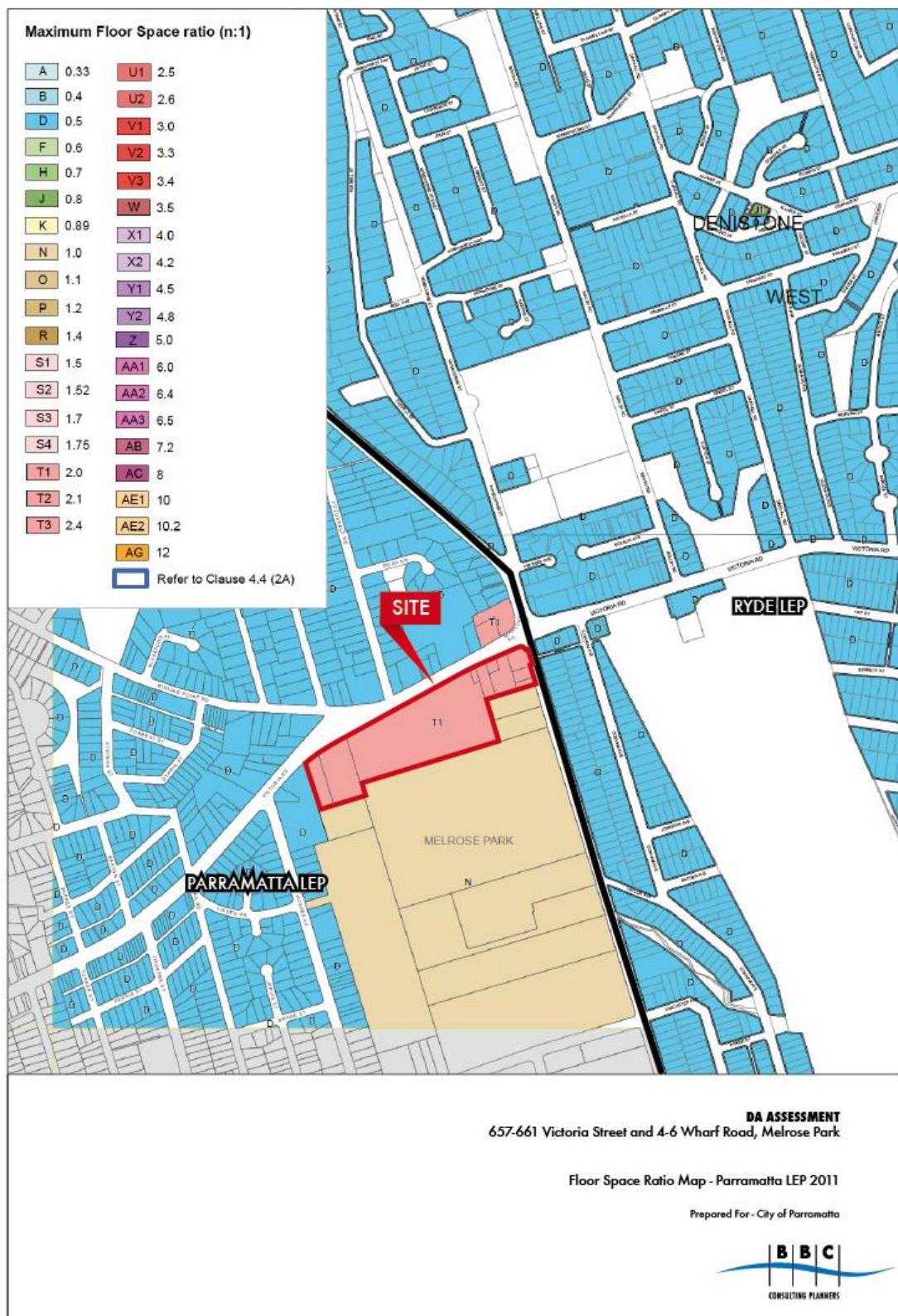
The floor space statistics of the proposal are provided in the below table

Table 7: Site Floor Space Analysis

Stage 1 - Site Area		Concept Plan - Site Area	
Site	Area	Site	Area
Lot 10 (final lot Stage 1)	8,482sqm	Stage 1	12,506sqm
Lot 11 (public open space)	982sqm	Lot 14 (residual)	35,084sqm
Lot 12 (Victoria Road widening)	1,645sqm	total	47,590sqm
Lot 13 (Wharf Road widening)	453sqm		
New road (EWR-1)	943sqm		
total	12,505sqm		
Stage 1 - Floor Space		Lot 14 - Floor Space	
Building 1 GFA	8,601sqm	Stated Total Site GFA	90,405sqm
Building 2 GFA	5,197sqm		
Building 3 GFA	9,578sqm		
Total GFA	23,376sqm		
		Residual GFA after Stage 1	67,029sqm
FSR Lot 10	2.76:1	FSR over lot 14	1.9:1
FSR all Stage 1 Lots (e.g. include roads)	1.87:1		

A floor space control of 2:1 applies to the site under the LEP and the current pattern of floor space controls around the site is illustrated in the map below.

Map 8 – Floor Space Controls Plan



While it is noted that road space and road widening does concentrate the massing of buildings on the final Lot 10, this approach is accepted given the necessity for roads and road widening and as these spaces do provide separation to adjoining development. The concept of buildings massed on the corner of Victoria and Wharf Roads is also considered sound on urban design grounds.

Building forms in latter stages of development should also be modified to address objectives for adjoining land to the south. Buildings within Stage 2, 3 and 4 should provide for a solar sensitive form to ensure the proposed town centre to the south receives a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 3 hours between 9 am and 3 pm on 21 June (mid-winter). A condition in this respect is recommended.

The proposal is acceptable in terms of the proposed level of density and the site's floor space control subject to the conditions recommended.

Site Amalgamation

In respect to what constitutes the site for the purposes of floor space Clause 4.5 of LEP 2011 states (our **emphasis** added): -

"4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define floor space ratio,*
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:*
 - (i) **prevent the inclusion in the site area of an area that has no significant development being carried out on it, and***
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and*
 - (iii) require community land and public places to be dealt with separately.*

(2) Definition of "floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or*
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.*

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,*
- (b) community land or a public place (except as provided by subclause (7)).*

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out."

The purpose of clause 4.5 is to prevent the use of lots where there is no 'significant development' taking place on that lot in the calculation of site GFA. Lot 2 DP 588575 is identified as open space in the Northern Structure Plan (see **Map 6**) and a rain garden and landscaping is proposed to the site as part of the concept landscape plan. In the original DA, no buildings, site access, works or inclusion in the land subdivision was proposed for this lot. This lot was to be retained as a standalone lot in the original DA. As part of the Amended DA, this lot is to be amalgamated into the residual Lot 14, a rain garden provided to its northern part and the remainder grassed – see landscape plan extract below.

Development Lot 2 DP 588575



Source: AJ&C Landscape Plans

Lot 2 is currently part used as a car parking area for the adjoining church and has a lease registered on its title till 2054 (see **Attachment 9**).

The integration of Lot 2 DP 588575 into the residual Lot 14 and then use within the subdivision and as open space is 'significant development'.

A condition is recommended to ensure the land of Lot 2 DP 588575 is landscaped prior to

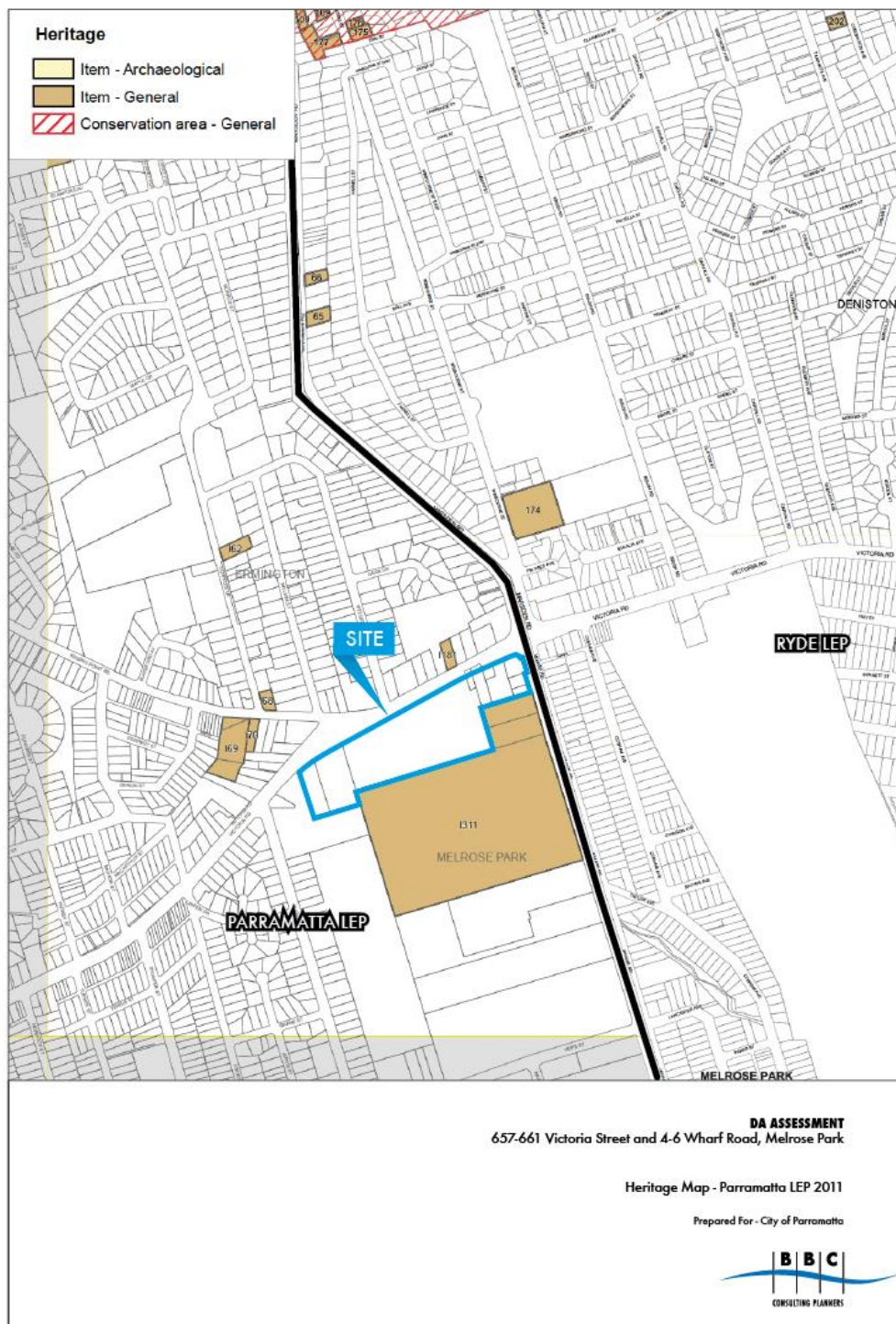
construction of Stage 3.

Subject to the conditions recommended, the proposal is acceptable in respect to site amalgamation grounds.

8.8.5 Heritage

The site adjoins a Heritage Item to the south and north – see LEP heritage map extracts below.

Map 9 – Heritage



The description of the Heritage Items to the south and north of the site as listed in the LEP are provided in the table below.

Table 8: Adjoining Heritage Items

Suburb	Item name	Address	Property description	Significance	Item no
Melrose Park	Landscaping (including millstones at Reckitt)	8 and 38–42 Wharf Road	Lots 8 and 9, DP 111186; Lot 10, DP 1102001	Local	1311
Ermington	Cottage	736 Victoria Road	Lot 12, DP 7863	Local	181

The Item to the south comprises landscape features and the Item to the north, across Victoria Road, is a cottage. Both are suitably distanced from the site so that the proposed development has no adverse impact on the significance of these Items. Other adjoining Items, noted in the above map, are further away and the proposal is also considered to not adversely impact on these Items.

The site is also not within a Conservation Area or in a landscape with strong historic themes. It is a suitable site for the type of transformative development provided for by the site's B4 zoning.

The proposal is acceptable on heritage grounds.

9. Draft environmental planning instruments (EPI)

There are no Draft EPIs relevant to this assessment; other than the adjoining Planning Proposal which is yet to be exhibited. This Planning Proposal has been previously discussed and does not have a formal status as a Draft EPI.

10. Development control plan

10.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to this proposal:

- Part 2 - Site planning
- Part 3 - Development principles

Compliance tables are provided below: -

Table 9: DCP 2011 – Part 2, Site Planning – Compliance table

Provision	Comment	Complies
2.4.1 Views and vistas	<ul style="list-style-type: none"> As discussed, a southeast view towards Sydney City, from Victoria Road, is identified over the site in the DCP. This view is part obscured by the building forms proposed at Victoria Road footway level. This is an expected consequence of development of the site; however, glimpses of this view are maintained at street level by the north-south orientation of new roads and open space areas proposed and recaptured at higher levels by new units facing south-east. 	Yes

Provision	Comment	Complies
2.4.2 Water management	<ul style="list-style-type: none"> The site is not affected by fluvial flooding. Detail modelling of overland flooding has not been provided but can adequately be resolved via condition. Groundwater impacts do not arise. Stormwater and water quality, both during and post construction will be suitably managed. 	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> Sedimentation controls during construction will be addressed by conditions. The site has an Acid Sulphate Soils classification of 5. No issues arise. Salinity is not identified as a site constraint. 	Yes
2.4.4 Land contamination	No further issues arise - refer to section 8.2.	Yes
2.4.5 Air quality	Odour is to be managed during remediation in the RAP; otherwise, no issues arise with the proposed development.	Yes
2.4.6 Sloping land	The slope of the land is adequately addressed in design of buildings and open space.	Yes
2.4.7 Biodiversity	<ul style="list-style-type: none"> The site is not identified on any of the relevant LEP maps. Threatened species is addressed at section 5.1. 	Yes
2.4.8 Public domain	The general form of the public domain proposed is acceptable in principle. It is considered that the EWR-1 road reserve should be set out with parking along one side only to provide wider pedestrian areas. A condition is included requiring further refinement of the public domain through post-determination negotiation with Council's public domain team. The narrow eastern section of EWR-1 can be widened as part of any future development on the adjoining site to the south (No. 8 Wharf Road).	Yes

Table 10: DCP 2011 – Part 3, Development principles – compliance table

Provision	Comment	Complies
3.1 Preliminary building envelope	<ul style="list-style-type: none"> The LEP height control is satisfied subject to the Clause 4.6 variation and partial non-compliance acceptable as conditioned. A condition is included requiring the undergrounding of the existing above ground power lines on Victoria Road to help compensate for the visual impact of the non-compliant height. Height transition is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls. The proposed stage 1 buildings and concept envelopes provide the boundary setbacks required by the DCP (i.e. 3m). However, as outlined above a 5m setback is to be conditioned to NSR-2 given the significance of this road in the likely future precinct. 	Part – but some variation agreed.
3.2	Form, massing and presentation are satisfactory. Refer to section 14.3	Yes

Provision	Comment	Complies
Building elements		
3.3 Environmental amenity	Landscaping is satisfactory subject to conditions.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> Access for people with a disability is satisfactory. Refer to section 14.3 The provision of public art is addressed by a condition. Safety and security is satisfactory subject to conditions. Refer to section 14.10 The proposal provides 30 adaptable dwellings (10.8%). 	Yes
3.5 Heritage	Heritage considerations, including Aboriginal and European archaeology, have been fully addressed. Refer to section 14.8	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> Car parking supply and access is satisfactory - refer to section 14.5 Arrangements for service vehicle are satisfactory - refer to section 14.5 Supply of bicycle parking is satisfactory 	Yes
3.6.1 Sustainable Transport	<ul style="list-style-type: none"> See Section 10.1.1 below. The Stage 1 development is conditioned to provide 7 car share spaces. 	Yes
3.6.2 Parking and Vehicular Access	<ul style="list-style-type: none"> 1 secure bicycle space required per 2 dwellings (139 spaces). 139 on-site bicycle spaces to be provided. Conditions recommended to ensure compliance. 	Yes
3.6.2 Car Parking Provisions	See discussion below.	Yes
3.7 Residential subdivision	<ul style="list-style-type: none"> The subdivision proposed is suitable for the form of development proposed. 	Yes

10.1.1 Parking Provision

The parking provisions required and provided is shown in the table below.

Table 11: Parking requirements (DCP) and provided

	Units	Rate PDCP 2011	Required	Provided
Studio	12	No spaces required	0	289
One-bed	73	1 space per 1-2 bedroom units	73	
Two-bed	180		180	
Three-bed	12	1.2 spaces per 3-bedroom unit	14	
<i>Res Total</i>	<i>277</i>		<i>267</i>	

Visitors		0.25 space per dwelling for visitor parking	69	28
Commercial	71	1 space per 30 m2 of gross floor area	2	0
Car Share		1 if over 50 units	1	1
		A car wash bay which may also be a visitor space	1	
Totals Units	277		340	318
Car Share in lieu		1 per 3 spaces under provided	7	By condition

The proposal provides for 318 car spaces over 4 basement levels which is 22 spaces under the provision requirements in the DCP.

Nevertheless, there is still over 1 car space per unit and up to 28 visitor spaces provided. The applicant's justification for the level visitor parking provided is summarised below.

"...the Proposal requires 70 visitor parking spaces. In response, the Proposal provides 28 visitor parking spaces at a reduced rate of 1 space per 10 dwellings.

By way of justifying the adoption of this reduced visitor parking rate, it should be noted that visitor parking is classified as 'destination' parking compared with resident parking, which is classified as 'origin' parking. It is accepted that 'constraining' destination parking is an effective method of reducing traffic demand on the local road network and encouraging the use of alternative transport modes, such as public transport, cycling and walking."

(Traffic Impact Assessment prepared by Anson Group 18.11.2016 Page 33)

The Stage 2 Development also will provide for kerbside parking spaces within the new road EWR-1.

The applicant's view on parking is supported. While the site is not conveniently located to heavy rail, there is a high frequency bus service opposite the site that is intended to be improved with the road widening proposal for Victoria Road. It is understood that part of the purpose of the Victoria Road widening is to provide a bus lane opposite the site.

The level of provision is also well above the SEPP 65 reduced car parking rates which would set a minimum of 285 space for the site (noting that the site does not have the proximity to public transport for these rates to formally apply).

Car parking provisions is a strategic aspect of a development, in as much as what is provided in part generates travel habits, car use and journeys. A modest level of under provision is considered warranted in this instance and is, in general, a sound planning objective.

Nevertheless, to part compensate for the under provision proposed a greater number of car share spaces are recommended. The DCP outlines that 1 car share space can replace 3 car spaces. This appears excessive as in this instance the under-provision concerns visitor parking only and some new kerbside parking will be provided in the public domain. It is recommended that 1 space is allocated to each unit, 33 spaces allocated to visitors (including a wash bay), 1 space allocated to the retail space and balance dedicated as car share spaces.

The following car parking allocation is recommended.

Table 12: Recommended onsite parking allocation

Stage 1 Car Parking Allocation Recommended	
Residential	277
Retail Space	1
Visitor (Inc. 1 car wash bay)	33
Car Share	7
total	318

On-site car parking is suitable subject to the conditions recommended.

11. Planning Agreements

No Planning Agreements are proposed as part of this development.

12. Road Widening

The site is not affected by a draft or made road-widening proposal under any EPI. However, road-widening proposals are apparent to Victoria and Wharf Roads.

The concept provides for 2 areas of road widening to Victoria and Wharf Roads respectively (see proposed subdivision plan **Attachment 3**).

A formal road widening reserve to each road has not been confirmed; however, road widening to Victoria Road has been under review by the RMS and Transport NSW since at least 2014 as confirmed by the RMS in correspondence to Council on 16 December 2015. The RMS has previously bought and resumed a strip of land on Victoria Road for road works and the current area identified in the Stage 1 subdivision (Lot 12) approximates an area under investigation for a bus lane.

The traffic report submitted recommends the widening of Wharf Road at Stage 2 to accommodate demand generated by the subject application.

There is no firm requirement or need for either road to be widened as part of Stage 1. The landscape plans for the site also provide for staged plans that address pre-road widening and post-road widening design to ensure this issue is managed over the staging of the development. A core landscape concern with the Stage 1 Development was the loss of 2 mature fig trees to the Wharf Road frontage. These trees have now been retained and integrated into the pre-road widening landscape plan for the site.

The Victoria Road widening appears to provide broader transport benefits as it is focussed on increasing bus efficiency around the site; whereas, the Wharf Road widening appears to provide lower order benefits in terms of being focussed on increasing the efficiency of the Wharf and Victoria Roads intersection for vehicles only.

Given the landscape benefits of retaining the pre-road widening landscape form of the site for as long as possible it is recommended that each proposal is staged. The Wharf Road works should happen at Stage 2 and the Victorian Road works when the RMS decides to undertake them. This is as recommended by the applicant's Traffic Assessment. The works should also be refined to retain the fig trees (as these trees can be integrated into the new footway of Wharf Road).

The staging recommended would also allow the road widening to reflect the findings of the broader TMAP process being prepared for the Planning Proposal for the sites to the south.

The proposal is acceptable in terms of strategic plans for road widening around the site.

13. The Regulations

The recommendation of this report includes conditions to ensure that Clause 98 of the Regulations (Building works to satisfy the Building Code of Australia) will be satisfied.

14. The likely impacts of the development

14.1 Context and setting

The acceptability of the proposal to its context and setting is not based on its existing low-density context but rather the transformation of the site in accordance with its B4 zoning as the first part of an emerging high-density, mixed-use precinct in this locality. The strategic planning for the redevelopment of the land to the south of the site is well underway.

In this regard, it is important that some aspects of the proposal such as the level of transport provision and road design is informed by the broader strategic studies underway such as preparation of the TMAP for the Melrose Park Planning Proposal. A condition in this regard is imposed on the Concept Plan.

14.2 Site works

New roads, stormwater and public domain infrastructure and associated civil works are proposed. These works are suitable, subject to the conditions of consent recommended.

14.3 Site planning and built form

The siting of buildings and new roads within the Concept Plan generally follows a north-south and east-west orientation and is considered acceptable and consistent with the adopted principles of the Northern Structure Plan (see **Map 6**). Some compromise has been necessary to the width of EWR-1, EWR-2, and NSR-4 due to the constraints imposed by the significant road widening to Victoria Road and the separate ownership of No. 8 Wharf Road. These roads can all be widened in the future subject to future applications on No. 8 Wharf Road and the masterplan site to the south.

The built form is generally as envisaged by the site's current planning controls and, subject to recommended conditions of consent, acceptable in terms of the planning principles so far enunciated for the broader redevelopment area to the south of the site. It is also noted that subsequent Stage 2, 3 and 4 DAs will better address agreed planning controls for adjoining sites.

In terms of the Stage 1 Development, all new buildings addressing the narrow part of the new road EWR-1 provide approximately 8-9m setback to the centre line of the new road which, presuming comparable building setbacks on the site to the south (8 Wharf Road), can provide for suitable building separation.

The solar objectives for the new town centre to the south of the site have been discussed previously and will be a condition of consent requiring the future detailed Stages 2, 3 and 4 building forms to address.

It is considered appropriate to resolve fine-grain site planning issues as detailed DAs for subsequent stages of development are provided. It is noted that the indicative envelopes

provided for later stages of development are not envisaged to be entirely filled with new buildings.

Other site planning issues, such as the implications of road widening and partial acceptance of the non-compliance with the 28m height control have also been discussed previously.

The Concept Plan and Stage 1 Development are acceptable in terms of site planning and the proposed built form as conditioned.

14.4 Subdivision

A Stage 1 subdivision plan is provided (see **Attachment 3**) that provides for: -

- creation of the Stage 1 super lot (Lot 10);
- Lots 12 and 13 (for future road widening);
- Lot 11 (for the western plaza public open space);
- a lot for proposed future road EWR-1 off Wharf Road; and
- Lot 14 (being the western portion of the site residual from Stage 1 for future stages of development of the site).

Future super lots for stages 2, 3 and 4 and associated roads and road widening lots to Victoria Road will be created out of Lot 14. Lot 2 DP 588575 is included in the above subdivision process.

Conditions are recommended that provide for dedication of Lots 12, 13, 11 and lot for EWR-1 to Council and that a covenant indicating the floor space has been harvested off these lots.

The proposed subdivision provides for a suitable structure for the Concept Plan and Stage 1 Development.

14.5 Access, parking and traffic

Access

Access to Stage 1 of the development is off Wharf Road via new road EWR-1. Council's Traffic Engineer has assessed the entry from Wharf Road and carriageway width of EWR-1 as satisfactory. While the driveway access is on the eastern end of EWR-1, it is considered that the entire road should be constructed at Stage 1 to ensure appropriate street frontage for units on the western side of the site. A condition is included to this effect.

Parking supply

The level of on-site provision provided is considered to be satisfactory. It is noted that Council's Traffic Engineer has objected to the shortfall in parking provided based on the requirements of the DCP. Based on a broader review of the level of car parking provided, the Stage 1 Development still provides significant on-site provisions and the level of provision is adequate (other than in a numerical sense when compared to Council's DCP rates). At least 1 car space per unit is provided with significant visitor and car share parking and new kerb side spaces on the new road EWR-1 will be provided as part of Stage 1.

The parking supply provided is acceptable.

Traffic generation

Both the RMS and Council's Traffic Engineer have suggested the traffic generation rates used to model parking, road widths and openings are based on surveyed rates from

Appropriate conditions regarding waste are incorporated into the recommendation.

14.6 Relationship with public domain

The proposed development provides for a significant up-grade of the public domain around the site and creation of new public domain areas in the form of new roads and a public open space link from Victoria Road (the western plaza).

At Stage 1 the parts of the public domain to be dedicated to Council are new road ERW-1 and Lot 11 (the western plaza public open space to Victoria Road). Lots 12 and 13 for road widening will be formally dedicated at later stages of development.

Council's Civil Assets has provided suitable conditions of consent for public domain areas to be dedicated to Council.

14.7 Relationship with adjacent sites

As noted, the proposal provides for the transformative redevelopment of the site from a largely vacant site to high-density, mixed-use development.

The impacts of the site on adjoining sites to the south can be managed via the modifications to the Concept Plan recommended and on an application-by-application basis. All immediately adjoining sites are identified for similar robust and transformative urban development.

EWR-1, EWR-2 and NSR-2 are all narrower in width than would normally be considered ideal due to site specific constraints (i.e. Victoria Road widening and fragmented ownership pattern with No. 8 Wharf Road). The road widths approved in this application are not to be used as a precedent for any roads in the adjoining Masterplan to the south.

Further afield, such as across Victoria Road and Wharf Road the existing zonings are not proposed to change and it is likely the existing low-scale development will be retained. In each case, separation distances to adjoining low-scale development is across wide roads. Solar impacts of the development (other than some late afternoon shadows on properties to the east on Wharf Road) are generally confined to Northern Precinct redevelopment area.

The proposal's relationship to adjacent sites is considered expected given the sites B4 zoning and acceptable subject to the conditions of consent recommended.

14.8 Heritage

As noted, the proposal has acceptable impacts on adjoining Heritage Items.

14.9 Water management

Flooding

The site is not alluvial flood affected.

Stormwater collection and disposal

The Amended DA provided for a modified and reduced EWR-1; whereby this road now drains from its cul-de-sac to Wharf Road and consequently there is no need for drainage easements for stormwater drainage for the Stage 1 Development. The proposal also includes an upgrade to the Council pipeline in Wharf Road to accommodate the additional flow resulting from the development.

Drainage of later stages, such as Stage 2, will require easements for drainage if they proceed prior to the Northern Precinct road network and associated stormwater drainage system being implemented. It is not considered to be necessary to require details of such

easements now as it is likely that rezoning of the land to the south would change the most appropriate location for drainage. Conditions requiring suitable easements for later stages of development are recommended.

Water quality during construction

This matter is addressed by conditions in the recommendation to this report.

14.10 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard to those considerations.

The Concept Plan and Stage 1 Development provides for surveillance of public and communal spaces from proposed units, clear entries to all buildings with access control, clearly designated boundaries between public, semi-private and private spaces in the form of landscaping and fencing. In the future, Council or the responsible Body Corporate of the new buildings will manage spaces within the site.

The proposal is acceptable in terms of safety, security and crime prevention.

14.11 Social and economic impacts

Council's Social Outcome team has generally supported the proposal, including deferral of affordable housing to latter stages of the development. Their main concern is the lack of 3-bedroom units within the Stage 1 development (4.3% provided whereas a 10-20% target is recommended in the DCP).

The applicant's response to this issue is that the Stage 1 Development is designed to address the 'down-sizers' market, in particular households in the adjoining suburban locality seeking to move out of their large 3-bedroom+ homes. There are a lot of large houses in the locality and not many units. The Stage 1 Development still provides for a mix of units and if there is the demand for larger units the unit mix in later stages of development can respond to this demand.

The SEPP 65 unit mix controls do not provide for provisions that require a certain percentage of types of units and rather emphasises site characteristics and market demand as the key determinants for setting unit mix.

The unit mix proposed is acceptable.

14.12 Waste management

Conditions requiring suitable waste management plans for construction and operation of the development are recommended.

14.13 Construction Management

Conditions requiring construction management are recommended.

14.14 Utility services

Written comments have been received from Sydney Water, Endeavour Energy and the RMS and their requirements for augmenting existing utility services are provided in recommended conditions of consent.

The proposal is acceptable in term of utility services.

15. Site Suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given: -

- The proposed development is appropriate on planning grounds given the preceding analysis and the conditions of consent recommended which demonstrates general compliance with the site's B4 zone planning controls and a built form that is consistent with the envisaged transformation of the broader precinct by the current Planning Proposal for land to the south of the site;
- The site attributes are conducive to the form of redevelopment proposed, noting natural constraints and hazards (indeed, the proposal will result in the desirable remediation of a contaminated site); and
- Ecological and heritage impacts are minimal and able to be properly managed.

16. Submissions

The application was notified and advertised in accordance with Attachment 5 of DCP 2011 for a 21-day period between 18 January 2016 and 9 February 2017. Four (4) submissions have been received from: -

1. Ryde City Council;
2. JBA Planners on behalf of the owner of 8 Wharf Road;
3. JBA Planners for the Ermington Gospel Church; and,
4. A local resident.

Submission issues are summarised as follows: -

Issues Raised	Comment
<i>Ryde City Council - additional strategic studies required to justify density proposed particularly in respect to traffic</i>	<p>The site has been rezoned B4 Mixed use with a floor space ratio of 2:1 and the form of development proposed is not so inconsistent with the local controls for the site as to warrant additional strategic planning studies.</p> <p>The conditions of consent recommended also moderate the density proposed and additional services will also be progressively provided in later stages of development and within adjoining sites.</p> <p>It is also recommended that the development consider and reflect the outcome of strategic studies under way for the adjoining Planning Proposal to the south of the site (e.g. the TMAP).</p>
<i>Ryde City Council – loss of trees</i>	<p>This concern is part addressed in the Amended DA where 2 existing trees (the figs) are retained and a pre-road widening landscape plan for the site is provided. A well-considered landscape plan for the site has been prepared.</p>

Issues Raised	Comment
<i>Ryde City Council – urban design, support articulation of the skyline but concerned with bulk of buildings and setback from Victoria Road.</i>	The bulk of the proposed buildings is as envisaged by the site's planning controls and all building are setback 5m+ from the post road widening Victoria Road boundary.
<i>Ryde City Council – object to acceptance of Clause 4.6 Request regarding building height.</i>	The applicant's request to vary the 28m building height control is partially accepted and discussed previously.
<i>Ryde City Council – note a Social Impact Assessment (SIA) not provided.</i>	The proposal is development in accordance with its zoning and a SIA is not required in this instance.
<i>Ryde City Council – object to level of infrastructure/public benefit provided.</i>	The proposal will provide for development contributions, remediation of a contaminated site and new roads and public open space.
<i>Ryde City Council – need for Ryde and Parramatta Council to coordinate their response to broader Melrose Park redevelopment area.</i>	This concern relates to broader developments in the locality and is not specific to this DA.
<i>The JBA/8 Wharf Road - road and traffic issues, in particular a concern is raised about possible road widening for a left turning lane into East West Road 1 off Wharf Road, the design of the new road (i.e. levels between sites) and potential shadowing impacts.</i>	<p>The need for a left turning lane into the Wharf Road intersection with the new road EWR-1 has been deleted in the Amended DA. A right turning lane is continued to the Victoria Road intersection with Wharf Road as part of the proposed road widening.</p> <p>The redevelopment potential of 8 Wharf Road will be improved as a result of EWR-1 and NSR-4.</p> <p>As discussed, building separation to prospective new buildings on 8 Wharf Road is considered acceptable. Setback and similarly scaled buildings should be able to achieve SEPP 65 minimum solar access requirements, noting 8 Wharf Road is a relatively deep site.</p>
<i>The JBA/Ermington Gospel Church submission is supportive of the development, other than a concern about the proposed east-west road alignment.</i>	Support noted and new partial east west road proposed in Stage 1 (EWR-1) considered acceptable and further review to be undertaken for later stage roads. Also, the proposed road is within the site and not considered to impact on the form of the development or prejudice future development of the church site.
<i>The local resident submission is a general objection to the development focussed on the development's alleged inability to deal with its traffic and infrastructure needs and tree loss.</i>	The issues raised in this submission are dealt with in the preceding assessment and recommended conditions of consent.

17. Public Interest

In this instance, the public interest is best promoted when a site is developed in accordance with the purpose of its zoning. In this regards the subject site is to be transformed from an

underutilised and highly contaminated site to one that will be remediated and actively integrated into the adjoining urban fabric as intended by its current B4 Mixed Use zoning.

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

18. Parramatta City Centre S94A development contributions plan

As the cost of works exceeds \$100,000 a Section 94A development contribution of **1.0%** is required. A Quantity Surveyors report was provided which provided a development cost of \$102,962,383. This amount is acceptable given the works proposed.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

19. Summary and Conclusions

The proposal is for a Concept Plan (4 stages of development) and detailed Stage 1 Development that will provide for the desirable transformation of the site from a largely vacant former landfill site to high-density, mixed-use development (predominately residential). The proposal will provide for the remediation of the site and its integration into the adjoining urban fabric.

The works and land uses proposed are permissible within the site's B4 Mixed Use zoning. The one area of significant non-compliance concerns 6 variations sought over the entire development to the site's 28m building height control. This variation is supported for 4 buildings addressing Victoria Road and site entries. A variation is not supported for the southern building in Stage 4 or any building in Stage 3.

The application has been assessed relative to section 79C of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

20. RECOMMENDATION

- A. **That** the Sydney West Central Planning Panel as the consent authority grant consent to Development Application No. DA/1157/2016 for Concept Proposal for 4 staged development comprising 1,077 dwellings, 767sqm commercial floor space, street network, open space and subdivision into 4 super lots; and detailed Stage 1 proposal (corner Victoria Road and Wharf Road) comprising, earthworks and tree removal, site remediation, excavation of 3 basement levels providing 318 car parking spaces, construction of 3 x 6-10 storey residential flat buildings providing 277 residential apartments, public open space, landscaping, new internal roads at Nos 657-661 Victoria Road and 4-6 Wharf Road Melrose Park NSW 2114, being Lot 2 DP588575, Lot 3 DP588575, Lot 11 DP128907, Lot 1 DP221045, Lot 2 DP221045, Lot 71 DP1136996, Lot 2 DP619396, Lot 1 DP128912, Lot 2 DP128912 and Lot 72 DP1136996 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in **Attachment 1**.