



SYDNEY CENTRAL CITY PLANNING PANEL

ADDENDUM REPORT (POST-MEETING)

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; and• Detailed 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	Deferred Commencement Consent
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Revised Conditions of Consent (Post-Meeting) Attachment 2 – Applicant Submission Relating to Draft Concept Condition No. 4. Attachment 3 – Applicant Agreement to Conditions
Report prepared by	Alex McDougall, Executive Planner
Report date	23 October 2017

1. Executive Summary

The application was heard before a determination panel of the Sydney Central City Planning Panel (SCCPP) on 11 October 2017.

The Panel indicated general acceptance, in principle, with the Council officer's recommendation for approval subject to several modifications to the draft conditions of consent. Given time constraints it was resolved that the Panel would defer the matter to allow Council officers and the applicant to come to agreement on a revised set of draft conditions taking into account the Panel's comments at the meeting. The Panel indicated that they would subsequently be able to determine the application by way of 'electronic determination' (i.e. without a further public meeting).

Subsequent to the meeting Council officers revised the conditions in keeping with their understanding of the Panel's oral recommendations and met with the applicant to resolve the outstanding contested conditions.

Council officers and the applicant have come to an agreement on all but one condition. The outstanding condition would require increasing the setback of concept building envelopes from North South Road No. 2 (NSR-2).

The conditions relating to the construction, waste and noise management plans have been revised to require consultation with City of Ryde Council.

Council recommend that the Panel determine the application by way of deferred commencement consent in accordance with the draft revised conditions of consent outlined in Attachment 1.

1. Modification to Conditions

The following table lists the substantive changes to the conditions of consent since they were first presented to the Panel:

Condition Reference	Condition Purpose (summarised)	Changes
<i>Deferred Commencement Condition</i>		
1 & 2	Site Audit Statement RAP	Converted from Concept Plan Condition to Deferred Commencement condition due to the heightened contamination risks on site.
<i>Concept Plan Conditions</i>		
3	Design Modifications	Revised to not require any changes to the height of buildings proposed by the applicant.
10	Maximum Height	
17	Requirement To Notify About New Contamination Evidence	Requirement added to stop works if new contamination evidence found.
21	Road And Transport Design – General	Clarification added that this condition only relates to road design.

22	Environmental Performance	Revised to reflect compromised position agreed between applicant and Council's ESD officer. The condition requires that the proposal exceed minimum ESD requirements, including but not limited to, provision of dual piping, on site renewable power generation, exceedance of minimum BASIX requirements and commitment to use sustainable timber.
28	Power Lines	Timing of undergrounding of power lines on Victoria Road moved from Stage 1 to Stage 4.
<i>Stage 1 Conditions</i>		
3	Design Excellence	Condition amended to require that the project architect (A, J & C) be included in future design work.
5	General Transport Requirements	Requirement to provide pedestrian crossing to Victoria Road removed as it does not serve a reasonable planning purpose (alternative access to bus stop already provided)
52	Waste Management Plan – Demolition and Construction	Requirement to liaise with City of Ryde added.
59	Construction and Traffic Management Plan	
61	Noise Management Plan – Construction Sites	
106	Public Open Space	Condition reworded to require that the Stage 1 public open space be built prior to Stage 1 but have dedication to Council deferred to Stage 2 (and moved to concept plan conditions) to reduce likelihood of damage occurring to Council property during construction of Stage 2.
109	Compliance with Development Consent	Deleted as it is a duplicate of Condition 105.

The other changes to conditions primarily relate to the timing of certain actions (i.e. prior to CC vs. prior to OC). The complete set of changes is contained in the attached 'tracked changes' word version of the conditions.

2. Disputed Condition

The applicant has agreed (see Attachment 3) to all of the revised draft conditions except Concept Plan Condition 4 (formerly Condition 5) which reads as follows:

The Concept Plan approved envelopes do not guarantee that a future building form will be approved in that location. All subsequent detailed Staged Development Application must provide for building forms that address SEPP 65 building separation and articulation standards, amongst other matters, and if not provide reasonable alternative planning solutions to compliance.

Notwithstanding the building envelopes outlined on the concept plans hereby approved, all buildings in future detailed applications must be setback a minimum of 5m from NSR-2 unless otherwise agreed by Council.

Reason: To ensure future detailed building forms achieve a suitable standard of design.

The drawing below outlines the relationship of NSR-2 to the subject site and the adjoining planning proposal site.

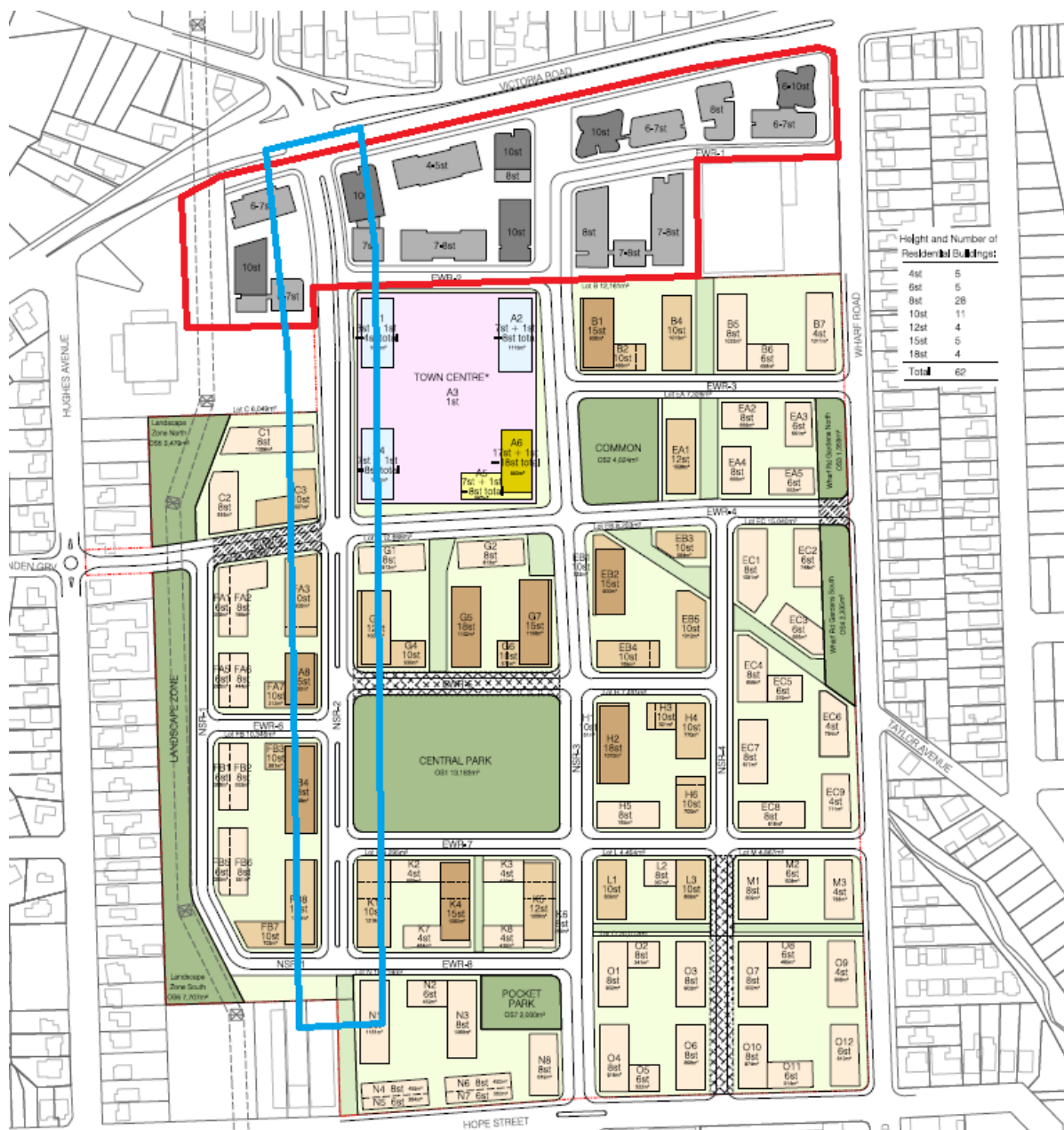


Figure 1. Melrose Park Planning Proposal Masterplan showing subject site in red and NSR-2 corridor in blue. The proposed condition relates to the setback of the buildings shown in grey that adjoin the NSR-2 road reserve.

The applicant contends that the 3m setback outlined on the concept plan drawings is sufficient and have submitted a letter (see Attachment 2), with associated drawings, outlining their case. In summary, their justification for a 3m setback is as follows:

- *it is consistent with the proposed setbacks in the Masterplan for the adjoining development to the south of the site, which is part of the adopted Planning Proposal for Melrose Park adopted by Council and subject to a favourable Gateway Determination*
- *it maintains sightlines on the main boulevards*
- *it provides for good pedestrian amenity*
- *is consistent with the relevant DCP control (for both the existing B4 Mixed use zone and proposed B2 Local Centre zone to the south)*

The 5m setback to NSR-2 is considered to be necessary for the following reasons.

The draft master plan for the northern part of Melrose Park is still being finalised although high density development is anticipated to occur across the site (as outlined in Figure 1 above). Although the subject site has an existing B4 Mixed Use zone and is not subject to the master plan, any development that occurs at this location will influence future development on land in the remainder of the northern precinct.

Advice received from Council's Urban Design team during the preparation of the master plan for the remainder of the northern precinct specifies a setback requirement of 5m given the scale of the proposed development and need to provide a desirable streetscape for NSR-2, the main thoroughfare through the wider site. To ensure a consistent, strategic approach is applied to the Melrose Park precinct it is recommended that the same 5m building setback also be applied to the proposed development given its comparable scale and connection to the remainder of the precinct.

The current 3m building setback requirement for development in the B4 Mixed Use zone is not considered appropriate for the proposed development and should be varied to 5m to enable a holistic approach to be taken for the precinct. The 3m setback is a generic control that was written with the intention of applying it to smaller-scale developments across various B4 Mixed Use zones throughout the LGA and at the time, there were no large-scale urban renewal precincts such as Melrose Park within the LGA that would require a greater setback to be considered.

3. Conclusion

As outlined above the requirement to provide a minimum 5m setback to NSR-2 is considered to be appropriate as this road will form the primary north-south link off Victoria Road for a new suburb.

Council recommend that the Panel determine the application by way of deferred commencement consent in accordance with the draft revised conditions of consent outlined in Attachment 1.