



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC093
DA Number	DA/1157/2016/A
LGA	City of Parramatta Council
Proposed Development	Section 4.55(2) modification to approved concept plan for 4 stage mixed use development, including increase in number of proposed dwellings from 1,077 to 1,126 (49 additional dwellings), modification to building envelope heights and footprints, realignment of superlot boundaries and street network and revised subdivision plan.
Street Address	657 - 661 Victoria Road & 4 - 6 Wharf Road, MELROSE PARK (Lots 2 & 3 DP588575, Lot 11 DP128907, Lots 1 & 2 DP221045, Lots 71 & 72 DP1136996, Lot 2 DP619396, Lots 1 & 2 DP128912)
Applicant	M Projects Pty Ltd (on behalf of Payce)
Owner	Tyriel Developments Pty Ltd
Date of lodgement	19 July 2018
Number of Submissions	Four (4)
Recommendation	Approval subject to revised conditions
Regional Development Criteria	The proposal is a s4.55(2) modification to an application with a capital investment value of more than \$20 million.
List of all relevant s4.55(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulations 2000• State Environmental Planning Policy No. 55 (Remediation of Land)• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX)• State Environmental Planning Policy (State and Regional Development) 2011• Parramatta Local Environment Plan 2011
List all documents submitted with report	<ul style="list-style-type: none">• Attachment 1 – Proposed Concept Plan Drawings• Attachment 2 – Approved Concept Plan Drawings• Attachment 3 – Proposed Subdivision Plan (Stage 1)
Report prepared by	Alex McDougall Executive Planner, City Significant Development
Report date	31 August 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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
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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?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive Summary

This proposal seeks various modifications to an approved concept plan. The modifications include, but are not limited to, the following:

- Increase in the allowable floor space equivalent to approximately 49 additional dwellings (1,077 to 1,126);
- Modification to building envelope height and footprints;
- Realignment of superlot boundaries;
- Revised street network;
- Revised subdivision plan;
- Removal of requirement to widen Wharf Road; and
- Increase in commercial floor space from 767sqm to 1,471sqm.

The proposal, as modified, is considered to be substantially the same development as original approved, is considered to be in keeping with the requirements and recommendations of the relevant planning framework and is not considered to have an unacceptable impact on the amenity of adjoining or nearby properties.

The application is therefore in compliance with sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 and is thus recommended for approval, subject to revised conditions.

2. Key Issues

Parramatta Local Environmental Plan 2011:

- **Building Height** –
 - Control: 28m (~8 storeys),
 - Approved DA: 5,170sqm (in plan view) of envelopes up to 35m (~10 storeys),
 - Modified Proposal: 5,580sqm (in plan view) of envelopes up to 35m (~10 storeys) plus other minor projections beyond the height limit.

Other

- **Traffic** – The proposal seeks to delete the requirement to provide road improvements external to the site (widening of Wharf Road) currently required at Stage 2 by condition. It is considered reasonable to delay provision of the road improvement to Stage 4 but not delete it entirely.

3. Site Description, Location and Context

3.1 Background

The Sydney Central City Planning Panel (SCCPP) granted deferred commencement consent to Concept Plan DA/1157/2016 on 7 November 2017. The deferred commencement conditions, which required a revised Site Audit Statement, were satisfied and the consent was made operational on 11 January 2018.

The original Concept Plan envisaged a 4 staged development comprising a total of 1,077 dwellings, 767sqm commercial floor space, a new street network, open space and subdivision into 4 super lots. The 4 stages of development are as follows:

- Stage 1 – Superlot AC (detailed design approved as part of DA/1157/2016)
- Stage 2 – Superlot AD (concurrent application)
- Stage 3 – Superlot AA (concurrent application)
- Stage 4 – Superlot AB (future application)

The originally approved concept plan is outlined below:

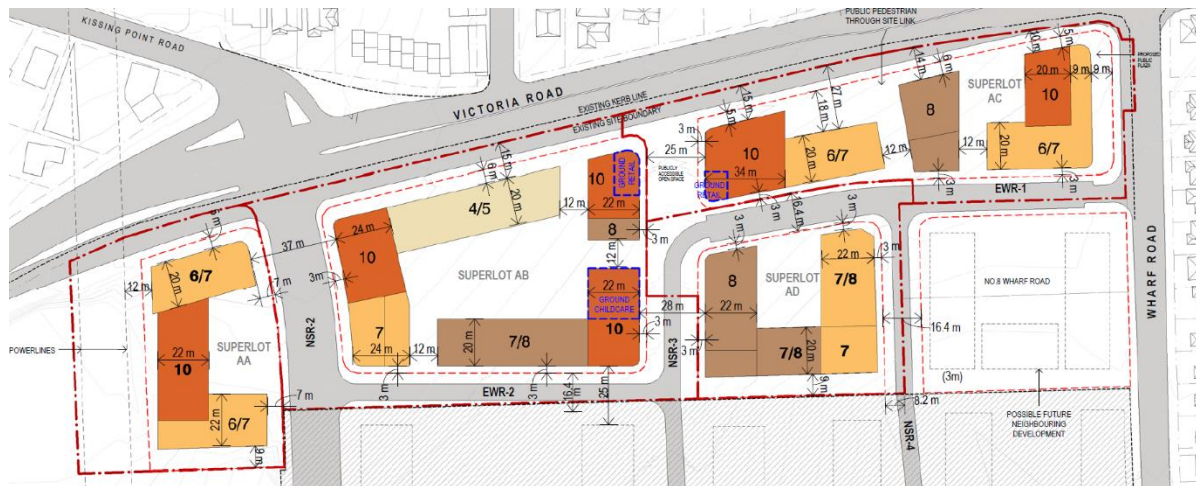


Figure 1. Concept Plan DA/1157/2016 as approved (notation indicates number of storeys).

Stage 1, also approved as part of DA/1157/2016, comprised, 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, and new internal roads. Stage 1 is outlined below:



Figure 2. Stage 1 Approved Site Plan.

3.2 Site Description

The site is an amalgamation of 10 lots with a total area of 47,589sqm. The 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 and east 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. 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.

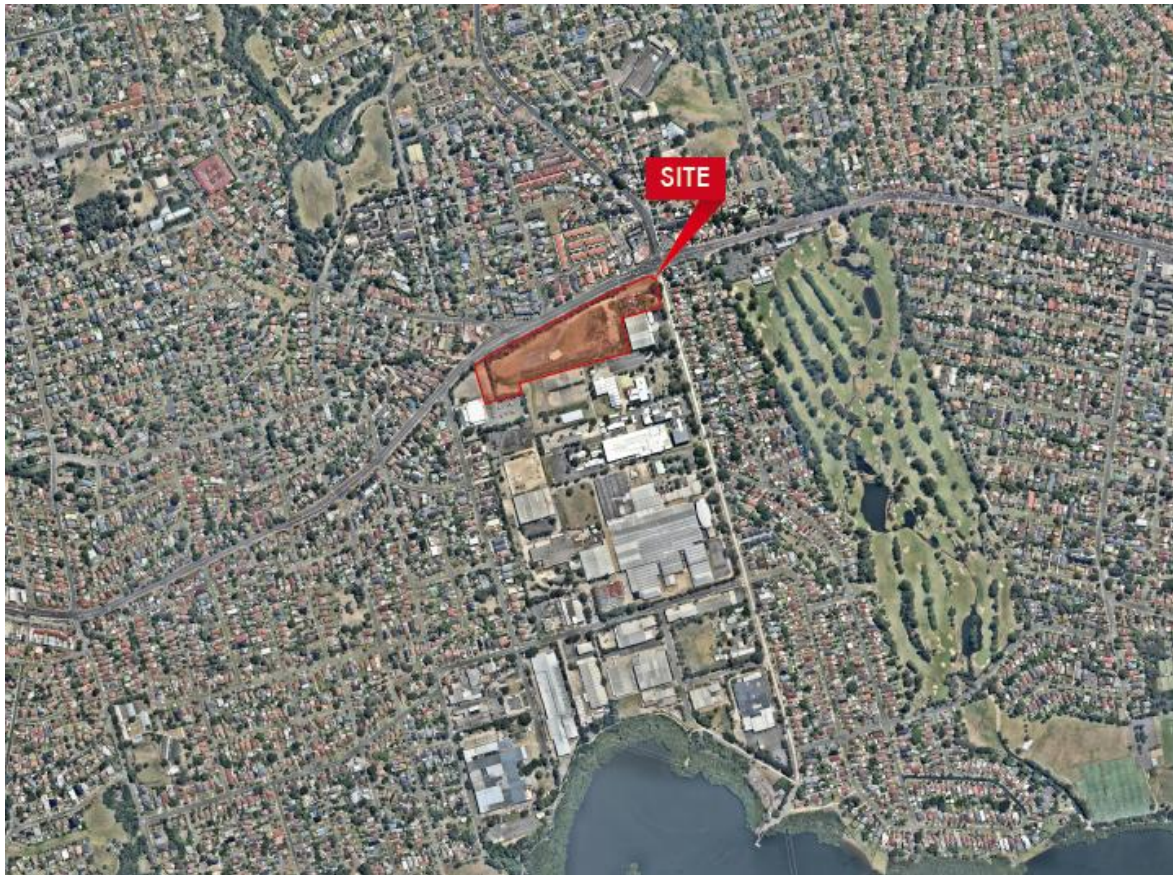


Figure 4. Wide Aerial



Figure 5. Detailed Aerial

Melrose Park North

[illegible]

The PP was endorsed by Council's Independent Hearing and Assessment Panel (IHAP) on 20 June 2017, Council on 10 July 2017 and was subsequently granted gateway determination by the Department of Planning and Environment on 27 September 2017. Exhibition is expected to occur in 2018.

DA/1157/2016/A

3.4 Related Applications

Application Ref	Description
DA/337/2018	Construction of local road (EWR-2) including associated tree removal, civil works and public domain works. Deferred Commencement Consent granted by Parramatta Local Planning Panel 21/08/2018.

4. The Proposal

Consent is sought to modify the concept plan as follows:

- Increase in the allowable floor space equivalent to approximately 49 additional dwellings (1,077 to 1,126);
- Modification to building envelope height and footprints;
- Revise the alignment of EWR-2 south in keeping with the approved road (DA/337/2018).
- Realignment of superlot boundaries;
- Delete requirement to widen Wharf Road prior to occupation of Stage 2.
- Defer road and open space dedications to a mutually agreeable time to the applicant and Council.
- Increase in commercial floor space from 767sqm to 1,471sqm.

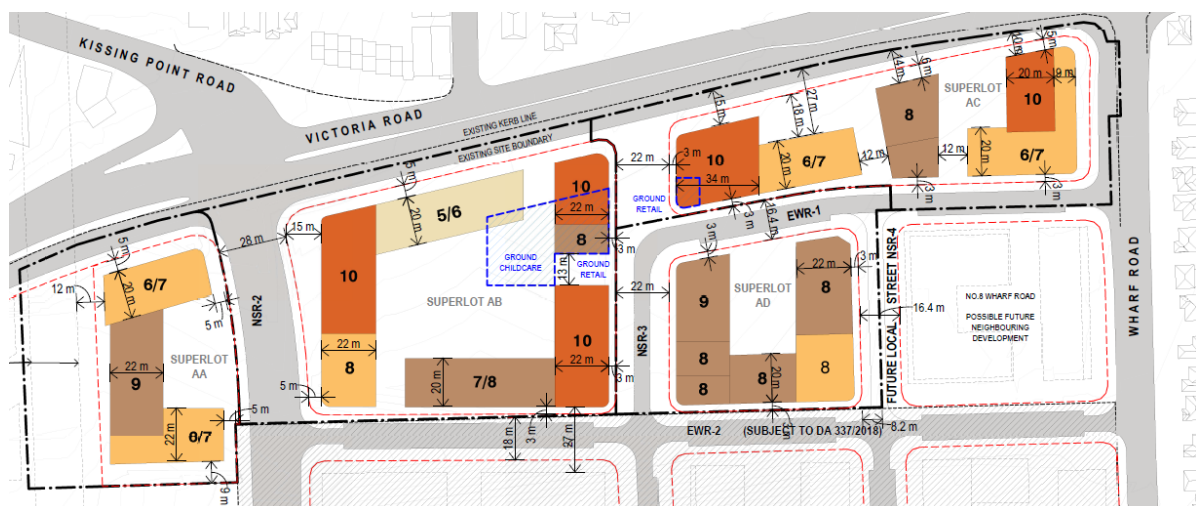


Figure 7. Concept Plan as proposed to be modified.

The above modifications require updates to concept plan conditions 1, 5, 7, 10, 23 and 29 and Stage 1 condition 1. For draft revised working please see Appendix 1.

During the course of assessment, the applicant submitted the following additional information and revised drawings in response to concerns raised by Council officers:

- Revised envelopes to be consistent with the Stage 2 (DA/1025/2017) and Stage 3 (DA/1042/2017) detailed Development Applications concurrently under assessment;
- Revised the proposed levels to be consistent with the approved East West Road 2 (DA/337/2018);
- Delete requirement to widen Wharf Road prior to occupation of Stage 2; and
- Agreement to defer dedication of roads and public open space.

5. Referrals

5.1 Sydney Central City Planning Panel

The Panel has not been briefed due to the time constraints of the application.

5.2 Design Excellence Advisory Panel

The application was not referred to Council's Design Excellence Advisory Panel as the Panel provided minimal advice relating to the concept plan as part of the original application (focusing on Stage 1).

5.3 Internal

Authority	Comment
Development & Catchment Engineer	Acceptable subject to conditions.
Traffic & Transport	The widening of Wharf Road will ultimately be necessary and as such it should not be removed from the concept plan (i.e. still required prior to occupation of stage 4). Otherwise, based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. No additional traffic related conditions are required.
Public Domain	<p>Requested the concept plan drawings be updated to reflect the agreed width of EWR-2 (i.e. 20m), requested clarification of deep soil zones and communal open space, and level of tree planting.</p> <p>The applicant is required to provide a 20m wide EWR-2 corridor based on DA/337/2018. The applicant demonstrated that all stages would be capable of achieving the required deep soil and communal open space areas. The actual deep soil, communal open space areas and level of tree planting will be assessed during the assessment of the future detailed applications for each stage.</p>
Urban Design	<p>Urban Design is supportive in principle of the amended layout of the street configuration, which improves connectivity and provides the necessary street frontage for Superlot AD.</p> <p>The current proposal significantly increases the length of non-complying 10 storey buildings on Superlot AB, as well as seemingly increasing the height of 7 and 8 storey buildings on Superlots AB and AD to 8 and 9 storeys. 10 storey buildings should firstly be limited in extent, and also tied to reductions in height elsewhere so as to achieve meaningful variation in height over the precinct. It is considered that the proposal does not satisfy this objective.</p> <p>The incremental height changes proposed with this application, while apparently minor and incidental to the altered street and lot layout, exacerbate a situation already straining to achieve acceptable urban form and amenity.</p> <p>Given the above, the proposal is not supported by Urban Design. The extent of 10 storey building footprint should be limited to that of the approved scheme, and no increase in height (measured from natural ground level to top of buildings) of the approved 7 and 8 storey elements should be contemplated.</p> <p>Refer to Section 6.1.2 below for further discussion.</p>

Authority	Comment
Civil Assets	No comment (comments made on individual stages).
Heritage	Proposal would not have an unacceptable impact on the heritage significance of any adjoining/nearby heritage items.

5.4 External

Authority	Comment
Roads and Maritime Services	<p>Roads and Maritime Services Strategic Land Use Team is presently involved in the Project Working Group for Melrose Park, which involves all relevant authorities and stakeholders (including Council Officers). The main objective of establishing this Project Working Group is to develop a TMAP to support the rezoning of the land south of the subject DA site. The TMAP process is in the stages of traffic modelling/feasibility testing and will enable a cumulative assessment of the traffic and transport impacts of the development of the entire Melrose Park site as well as providing a consolidated traffic and transport response to vehicular access, intersection / infrastructure improvements and developer contributions.</p> <p>As the TMAP and required network infrastructure to support the development of the Melrose Park Precinct is yet to be determined, Roads and Maritime is unable to support the proposed modifications or provide comments at this time. On completion of the TMAP, Roads and Maritime will be in a position to provide further comment.</p>

5.5 Submissions

The application was advertised in accordance with Parramatta DCP 2011 requirements for a 21-day period between 1 – 22 August 2018. A total of 4 unique submitters raised concerns. The issues raised are outlined and discussed below.

Issues Raised	Comment
Victoria Road and Dickson Avenue are already congested. Proposal would result in additional congestion. Unacceptable impact on travel times for existing residents.	The proposal includes a Traffic Assessment Report which concludes that the additional density would have no material impact on the surrounding road network. Council's Traffic Engineer concurs with this view subject to the road widening of Wharf Road occur prior to stage 4.
Residents should not be allowed to shop in West Ryde.	This is not a relevant planning consideration. Council cannot impose controls on the free movement of residents.
Light Rail will not be ready in time. Light Rail may not be a solution to the traffic issues.	The proposal does not depend on provision of light rail. As outlined above, it is considered that the proposal would not have an unacceptable impact on the traffic network.
A roundabout should be placed at the intersection of Cobham Avenue and Andrew Street to manage the increase in traffic.	The TMAP does not identify that such an upgrade is necessary to accommodate the proposed increase in density. Further, it can reasonably be intuited that most additional traffic will access Victoria Road to the north of the site and not go south to the quoted intersection. Regardless, Council could consider implementing such an upgrade if it became necessary at a later date.

6. Environmental Planning and Assessment Act 1979

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

6.1 Section 4.15: Evaluation of Proposed Modifications

This section assesses the proposed modifications in the context of the relevant planning instruments and plans, including but not limited to State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development), Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011.

6.1.1 Increase in Proposed Dwellings

The proposed modification includes increasing the allowable floor space across the site, from an approved GFA of 90,405sqm to a proposed GFA of 95,178sqm (+4,773sqm, +5.3%). This corresponds to approximately 49 additional dwellings (the actual number will be subject to development of the detailed applications for the individual stages of development).

The modification is proposed to take advantage of the realignment of EWR-2 from substantially within the concept plan site to substantially outside the concept plan site.

The modification is considered to be acceptable for the following reasons:

- The proposal complies with the allowable floor space ratio across the concept plan site under clause 4.4 of the Parramatta LEP 2011 (Site Area: 47,589sqm, Mapped FSR Control: 2:1, Allowable FSR: 95,178sqm).
- The proposal includes a Traffic Assessment Report which concludes that the additional density would have no material impact on the surrounding road network. Council's Traffic Engineer concurs with this view subject to the road widening of Wharf Road occur prior to stage 4.

6.1.2 Modification to Building Envelope Heights and Footprints

The proposal includes increases to the volume of the concept building envelopes to accommodate the additional floor space outlined above. The mapped height limit for the site under clause 4.3 of the Parramatta LEP 2011 is 28m above natural ground level.

The original concept plan site included 6 envelopes which exceeded the allowable height limit up to 10 storeys (~35m). These envelopes were supported by a Clause 4.6 variation request which outlined the following justification:

- 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 Clause 4.6 request was accepted by the SCCPP and the variation was approved.

The approved concept plan approved approximately 5,170sqm of footprint which exceeded

the height limit up to a height of 35m (approx. 10 storeys). The proposal would result in approximately 5,580sqm of footprint which would exceed the height limit up to a height of 35m. This change represents a 7.9% increase. The proposal also includes other minor breaches of the height limits as well as height increases to other envelopes which would remain below the height limit. A comparison of the approved versus proposed breaches is outlined in the figures below.

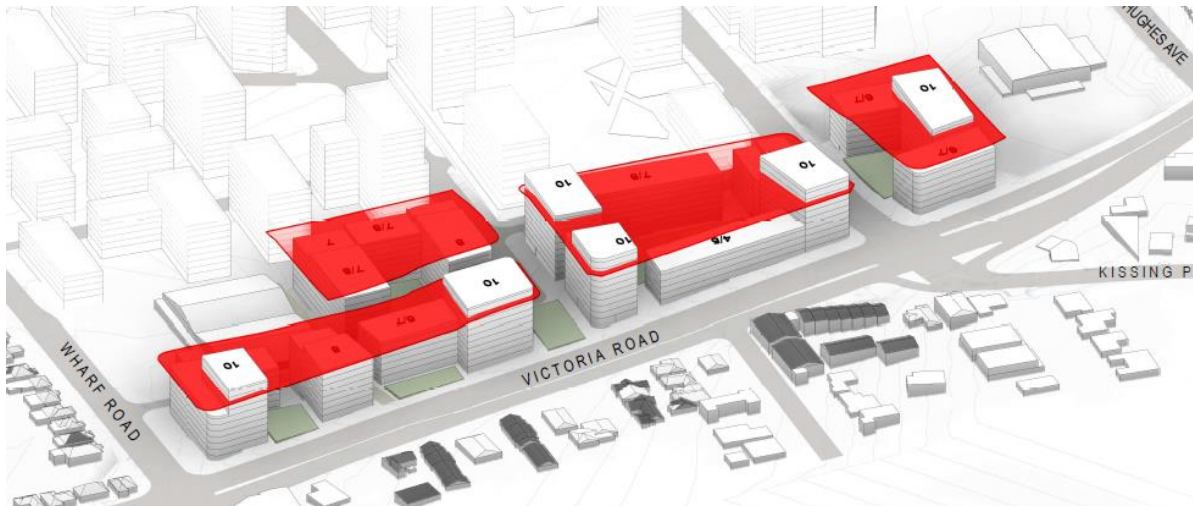


Figure 8. Building Envelope Height Breaches as approved (28m building height plane in red).



Figure 9. Building Envelope Height Breaches as proposed (28m building height plane in red).

The modification is considered to be acceptable for the following reasons:

- While the extent of the breaches are not supported by Council's Urban Design team, the proposal still achieves a discernible variance in height across the site. Complying envelopes may be able to accommodate the floor space but this would result in monotonous and unbroken rows of 8 storey buildings.
- The proposed 10 storey envelopes constitute just 11.7% of the site area.
- The applicant has demonstrated that the revised envelopes do not prejudice the ability of the future applications to provide sufficient deep soil planting and landscaped open space.
- The proposal does not result in any amenity impacts on adjoining or nearby properties and does not prejudice the development potential of any adjoining sites.
- The proposal results in an increase in commercial floor space which is considered to be commendable (see Section 6.17 below).

6.1.3 Revised Alignment of EWR-2

EWR-2 was originally proposed to be contained within the concept plan site (see Figure 1 above). Subject to further development of the detailed proposal for Stage 2 (Superlot AD) it became apparent that the proposal would benefit from EWR-2 extending along the southern boundary of that lot. It then followed that, in keeping with the draft masterplan for the adjoining Planning Proposal site (see Figure 6 above), that this road should extend to Wharf Road. This revised alignment of EWR-2 was ultimately approved as part of DA/337/2018. As such the modification seeks to make the concept plan approval consistent with this approved alignment. As the road was found to be acceptable subject to DA/337/2018, it is also considered to be acceptable as per this modification application.

6.1.4 Realignment of Superlot Boundaries

The realignment of the superlot boundaries follows from the revised alignment of EWR-2. While 2 of the superlots, stages 2 and 4, get bigger, the revised boundaries are able to accommodate building forms which comply with the density controls applicable to the site. As such the proposed realignment of the superlot boundaries, and the associated subdivision plan, are considered to be acceptable.

6.1.5 Removal of Requirement to Widen Wharf Road.

Condition 5 of the concept plan, as approved, requires an additional left turn lane from Wharf Road onto Victoria Road be provided prior to occupation of Stage 2. This requirement was imposed based on the findings of a preliminary traffic report submitted with the original application.

As outlined in Section 3.3 above, the preliminary findings of the more advanced TMAP modelling under development for the precinct identify that the number of units proposed as part of the concept plan (i.e. 1,126), do not trigger any requirements for road infrastructure upgrades. The requirement to widen Wharf Road would only be triggered once 1,300 – 1,800 dwellings are constructed across the wider Melrose Park precinct. RMS have outlined that they would prefer to wait until the TMAP is finalised until such time as providing their support for any road infrastructure upgrades. Council's Traffic Engineer is of the view that the requirement to widen Wharf Road should not be fully removed from the concept plan as the TMAP is yet to be finalised.

The widening of Wharf Road will require the remove of 2 large fig trees (see Figure 10 below).



Figure 10. Existing fig trees at the corner of Wharf and Victoria Road.

While the TMAP is not finalised, the benefit of retaining these significant fig trees for as long as possible, coupled with the significantly increased number of units that are likely to be necessary to trigger the need for infrastructure upgrades, it is considered that the requirement to widen Wharf Road can be deferred to the last stage of the concept plan (i.e. prior to occupation of stage 4).

6.1.6 Deferral of Road and Open Space Dedications

Conditions 23 and 29 of the approved concept plan required dedication of roads and public open space to Council as they were constructed.

During the course of assessment of the Stage 2 and 3 applications, as well as EWR-2 (DA/337/2018) it became apparent that temporary retaining walls would be required to support the proposed roads and lots until such time as adjoining land was redeveloped. Council's Assets team would prefer not to accept dedication of roads or public open space which depend on such temporary structures as it adds to maintenance costs. The applicant has agreed to retain ownership and maintenance of the roads and public open space until such time as Council will accept them.

The relevant conditions will be amended to defer dedication until such time as mutually agreeable to the applicant and Council. To ensure appropriate public access is provided in the interim, a requirement to register a public right of way across the land, for access and drainage, will be included in the conditions.

6.1.7 Increase in Commercial Floor Space

The proposed modification includes increasing the amount of projected commercial floor space from 767sqm to 1,471sqm. This modification is considered to be commendable as it assists in achieving the B4 mixed use zone objectives of providing a mixture of compatible uses which contribute to an active, vibrant and sustainable neighbourhood.

6.2 Section 4.55(2): Evaluation

The development consent has been taken up (remediation and earthworks have occurred) and as such the applicant can seek to benefit from Section 4.55(2) 'Other Modifications' of the EPAA Act 1979 subject to the following requirements:

Section 4.55(2)(a) - Substantially the same development

The proposal is considered to be substantially the same development in that the general function, location, scale and form of the precinct would not change.

Section 4.55(2)(b) - Consultation with public bodies

No concurrence was required from any minister, public authority or approval body as part of the original application. As such, no further consultation is required under this clause.

Section 4.55(2)(c) - Notification

Notification is addressed in Section 5 above.

6.3 Section 4.55(3): Evaluation

Under Section 4.55(3) of the EP&A Act 1979 in determining an application for modification, in addition to relevant matters under section 4.15, the consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is

sought to be modified. The reasons for granting approval to the original development application as stated by the Sydney Central City Planning Panel are assessed below:

Reason for Approval	Consistency
1. The development will result in productive re-use and rehabilitation of a site formerly used for waste disposal purposes.	The application as modified continues to achieve this outcome.
2. There will be public benefit from both the provision of additional housing on the site and remediation to improve its currently contaminated state.	The application as modified continues to achieve this outcome.
3. The local and broader transport network can satisfactorily accommodate the forecast increase in travel demand.	As discussed above the proposal is considered to have an acceptable impact on the broader transport network.
4. The proposal satisfies nearly all applicable development standard and guidelines, with the exception of minor variations to the maximum building height standard.	The application as modified continues to satisfy nearly all development standards.
5. In regard to the building height breach, a request to vary the standard has been received. The Panel believes that adherence to the standard is unnecessary in this instance and that there are sufficient planning and public interest grounds to vary the standard (basically, that a superior built form will result). Overall, the Panel believes this written request is satisfactory and approves the variation.	As discussed above the proposed breaches of the height standard are considered to achieve a superior built form to a complying scheme.

7. Planning Agreements

The subject application is not subject to a planning agreement.

8. The Regulations

The proposed modifications would not impact on the relevant regulations, compliance with which are conditioned in the original consent.

9. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report.

10. Site Suitability

The site was determined to be suitable for the proposed uses as part of the original consent. The proposed modifications are not considered to affect the original decision.

11. Public interest

Subject to implementation of the modified conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

12. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

13. Development Contributions

The proposal does not result in a change to the cost of works for Stage 1 and the Concept Plan itself does not include any works. As such there is no requirement to modify the original condition relating to Development Contributions.

14. Summary and Conclusion

The application has been assessed relative to Sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the modifications are considered to be satisfactory and approval is recommended.

15. Recommendation

That, pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Sydney Central City Planning Panel grant consent to modify Consent reference DA/1157/2016 as shown on the plans submitted with the modification application and subject to modified conditions of consent as outlined in **Appendix 1**.