

19 November 2020

Abigail Goldberg (Chair)
Sydney Central City Planning Panel
enquiry@planningpanels.nsw.gov.au

Dear Ms Goldberg

Section 4.55(2) modification to DA/1157/2016/H (PPSSCC-102)

Modification to a concept plan for 4 stage mixed use development, amendments to approved building envelopes including increases in height, amendment to approved uses, reallocation of floor space & deep soil, deletion of redundant condition and revised timing of approved public domain upgrades.

Development Application DA/295/2020 (Stage 4) (PPSSCC-103)

Construction of 4 x 6-11 storey residential flat buildings and 2 x 10-12 storey mixed use buildings containing 412 residential units, supermarket, retail shop; 3 basement levels providing 521 car parking spaces; earthworks; landscaping; tree removal; signage zones; strata, stratum and Torrens title subdivision.

657-661 Victoria Road & 4-6 Wharf Road, Melrose Park

This submission is prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *m projects* (the applicant) in response to draft conditions of consent DA/1157/2016/H and DA/295/2020 for the above site made available on 12 November 2020.

We generally support the Council officer's assessment reports for both applications. The assessment follows amendments in response to issues raised by Council and others, resulting in a superior scheme for this final stage of the Concept Plan Approval for the site.

However, we contest 5 recommended draft conditions of consent across both applications. A response to the draft conditions, including requested amendments is outlined in the **Attachment 1**.

Our key concerns with the draft conditions are summarised below:

Modification DA/1157/2016/H (PPSSCC-103)

Condition 28 – Powerlines along Victoria Road

- Power lines adjacent to Victoria Road will be placed underground as required. However, the timing of this should not be linked to these applications. The adopted *Transport Management and Accessibility Plan 2019* (TMAP) requires Victoria Road to be widened to improve efficiency of the classified road. The trigger for the road widening under the TMAP is 6,850 dwellings within the entire Melrose Park Precinct.
- The VRS is located within the Northern Structure Plan and comprises 1,100 dwellings, well short of the 6,850 dwellings to warrant the road widening in Victoria Road.
- Condition 28 has the effect of requiring the power lines works are undertaken twice, at the relevant Occupation Certificate of Stage 4 and then again once Melrose Park reaches 6,850 dwellings as Victoria Road will be excavated again to facilitate the road widening.
- On this basis we request that Draft Condition 28 be deleted.

Development Application DA/295/2020 (PPSSCC-103)

Condition 1

- We seek minor corrections to report references for accuracy and clarity.

Condition 53 – Proposed deletion of Unit 2101

- AJC have provided a revised layout for Unit 2101 (**Attachment 2**) which replaces the unit as a 2 storey townhouse with a new improved lobby at Level 1 and a studio apartment at Level 2 (accessed via a stair from the lobby level).
- This alternative design provides a superior design outcome for both Unit 2101 in terms of acoustic amenity (**Attachment 3**) and a much larger lobby for the building.
- The proposed amendments provide a superior design outcome for the following reasons:
 - the studio apartment does not include windows on the service ramp side to ensure high levels of amenity
 - the studio apartment is located above the proposed truck entry
 - the re-designed apartment provides an additional 16m² of deep soil landscaped area (previously private open space for the townhouse)
 - the re-design creates a 8 metre high lobby space with opportunity for natural light from highlight windows on the western elevation
 - the inclusion of an additional studio apartment provides more affordable housing choice in the development
- On this basis, we request Draft Condition 53 be amended as detailed in Attachment 1.

Condition 58 & 59 – Design to withstand flooding and Floor levels

- We strongly dispute the need for a 500 mm freeboard in this location and recommend a freeboard of 300 mm as supported by our independent flooding expert (**Attachment 4**)

We request that this submission be made available to the *Sydney Central Planning Panel* for consideration prior to its determination of the above applications.

Please do not hesitate to contact Michael Woodland on phone 8459 7506 in the first instance if you wish to discuss any aspect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M Woodland', written over a horizontal line.

Michael Woodland BTP
Director

cc Alex McDougall, Executive Town Planner
City Significant Development, City of Parramatta Council

- Attachment 1** Requested amendments to draft conditions
- Attachment 2** Unit 2101 amended floorplan with studio unit (prepared by AJC)
- Attachment 3** Updated Noise Impact Advice (prepared by White Noise)
- Attachment 4** Additional flooding advice (prepared by Lyall & Associates)

ATTACHMENT 1

Proposed amendments to Draft Conditions of Consent for:

- DA/1157/2016/H; and
- DA/295/2020 Stage 4 (Lot AB)

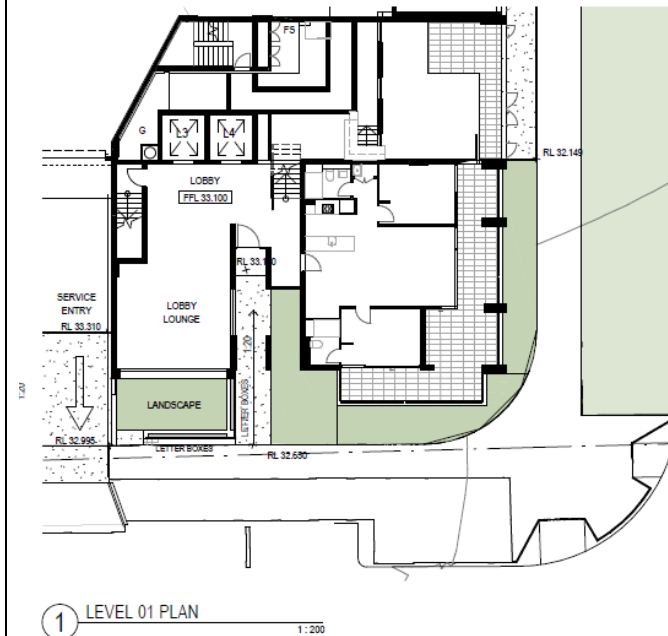
| Proposed amendments to Draft Conditions of Consent (bold / strikeout) | Comment |
|--|---|
| DA/1157/2016/H | |
| <p>POWER LINES Condition 28</p> <p>Prior to the issue of any Occupation Certificate (including interim Occupation Certificate) for Stage 4, the power lines adjacent to the site on Victoria Road shall be undergrounded to the satisfaction of the energy provider and Council.</p> <p>Reason: To ensure the required public domain improvements are provided.</p> <p>Note. Deleted as per DA/1157/2016/H.</p> | <p>The draft conditions initially provided to the applicant by Council on 12 November 2020, recommended Draft Condition 28 be deleted. The deletion of the condition is fully supported.</p> <p>However, the draft conditions accompanying the Council's report to the SCPP include Condition 28 with amendments.</p> <p>This condition will <u>unreasonably delay</u> the issue of any Occupation Certificate for the Stage 4 Development.</p> <p>The relocation of the power lines adjacent to Victoria Road will occur in conjunction with the recommendations / works required by the approved Melrose Park TMAP. The proposed timing of the Occupation Certificate/s of Stage 4 <u>does not</u> align with the recommending timing of these works as outlined in the TMAP.</p> <p>The TMAP requires Victoria Road to be widened to improve efficiency of the classified road. The trigger for the road widening under the TMAP is 6,850 dwellings within the Melrose Park northern and southern structure plans (VRS is located within the Northern Structure Plan). The VRS is located within the Northern Structure Plan and comprises 1,100 dwellings, well short of the 6,850 dwellings to warrant the road widening in Victoria Road.</p> <p>Condition 28 effectively requires that the relocation of the power lines to be undertaken twice, at the relevant Occupation Certificate of Stage 4 and then</p> |

| Proposed amendments to Draft Conditions of Consent (bold / strikeout) | | | | | Comment | | | | | | | | | | | | | | | |
|---|--------------|-------|-------------------|----------|--|---------|-------|-------------|-------|---|---|---|-------------------|----------|-------------------------|--------------|---|-------------|---------|---|
| | | | | | again once Melrose Park reaches 6,850 dwellings as Victoria Road will be excavated again to facilitate the road widening. Based on the above, it is requested that this condition be deleted as originally recommended by Council staff (bold strikeout). | | | | | | | | | | | | | | | |
| DA/295/2020 | | | | | | | | | | | | | | | | | | | | |
| SPECIALIST REPORTS Condition 1 (extract) <table><tr><th>Document</th><th>Ref No.</th><th>Issue</th><th>Prepared By</th><th>Dated</th></tr><tr><td>Statement of Environmental Effects and further information submitted 29 24/9/20 and 23/10/20</td><td>-</td><td>-</td><td>Keylan Consulting</td><td>May 2020</td></tr><tr><td>Noise Impact Assessment</td><td>20082_200506</td><td>1</td><td>White Noise</td><td>11/5/20</td></tr></table> | | | | | Document | Ref No. | Issue | Prepared By | Dated | Statement of Environmental Effects and further information submitted 29 24/9/20 and 23/10/20 | - | - | Keylan Consulting | May 2020 | Noise Impact Assessment | 20082_200506 | 1 | White Noise | 11/5/20 | The applicant requests that these minor amendments are made to Condition 1 to accurately reflect the proposal and supporting reports. We request that the condition be amended as detailed in this table (bold strikeout). |
| Document | Ref No. | Issue | Prepared By | Dated | | | | | | | | | | | | | | | | |
| Statement of Environmental Effects and further information submitted 29 24/9/20 and 23/10/20 | - | - | Keylan Consulting | May 2020 | | | | | | | | | | | | | | | | |
| Noise Impact Assessment | 20082_200506 | 1 | White Noise | 11/5/20 | | | | | | | | | | | | | | | | |
| DELETION OF UNIT / RECONFIGURED ENTRY Condition 53 Notwithstanding the architectural drawings hereby approved, Unit 2101 (as notated on the drawings), is to be deleted. This area shall be used to provide a larger entrance for Building 2 which is more clearly legible from, and addresses the street. Prior to the issue of the relevant Construction Certificate amended plans are to be prepared detailing the reconfigured plan for Unit 2101 as a studio apartment consistent with sketch plans SK152 - BUILDING 2 LOBBY OPTION prepared by AJC to ensure it achieves an appropriate level of residential amenity. Details demonstrating compliance are to be submitted to and approved by the Certifying Authority prior to issue of the relevant Construction Certificate(s). Reason: To provide appropriate amenity for occupants and assist in wayfinding in keeping with the requirements of SEPP 65, the Apartment Design Guide and Parramatta development Control Plan 2011. | | | | | The applicant provides a revised layout for Unit 2101 prepared by AJC (Attachment 2). The design achieves an appropriate level of amenity consistent with the Council's reason this condition is imposed. The proposed alternate design replaces the 2 storey townhouse with a lobby lounge at Level 1 and a studio apartment at Level 2, accessed via a stair from the lobby level. The proposed amendments provide a superior design outcome for the following reasons: <ul style="list-style-type: none">the studio apartment does not include windows on the service ramp side to ensure high levels of amenitythe studio apartment is located above the proposed truck entrythe re-designed apartment provides an additional 16m² of deep soil landscaped area (previously private open space for the townhouse)the re-design creates a 8 metre high lobby space with opportunity for natural light from highlight windows on the western elevation | | | | | | | | | | | | | | | |

**Proposed amendments to Draft Conditions of Consent
(bold / strikeout)**

Comment

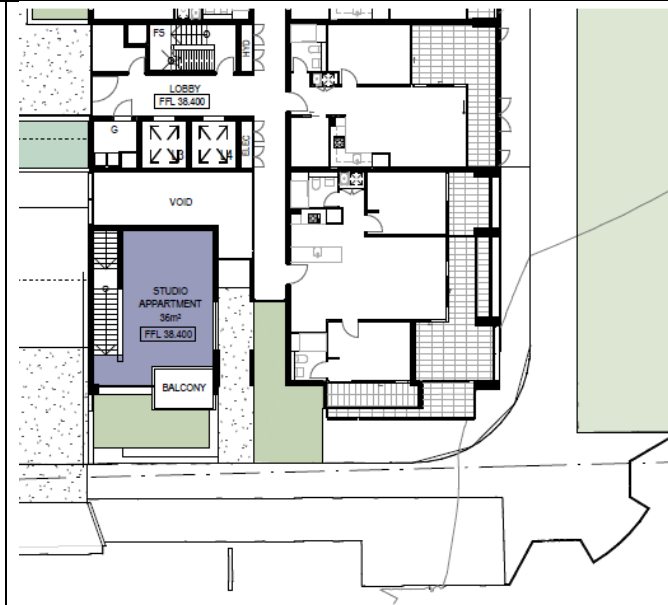
- the inclusion of an additional studio apartment provides more affordable housing choice for the development



Proposed Level 1 Plan with new Lobby lounge area

**Proposed amendments to Draft Conditions of Consent
(bold / strikeout)**

Comment



2 LEVEL 02 PLAN

Proposed new studio apartment 2101 at Level 2

The amended plan provides a superior design outcome that:

- addresses the objectives of the DA condition
- provides for an improved amenity outcome for unit 2101
- creates a superior entry lobby for all apartments in Building 2

The revised layout for Unit 2101 is supported by the Acoustic Consultant confirming that the amended layout of the unit complies with the required internal noise levels (Attachment 3).

| Proposed amendments to Draft Conditions of Consent (bold / strikeout) | Comment |
|--|--|
| | We request that the condition be amended as detailed in this table (strikeout). |
| <p>DESIGN TO WITHSTAND FLOODING Condition 58</p> <p><i>The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding events up to the 1 in 100 year level plus 500mm 300mm freeboard.</i></p> <p>Reason: To ensure the structure can withstand flooding impacts.</p> | <p>The request for this amendment is supported by advice from Lyall & Associates (Attachment 4). Lyall & Associates note that Condition 58& 59 requires a freeboard of 0.5 metres to be adopted for setting the minimum floor levels of habitable rooms within the proposed development. Council also requires that this freeboard is added to peak water levels that would be generated by a storm that has an Annual Exceedance Probability (AEP) of 1% (1 in 100). Detailed modelling for the VRS development shows that under the abovementioned conditions, depths of overland flow along the boundary of Lot AB are less than 0.05 metres deep.</p> |
| <p>FLOOR LEVELS Condition 59</p> <p><i>The finished floor levels of all habitable rooms/floors including but not limited to residential and commercial uses shall be a minimum of 0.5m 0.3m above the 1% AEP overland flow water surface level in the adjacent roads assuming 100% blockage of the piped road drainage system as modelled by Lyall Associates October 2020. These minimum finished floor levels shall be in accordance with drawing SK120 'Level 1 Flood Contours' and SK 121 'Levels 2-3 Flood Contours' by AJ+C filed by Council on 26.10.2020 under D07716655. If the finished floor levels shown on drawings SK 120 and SK 121 are higher than those shown on other architectural drawings at the same location, the levels on SK 120 and SK 121 shall take precedence.</i></p> <p><i>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate(s).</i></p> <p>Reason: To ensure adequate protection of life and property from flooding.</p> | <p>Importantly, Lyall & Associates find that: ...<i>"Detailed flood modelling also shows that the depth of flow along the boundary of Lot AB does not exceed 0.05 metres during a Probable Maximum Flood (PMF), noting that this flood has a probability of less than 1 in a 1 million and represents the upper limit of potential flooding bordering the site"</i>...</p> <p>Lyall & Associates concludes: ...<i>"the provision of a 0.5 metres freeboard is considered to provide an overly conservative factor of safety on the design flood for which the development is required to protect against (i.e. from the 1% AEP flood), noting that even in a PMF event the depth of flow along the boundary of Lot AB does not exceed 0.05 metres"</i>...</p> <p>...<i>"a freeboard of 0.3 metres is considered to be sufficient to protect the development against this eventuality"</i>....</p> <p>Based on this expert analysis, we request that the condition be amended as detailed in this table (strikeout).</p> |