



CUMBERLAND DESIGN EXCELLENCE PANEL

MEETING MINUTES

DATE OF MEETING	24 August 2022
MEETING LOCATION	Via teleconference (MS Teams)

PROPERTY ADDRESS	228-240 Pitt Street, Merrylands
Application No.	MOD 2022/0211 (Mod to DA 2015/220/1)
FILE No.	
PANEL MEMBERS	Mr Jon Johannsen – Architect (Chair) Mr David Appleby – Urban Designer Mr Aldo Raadik – Architect
APOLOGIES	nil
ATTENDEES	Jacob Yammine – Architect, Sketch Design Group Jonathon Wood – Think Planners
COUNCIL STAFF	Jai Shankar, Michael Lawani, Harley Pearman
APPLICANTS	Merrylands 88 Development Pty Ltd
DECLARATION OF INTEREST	Nil
REASONS FOR CONSIDERATION BY CDEP	Design modification of an existing DA, referred to Panel as the development proposal exceeds 25m in height
BACKGROUND/PREVIOUS MEETINGS/SITE MEETINGS	Original approval DA 2015/220/1 by SWJRPP and three subsequent Modification Approvals in Feb and Nov 2017 and in April 2019

GENERAL INFORMATION

Cumberland Design Excellence Panel (the Panel) comments are provided to assist both the Applicant in improving the design quality of the proposal, and Cumberland City Council in its consideration of the Development Application (DA) when it is submitted.

The nine design quality principles provided in SEPP65 Apartment Design Guide (ADG) are generally used as a datum to guide the Panel's assessment, notwithstanding that SEPP65 may not directly apply to the application.

The Panel's focus is on design excellence and, primarily, reviews the amenity of the proposal for occupants as well as the quality of the proposal in the context and setting of its location as well as its visual and environmental impact on the place in which it is located. The absence of a comment related directly to any of the ADG principles does not, necessarily, imply that the Panel considers the particular matter has been satisfactorily addressed.

PROPOSAL

Approvals and modifications history

Development Application 2015/220/1 was approved by the Sydney West Joint Regional Planning Panel on 25 May 2016 for the demolition of existing structures and construction of a mixed use development containing three separate towers ranging in height of between 4 and 19 storeys comprising 355 apartments over 5 levels of basement parking with 460 car parking spaces.

Following the initial approval, three modification applications were approved:

- February 2017 - Section 4.55(1A) modification application number 2015/220/2
- November 2017 - Section 4.55(1A) modification application number 2015/220/4
- April 2019 - Council under delegated authority approved a Section 4.55(1A) modification application number 2015/220/5.

Modification Application 2022/0211

Council is in receipt of a Section 4.55(2) Modification application to an approved mix use development and the Applicant is seeking to modify the development as follows:

- Alteration of floor levels - increase the floor-to-floor heights of each floor from 3.0m to 3.1m to comply with the National Construction Code 2019
- Height of the building - increase the height of the development, as follows:
 - Building A (west) from 20 storeys to 21 storeys (an 8.1m increase from the most recent approved modification – 71.05m vs 62.95m)
 - Building B (southeast) from 11 and 14 storeys, to 11 and 15 storeys (a 4.3m increase from the most recent approved modification – 49.95m vs 45.65m)
 - Building C and D (north) remains at 5 storeys (however, whilst an increase in height from the last approved modification, the proposed height matches the height of the original approval).
- Revised apartment layout - modification to internal apartments and balconies
- Reduction in the number of apartments - a reduction of two apartments within the development which will result in 363 apartments instead of 365 apartments. The reduction occurs within the ground floor of Building B

- Provision of additional commercial floor space - alterations to the ground floor retail tenancies
- Revised plant and service areas – as noted on the drawings
- Revised basement layout – including amendments to each basement level in which car parking spaces, access aisles and storage cages are altered in location
- Alterations to the façade - amend the design of the façade of the building and building materials
- Alterations to common open space areas - reinstate the common open space on the rooftop of Building A which was approved under the original consent but removed under Modification Consent 2015/220/4.

The application is referred to the Design Excellence Panel in accordance with the Cumberland Design Excellence Panel Policy because the building exceeds a height of 25 metres. At the time of the determination of the original development application, the development did not require referral to the Panel (the CDEP commencing in April 2019).

Site description

The site is legally described as Lot 1 in DP 1217412 which is generally known as 228-240 Pitt Street, Merrylands. The subject site is located on the north side of Terminal Place, the south side of Gladstone Street and the east side of Pitt Street. Land adjoining the site to the immediate east and southeast will become a new road known as McLeod Road. The modified development does not impact upon the road reservation acquisition area as shown on Council's mapping.

The Stockland Mall Shopping Centre is situated to the west and located on the west side of Pitt Street. The site occupies an area 5,189m² and the first building works are being commenced with significant excavation and earthworks currently in progress. The Merrylands Railway Station is situated to the south. The site is not a Heritage item and is not located in a Heritage Conservation Area.

The subject development is situated within an area of the Merrylands Town Centre that is undergoing rapid transition with new mid-to-high rise developments and apartment buildings being constructed within the Neil Street precinct to the north, and new high density development planned to the east of the development site.

PANEL COMMENTS

Panel discussion and post presentation comments

The Panel commented on the significant height and density of the proposed development and its potential to transform the character of the Merrylands Town Centre and the new urban precinct forming on the west side of Merrylands Railway Station.

The focus of the Panel's comments is regarding the components of the development's planning and design that are the subject of the modification application. Additional commentary regarding apartment privacy and ground level through-site pedestrian access is offered to the Applicant to assist in improving the building design - it is understood by the Panel that these aspects of the design are the subject of previous approvals.

The Panel makes the following design review comments on the modification application documents provided and it is noted that clarifications and further investigation and design development will be required for the project to realise design excellence. The Panel identified the following areas of concern:

Urban planning contextual analysis

The proposal requires context drawings with urban and site analysis to help explain the 'big picture' urban town centre and environmental context, and the interface with the train station, commuter carpark, adjoining developments (height and built form relationships), the relationship with the broader open space network, urban connectivity across the precinct (particularly access to the station), flood mitigation (blue and green infrastructure) including the potential 'chain of parks' and waterways, and the shopping centre and retail patterns across the existing and developing urban area.

Development density - Floor Space Ratio (FSR)

The subject modification proposes an FSR of 6.475:1. This represents a small reduction in GFA (92m²) across the whole site, when compared to the most recent approved modification (2015/220/5). However, as about half the site is zoned B4 Mixed Use with a maximum FSR of 6.5:1 and half zoned B6 Enterprise Corridor with a maximum FSR of 5.0:1, it is likely that the proposed FSR is non-compliant with CLEP 2021.

The applicant is requested to provide detailed information on the FSR split for the B4 and the B6 zones, to ensure that no increases are occurring within the respective zones, to be able to confirm compliance with CLEP 2021. At the present time, the floor space ratio split between the zones cannot be calculated with certainty.

Building height and overshadowing

The Panel is concerned about the significant increase in the height of Building A, being a proposed additional height of 8.1m, above the previous approved height (Mod 2015/220/5). The proposed height is also non-compliant in relation to the CLEP 2021 maximum permitted height in the B4 zone of 54m (an exceedance of 17.05m or 31.5%).

The Panel finds that this additional height is excessive, given the already high-density nature of the development, and doesn't support the argument that the additional floor-to-floor height provided in this proposed modification, to comply with ADG and NCC minimum standards, warrants such an exceedance of the previously approved maximum building height. The Panel supports the provision of roof gardens for communal use by the apartment residents, however does not support habitable accommodation above the previously approved maximum height limit.

The proposed increase in building height for the south part of Building B of 4.3m and for Building C of 3.4m is seen as acceptable, given the scale and nature of the overrun and the history of previous approvals.

Apartment planning and visual privacy

Whilst the proposed building-to-building setbacks are previously approved, it is noted that there are multiple ADG non-compliances and the resulting impacts on resident privacy, amenity and quality of life is a disappointing outcome that may require consideration of secondary mitigation measures such as screening and other like measures.

Although the previous DA approval covers the typical floor layout of Building B, the length of access corridors and number of units served by lift cores is well above ADG guidelines, and the Panel considers this to be an unfortunate outcome.

Solar access and natural ventilation

Whilst the proposal is ADG compliant regarding natural ventilation, at 69.97% of apartments, it is however ADG non-compliant in terms of solar and daylight access - as 18.7% of apartments receive no sunlight. No more than 15% can receive no sunlight to be compliant. As the non-compliance is previously approved, there is no scope to make changes at this point, unfortunately impacting the amenity of future residents.

Landscape and ground floor cross site links

There was little landscape design information provided of the inner courtyard and rooftop communal open spaces. Detailed landscape plans should be provided detailing the proposed hard and soft landscape treatments proposed and the provision of adequate soil depth and volume provision to ADG standards when planting on structures is proposed.

The Panel questioned the narrow and convoluted design of the proposed north-south ground level pedestrian through-site link and the associated pedestrian path linking east around the lifts and vehicular ramp to the basement carpark. Concerns are raised regarding the narrow ramps and the awkward and tight alignment, and potential issues related to pedestrian safety and CPTED compliance.

The landscape design of the Ground Floor Level interface with the surrounding public domain and streetscapes is lacking in the documentation provided. The interface of the ground floor level of the building and the proposed commercial activities should be provided to establish a suitable activated interface for pedestrians using the surrounding streets. Scope for this interface to be much improved could be considered with a split ground floor to commercial tenancies where access at-grade or slightly above would step up inside to provide for necessary overland flow flood mitigation and much improved street activation.

Sustainability

Details of the proposed passive environmental measures included to improve residential amenity and minimise energy consumption should be provided to the Panel for review. Provision of clear ESD principles, and project initiatives and targets (Green Star Rating) should be provided including PV solar panels and battery storage, ceiling fans as an alternative to A/C systems, EV car spaces and infrastructure for future EV charging in the basement car parking, all electric build (no gas), and scope for 100% renewable energy contract.

Bicycle and car parking

Whilst the overall car parking spaces are compliant, the split between residential, commercial and visitor car parking spaces needs to be amended to comply with the relevant standards and rates.

Resident storage provision

The number of storage cages provided within the basement has been reduced from 284 to 187. The proposal is required to comply with the Apartment Design Guide at Part 4G2 in relation to storage cages and storage space for each apartment.

Section 4.55(2) modification application

The applicant considers the application to be a Section 4.55(2) modification application. Further justification needs to be submitted for assessment, given that the justification is relatively limited in content.

Conclusion

The Panel's assessment is that this modification proposal does not currently meet the criteria for 'design excellence' and will require additional clarifications and design development to address the above recommendations and as outlined in the following commentary:

Considerations	Comments
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.	The proposal requires review and redesign to achieve design excellence and the recommendations above must be addressed in the architectural and landscape design of the proposal.
Whether the form and external appearance of the development will improve the quality and amenity of the public domain.	Refer to the Panel recommendations above regarding public domain design. If these recommendations are addressed in the design, then the development should be able to contribute positively to the Merrylands Town Centre public domain. Coordination is required with Cumberland City Council officers to realise a seamless integration of private and public domain.
Whether the development detrimentally impacts on view corridors.	Some potential negative impacts were identified with respect to the height of Building A, and the public realm interface would improve with recommended changes.
How the development addresses the following matters:	
The suitability of the land for development;	Land is suitable.
Existing and proposed uses and use mix;	Established in the previous approval.
Heritage issues and streetscape constraints;	No immediate issues related to heritage.
The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;	The Panel raises concerns regarding the additional height proposed for Building A above that previously approved. Refer to above recommendations.

Bulk, massing and modulation of buildings;	See above recommendations.
Street frontage heights;	See above recommendations.
Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;	See above recommendations.
The achievement of the principles of ecologically sustainable development;	See above recommendations.
Pedestrian, cycle, vehicular and service access and circulation requirements;	See above recommendations.
The impact on, and any proposed improvements to, the public domain.	See above recommendations regarding public domain issues and concerns over the through site access and interface with the surrounding public domain.

RECOMMENDATION

Overall as it is currently designed and presented, this modification proposal does not demonstrate sufficient resolution to achieve design excellence. Further design development, including reconsidering the height of Building A, will be required to address the various design issues raised by the Panel, in order to be supported. The Applicant must address the Panel's recommendations with amendments made accordingly for further review.

SUMMARY

The Panel is not satisfied that the proposal has met the criteria to award 'design excellence' for the proposed modification for the reasons outlined in the commentary.

Jon Johannsen - Panel Chair



David Appleby

Aldo Raadik