

Our ref: Gregory Place Build-to-Rent (SSD-31179510)

Mr Raymond Raad
Project Manager
2A GREGORY PLACE PTY LIMITED
PO Box 898
Petersham New South Wales 2049

07/09/2022

Subject: Response to Submissions

Dear Mr Raad

The exhibition of the development application and environmental impact statement for the Gregory Place Build-to-Rent (SSD-31179510) ended on 29 Aug 2022. Please be aware that in accordance with section 2.7(1)(a) and (b) of State Environmental Planning Policy (Planning Systems) 2021, the Independent Planning Commission is the relevant consent authority for this development as the City of Parramatta Council have formally objected to the proposal and the application has received more than 50 unique submissions by way of objection.

We have placed all submissions on the NSW planning portal at
<https://www.planningportal.nsw.gov.au/major-projects/projects/gregory-place-build-rent>.

We now require a written response to issues raised in the submissions, as required under section 59(2) of the Environmental Planning and Assessment Regulation 2021.

We also require a response to the issues raised by Government agencies in their advice. Please note at the time of drafting this letter some government agency advice may not have been received. A copy of their responses will be forwarded to you and uploaded to the portal once it has been received.

The Department have undertaken a preliminary assessment of the application and requests that you provide a response to the key issues in **Attachment 1**.

The written response must be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines including Appendix C - Preparing a Submissions Report*.

Please lodge your submissions report by 31 October 2022 via the NSW planning portal
<https://majorprojects.planningportal.nsw.gov.au/>.

Note that the time between the date of this letter and the date the Planning Secretary receives your response is not included in the 'assessment period' under section 94(1) of the Environmental Planning and Assessment Regulation 2021.

If you have any questions, please contact Stephen Dobbs, on 02 8275 1604 or via email at stephen.dobbs@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "G Wardenburg".

Gabriel Wardenburg
A/ Director - State Significant Acceleration
State Significant Acceleration

as delegate for the Planning Secretary

ATTACHMENT 1 – KEY ISSUES

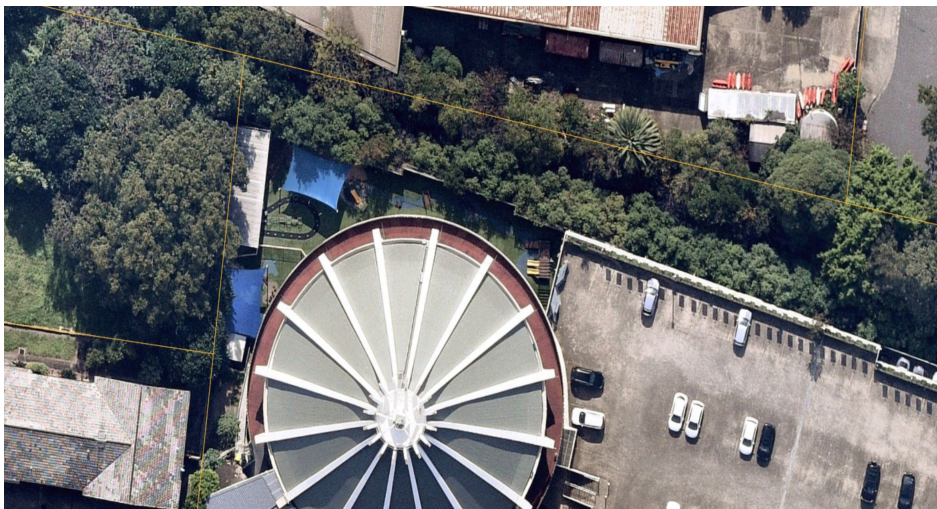
Height of buildings and Clause 4.6 request

- The proposed height of buildings and Clause 4.6 request are not supported by the Department in their current form. The scale and height of the concept development are not in keeping with the character of the area. The proposed building height would result in overshadowing of an adjacent childcare centre, potential privacy issues and potential heritage impacts to nearby items. It is requested that the buildings be reduced in height and scale to adequately respond to the constraints of the site.
- The Clause 4.6 request implies that the maximum height of buildings could be determined by the conditions of the Site Compatibility Certificate (SCC). The Department is of the view that the SCC confirms permissibly and allows lodgement of a development application. An assessment under Part 4.15 of the *Environmental Planning and Assessment Act 1979*, including consideration of any relevant environmental planning instrument, is still required.
- The Clause 4.6 request, Environmental Impact Statement (EIS), and other documents incorrectly state that the proposed maximum height of 27.9m is a 67% increase on the 9.2m development standard. The maximum proposed height of 27.9m is 18.7m higher than the development standard, or a 203% increase. This description should be amended in the RtS and a revised Clause 4.6 request submitted.
- In accordance with Clause 4.6(3)(a), the request does not clearly demonstrate why compliance with the height of buildings development standard is unreasonable or unnecessary.
 - o The change in land use from industrial to residential is not sufficient grounds to argue that a compliant height is unacceptable or unreasonable in the site context. The request must include details of why a compliant height would not be viable, and what design/architectural advice has informed the proposed height. The Clause 4.6 request should describe why the proposed height is appropriate, and why non-compliant height would support better or equal environmental, social, and economic outcomes as compared to a compliant height.
- In accordance with Clause 4.6(3)(b), the request does not directly indicate sufficient environmental planning grounds to justify the 203% height increase.
 - o The current request notes that buildings to the south of the site are at a higher elevation and that single and double storey buildings to the north are at a lower elevation. This statement does not justify why 8 stories are appropriate. The request must include details of how the proposal addresses the heritage, flooding, and urban design constraints of the site. The request should describe any advantages a non-compliant height would have over a compliant height.
- The Clause 4.6 request should directly address each of the objectives of the height of buildings development standard within the Parramatta Local Environmental Plan 2011.

- The Department is seeking an independent urban design review for the project and may seek additional information or amended plans upon the completion of the review.

Overshadowing, setbacks, and amenity

- The shadow diagrams submitted with the EIS indicate that the creek corridor walk would have substantial overshadowing during winter. This, combined with narrow setbacks and long buildings are likely to result in poor amenity for its users. Provide amended plans with increase setbacks to Clay Cliff Creek and increased sunlight access to the corridor walk during mid-winter. Alternatively, discuss why this cannot be reasonably achieved and alternative measures to ensure a high level of amenity would be achieved by the development.
- Provide a minimum setback to the Gregory Place street frontage of 6m to conform with the surrounding residential development and allow for large trees to be planted and grow to maturity.
- The Department has identified that the proposal would result in significant overshadowing impacts on the childcare centre known as 'Young Academics Early Learning Centre'. Section 4.11 of the NSW Child Care Planning Guide requires outdoor play areas for childcare centres to have *"have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered"*. The childcare centre is located directly to the south of the site (as highlighted in yellow below). The submitted shadow diagrams indicate that Buildings B and C would restrict the childcare's sunlight access to less than 1 hour per day mid-winter. The Department requires that overshadowing impacts are sufficiently reduced to demonstrate that no significant additional overshadowing of the childcare centre would occur as a result of the development. Further setbacks for buildings adjoining the canal in combination with a reduction in height may address this issue.



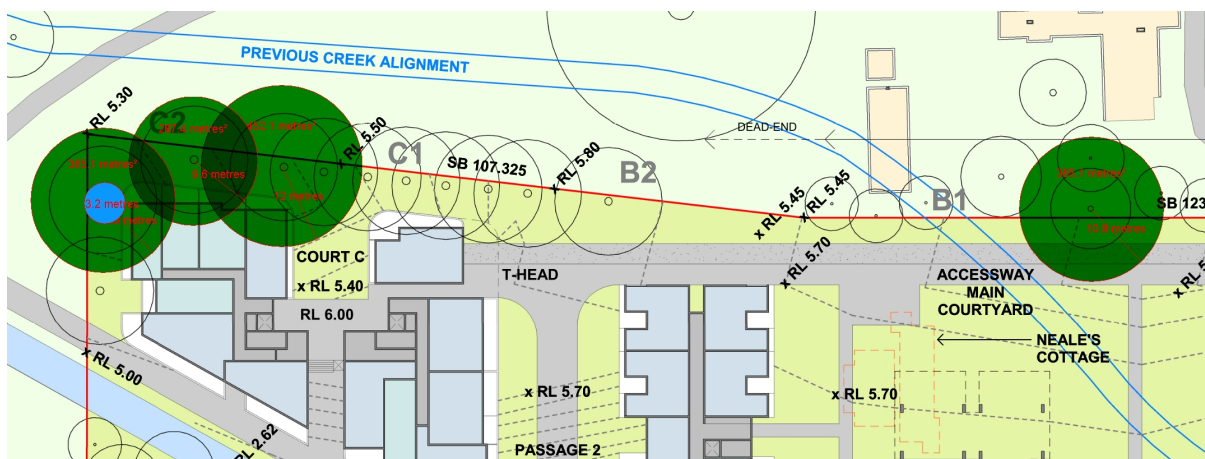
- Section 3.5 of the Child Care Planning Guideline states that *"Visual privacy is about allowing residents on adjacent properties to occupy their private space without being overlooked by child care facilities and ensuring child care facilities are not overlooked by neighbouring properties"*. Provide a view diagram demonstrating that direct line of sight into the adjacent childcare centre would not occur from south facing apartments or the "Link Terrace" of building A.

Noise

- Confirm the location of noise monitoring location L2 within the submitted Acoustic Report and advise whether noise was monitored internally from the existing warehouse building or externally. Provide a comment from an acoustic specialist regarding noise emissions and their impacts on future residents from the adjacent childcare centre and special event activities which occur within the grounds of “Our Lady of Lebanon”, including night time and celebration events.

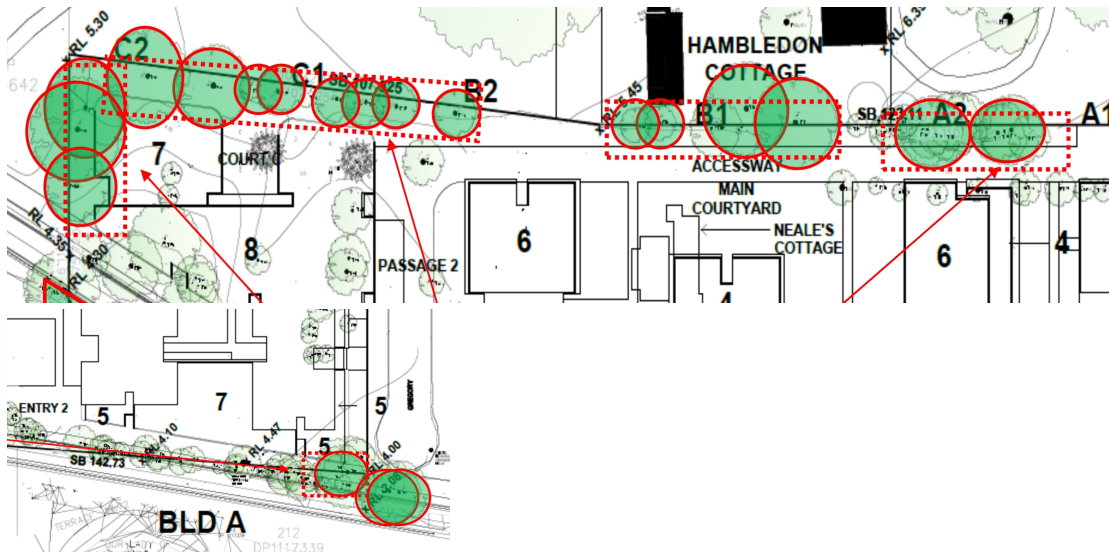
Tree preservation

- The Department has identified that trees may not be able to be retained (that are identified to be retained) as they are in close proximity to the building envelopes of Building A and C, the proposed basement, and the internal accessway/emergency driveway. The submitted architectural plans indicate that some trees to be retained would have incursions into their tree protection zones (TPZ) of more than 10% (a major encroachment under *AS 4970-2009 Protection of trees on development sites*). Their canopies would also require significant trimming, and some trees may have incursions into the structural root zones (SRZ). The European heritage report, community consultation report, wind report, and view analysis all emphasise the importance of these trees being retained.



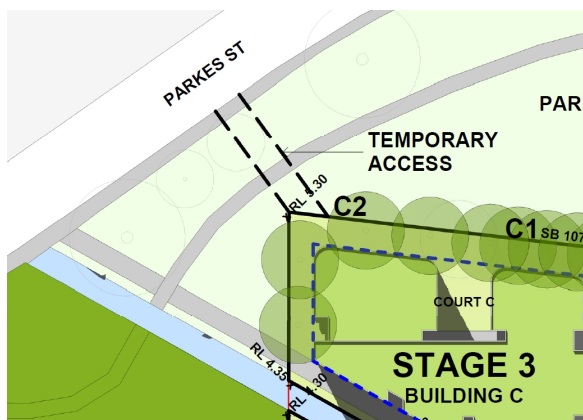
Note: Above calculations are based upon tree diameter data from the survey plan. They indicate more than a 25% (major) incursion into the TPZ of trees to be retained on the subject and adjacent sites (green colour). A SRZ encroachment (blue) is identified for tree No. 192 (as per survey plan). The basement plan indicates that the setbacks to the trees would be less than the ground floor plan which further increases the incursion.

- The arboricultural assessment report does not clearly identify tree numbers and contains several technical issues including:
 - the provision of tree protection fencing within building envelopes.
 - no discussion about required tree canopy pruning.
 - no discussion about the individual level of impact trees would occur. E.g., TPZ, SRZ incursions.



Note: The AIA shows tree protection fencing within building envelopes and trees to be retained within close proximity to building envelopes. Tree numbers are not visible.

The architectural plans indicate that temporary access to the north-west portion of the site would be provided via Parkes Street. This location on the site is proposed to have tree protection fencing. In addition, the general storage of materials is recommended outside of a retained TPZ.



Note: The architectural staging plan shows temporary access to the site via Parkes Street that would be within the proposed tree protection fencing.

- The following must be submitted with regard to tree preservation:
 - o A tree survey plan that clearly shows tree numbers and their location.
 - o A site plan that shows the TPZs and SRZs of trees to be retained in relation to proposed building envelopes.
 - o TPZs of trees to be retained must not have more than a 10% incursion into their TPZs and no incursions into their SRZs. This may require reduced building envelopes.
 - o A discussion on the amount (percentage) of tree pruning required for retained trees before construction.

- o An amended tree protection plan that shows tree protection fencing outside of proposed building envelopes.

Landowner consent

- Clarification if temporary construction access from Parkes Street is sought as part of this application. If so, confirm that land owner's consent has been provided, and include a discussion on tree impacts within the amended Arboricultural Impact Assessment.

Landscaping

- The total landscaped area calculations within the architectural plans show passages, accessways, walkways, and roof terraces as "landscaped area". Landscaped area is defined as "*part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area*" under the Parramatta Local Environmental Plan 2011.
- These area should be included as open space and not landscaped areas. Updated architectural plans with accurate landscaped area calculations are required.
- There are inconsistencies between the total landscaped area calculations in the architectural plans (CD4007) and page 20 of the landscape plans.
- The architectural plans indicate skylights would be installed for sunlight and cross ventilation within the roof. The landscape plans indicate that the entirety of the roofs would include vegetation in the form of "green roofs". The Energy Efficiency & Ecologically Sustainable Design Report notes that a 500 kW PV solar system would also be installed on the roofs. Address how all three of these outcomes would be feasibly achieved and describe any required amendments to area calculations, solar access or cross ventilation.
- The original line of Clay Cliff Creek appears to be shown at different locations within the landscape plan (pages 3 and 4 differ from pages 9 and 9). Provide a more detailed discussion on how the original line would be interpreted into the landscape design.
- Provide additional discussion on tree planting above the proposed basement level, confirming that all identified tree plantings would feasibly reach maturity.

Heritage

- The statement of heritage impact incorrectly refers to the development as low-rise medium density.
- The Department is not satisfied that the application demonstrates that the development would not have a detrimental impact on adjacent heritage items. The Department is seeking an external peer review of the proposal in regard to potential heritage impacts. An additional request for information may be provided after this review is complete.
- Please indicate whether a fence is proposed between the subject site and the land to the north containing Hambledon Cottage.

View Impact Analysis

- The submitted visual impact statement does not provide key view points as required within the SEARs. Provide additional view points from:
 - o Within the grounds of Hambledon Cottage with a direct view of the cottage,
 - o Within the grounds of Hambledon Cottage Reserve, and
 - o Within the grounds of Elizabeth Farm.
- Provide an assessment of how the concept proposal may impact the historic view corridors within the Parramatta Development Control Plan 2011.

Flooding

- The Department is not satisfied that the application has adequately assessed or responded to the flooding risks and constraints of the site. The Department is seeking an external review of the proposal. The following data is requested:
 - o A copy of the WBNM hydrologic and TUFLOW hydraulic modelling underpinning the Flood Study prepared by GRC Hydro
 - o A copy of the TUFLOW flood mapping results including checks and raw files
- There appears to be inconsistencies between the flood modelling provided in the flood report and council's adopted flood maps. The modelling must be updated to take into consideration council's adopted flood study levels. Any revised modelling should also address the site's classification as being within a 'High Flood Hazard Area' including consideration of the structural integrity of the proposed building within the identified hazard area. The revised modelling should also consider blockage factors, overland flows and climate change.
- Provide additional detail about the proposed 1000m³ of flood storage, including but not limited to storage requirements, pump out process and any further regulatory approvals required for the storage and disposal of captured water.
- Provide flood details for each individual stage of development. For example, how would a 1% AEP flood impact the development if only Stage 1 was completed, and no additional flood storage was present.

Ground and water conditions

- The proposal may require development within waterfront land as defined under the *Water Management Act 2000* and the riparian zone as per the *Guidelines for controlled activities on waterfront land* (Natural Resources Access Regulator).
- An assessment must be undertaken of the potential impacts of the development to waterfront land. This assessment must identify any appropriate mitigation measures and regulatory approvals, if applicable.
- Provide an assessment of whether the development, including all construction activities, would meet the definition of an aquifer interference activity as defined by the *Water Management Act 2000*.

Car Parking/vehicle access

- The proposed 634 car parking spaces exceeds the minimum standards within the Housing SEPP by 537 spaces, and the Parramatta Development Control Plan 2011 by 64 spaces. Provide a discussion on the appropriateness of 634 car parking spaces and why 634 car parking spaces are proposed.
- It is unclear whether vehicle drop-offs, taxi pick-ups, food delivery etc. would occur via the common driveway parallel to the northern boundary or within the basement car park. It is considered unlikely that this could occur within the basement car park given the size and residential nature of the development. Provide an analysis from a qualified traffic consultant regarding the anticipated usage of the common driveway, required width and required turning areas. The application must ensure that an appropriate driveway width is established along with adequate pedestrian areas and a deep soil zone.

Waste collection

- The EIS indicates that the basement waste collection will be designed for a medium rigid vehicle, whereas the architectural plans indicate they would be designed for a heavy ridged vehicle. The Parramatta Development Control Plan requires basement waste collection to be designed for a heavy rigid vehicle as the buildings would be over 5 stories in height. Given the large scale of the development, servicing the development with a large truck would be beneficial as it would reduce the number of vehicles accessing the site. Additionally, it would allow for any bulky goods to be collected from within the basement and not the street. Please clarify what type of rigid vehicle the basement would be designed or.

Development Staging

- The architectural staging plan indicates that there would be 4 stages of development. Only 3 stages of development are described within the EIS. Please clarify how many development stages there are proposed to be.
- Provide a discussion on when site connections, landscaping and accessways would be completed.

Affordable Housing

- Clarify if each development stage is proposed to contain the minimum 50% of dwellings as affordable housing.
- Clause 40 (1)(b) of State Environmental Planning Policy (Housing) 2021 requires that dwellings that are used for affordable housing must be managed by a registered community housing provider. Clause 73(1)(c)(ii) requires build-to-rent housing be operated and managed by 1 managing agent. Clarify whether the social housing provider would manage the whole development.