TELOPEA CONCEPT PLAN AND STAGE 1A

SSD-14378717
Response to RFI

URBIS

Prepared for
FRASERS PROPERTY TELOPEA DEVELOPER PTY LTD
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URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Murray Donaldson
Senior Consultant	Brigitte Bradley
Project Code	P0021243
Report Number	2

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1. INTRODUCTION

This Report has been prepared on behalf of Frasers Property Telopea Developer Pty Ltd (**FPA, the Applicant**), in response to the request for additional information (**RFI**) requested by the Department of Planning and Environment (**DPE**) on 23 December 2022 in relation to the State Significant Development (**SSD**) Development Application for the Telopea Concept Plan and Stage 1A (**SSD-14378717**).

A supplementary Response to Submissions (**RTS 2**) package was lodged with the DPE in December 2022. In response to RTS 2, DPE issued an RFI on 23 December 2023. Comments have also been received from City of Parramatta Council (**Council**), the DPE's Environment and Heritage Group (**EHG**) and Transport for NSW (**TfNSW**).

This report is structured as follows and should be read in conjunction with the supporting documentation outlined in **Table 1:**

- **Section 2 – Actions taken since Exhibition:** outlines further engagement undertaken by the project team as well as minor refinements to the scheme which reflect comments received following the exhibition of RTS 2.
- **Section 3 – Response to Submissions:** provides a detailed response to submissions received following the notification of RTS 2.
- **Section 4 – Updated Project Justification:** provides an updated justification and evaluation of the project as a whole.

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Local VPA with City of Parramatta Council	FPA
Appendix B	ADG Compliance Tables for Stage 1A (Buildings A – E)	Plus Architecture
Appendix C	Concept Proposal Drawings including GFA Schedule for Concept Works	Bates Smart
Appendix D	ADG Compliance Summary for Concept Works	Bates Smart
Appendix E	Detailed response to Attachment A and Attachment B of City of Parramatta Council's correspondence	Urbis
Appendix F	Amended BDAR Report for Concept Plan	ACS Environmental
Appendix G	Amended BDAR Report for Stage 1 (Core Precinct and Stage 1A)	ACS Environmental
Appendix H	Technical Note – TfNSW Comments and Modifications to Concept Plan	Ason Group
Appendix I	Technical Note – Local Road Network Performance Assessment	Ason Group
Appendix J	Civil Plans – Concept Works	JWP
Appendix K	Civil Plans – Stage 1A	JWP

Appendix	Report	Prepared By
Appendix L	Stage 1A Design Report	Plus Architecture
Appendix M	Stage 1A Architectural Plans	Plus Architecture
Appendix N	Stage 1A Access Report	Wall to Wall Design and Consulting
Appendix O	Stage 1A Plan of Subdivision	LTS
Appendix P	Stage 1A Wind Assessment	SLR Consulting
Appendix Q	Stage 1A BCA Report	City Plan
Appendix R	Stage 1A Fire Assessment	Affinity Fire Engineering
Appendix S	Clause 4.6 Variation for Height (Stage 1A)	Urbis
Appendix T	Clause 4.6 Variation for Height (Concept Plan)	Urbis
Appendix U	Clause 4.6 Variation for FSR (Concept Plan)	Urbis
Appendix V	Local VPA Program	FPA
Appendix W	Design Excellence Waiver Package	Plus Architecture Urbis
Appendix X	Stage 1A Landscape Plans	Hassell
Appendix Y	Stage 1A Landscape Report	Hassell
Appendix Z	Stage 1A Public Domain Plans	Hassell

2. ACTIONS TAKEN SINCE EXHIBITION

In response to the key issues raised within the submissions, FPA has engaged with relevant stakeholders including Transport for NSW (**TfNSW**), DPE and the City of Parramatta Council (**Council**). In addition, FPA has undertaken minor design refinements and clarifications have been made to the proposed development since public exhibition of RTS 2 to address the outcomes of the feedback received in response to RTS 2.

2.1. FURTHER ENGAGEMENT

Since the lodgement of RTS 2 in December 2022, the Applicant has undertaken further consultation including:

- Meeting on 25 January 2023 with the DPE Key Sites Assessment team and Urbis to discuss initial RFI comments and Key Issues letter.
- Meeting on 14 March 2023 with TfNSW to discuss initial comments.
- Meeting on 10 May 2023 with TfNSW to discuss comments provided (refer to **Section 3.4** for a summary of comments raised).

A Preliminary RFI package was issued to DPE in June 2023. After an initial review of the RFI Package in June 2023, DPE requested additional information on 23 June 2023 which is addressed in **Section 3.1** of this report.

Since the initial review of the RFI package, additional consultation has occurred including:

- Meeting on 4 July 2023 with Council to discuss the design refinements for Stage 1A (refer to **Section 3.3** for a summary of the outcomes of this meeting). A copy of additional information provided to Council is provided in **Appendix W.**
- Meeting on 16 August 2023 with TfNSW which confirmed their in-principle support of the removal of New Link Road and the proposed signalised upgrades of the three local road intersections of Adderton Road with Manson Street, Sturt Road with Manson Street and Evans Road with Shortland Street.
- Ongoing discussions with DPE in relation to the State Planning Agreement Offer. DPE confirmed its in principle acceptance of the offer of 26 July 2023.
- Ongoing discussions have also occurred with the DPE Key Sites Assessment Team in relation to the methodology to calculate floor space and associated gross floor area in the Core Precinct. This is summarised in **Section 3.1** of this report and the Clause 4.6 Variation for FSR prepared by Urbis (refer to **Appendix U**). The Clause 4.6 Variation provides a breakdown of permissible floor space based on the existing PLEP 2011 tiles in accordance with Clause 4.5.

2.2. NSW PLANNING REFORMS TO DELIVER SOCIAL AND AFFORDABLE HOUSING

Recent policy announcements by the NSW Government have acknowledged there is a state-wide focus to encourage and incentivise the construction of additional homes, including more social and affordable housing. Policy updates published include expanding the approval pathways for housing developments by private developers with a capital investment value over $75 million, which allocate a minimum of 15% of the total gross floor area to affordable housing. These developments will also gain access to a 30% floor space ratio and height bonus above the relevant development standards.

Additional reforms have also been announced in relation to LAHC landholdings including:

- Removal of the existing $100 million SSD threshold for projects and replacing it with a new, lower threshold that will be met by projects:
  - Providing more than 75 dwellings; or
  - With a capital investment value over $30 million;

- Changes to existing self-assessment powers for LAHC and Aboriginal Housing Office (**AHO**), increasing from 60 dwellings and 2 storeys to 75 dwellings and 3 storeys to provide a faster pathway to the start of construction.
- Reducing the minimum lot size to 400m2 for dual occupancies being delivered as a complying development by LAHC, AHO, Community Housing Providers and Aboriginal Community Housing Providers.
- Social and affordable housing providers will be exempt from attracting state infrastructure contributions.

While these controls are not statutory considerations for the current Telopea SSDA, the NSW Government has now issued a clear signal that efficient supply, diversity and affordability outcomes must be prioritised over strict compliance with development controls.

2.3. REFINEMENTS TO THE PROJECT

A number of refinements to the Telopea Concept Plan and Stage 1A have been incorporated in response to comments received following the lodgement of RTS 2. These refinements do not fundamentally alter the proposal and comprise of changes which fit within the limits set by the project description, and therefore an Amendment to the proposal is not required under Section 37 of the *Environmental Planning & Assessment Regulation 2021* (**EPA Regulation**).

Refer to the revised Architectural Plans prepared by Bates Smart for the Concept Plan (**Appendix C**) and Plus Architecture for Stage 1A (**Appendix M**) for further details on the design refinements made following the lodgement of RTS 2.

2.3.1. Stage 1A

Within the Stage 1A, a number of refinements have been introduced to improve the overall solar access associated with the proposal. Overall, 70% of apartments within Stage 1A receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Further assessment against the relevant ADG guidance including solar and daylight access is provided in **Section 2.4.1** below.

A summary of proposed changes is included in **Table 2** below. Key updates include:

- Minor refinements to the façade design including eaves and window arrangements
- Reconfiguration of typical apartment layouts
- Minor adjustment to the overall building footprint to ensure that basement parking does not sit below the footprint of the new 3,500sqm public park.

Based on the proposed refinements, an additional 47sqm of GFA has been incorporated into Stage 1A resulting in a total GFA of 37,130sqm. Overall, Stage 1A remains compliant with the relevant FSR controls with further assessment of GFA provided in **Section 3.1**.

While there is no change to the overall heights proposed within Stage 1A, the Clause 4.6 Variation for height has been refined (refer to **Appendix S**) to address the improvements and environmental impacts of the refined proposal.

Table 2 Proposed Refinements to Stage 1A to improve solar access

Building	Refinement Proposed
Building A	No refinements are proposed
Building B	▪ Minor refinements to the façade design including eaves and window arrangements across both towers and podium to improve solar access.

Building	Refinement Proposed
	▪ Reconfiguration of apartment layouts from Levels Upper Ground to Level 3 including: - Introduction of louvres on western balcony façades, with consideration of privacy measures - Internal reconfiguration of apartments - Reorientation of a number of balconies of facing north and west ▪ Reconfiguration of all typical apartment layouts of Tower 1 Levels 5 to 12 ▪ Introduction of skylights to B.13.01 and B.13.02
Building C	▪ Minor refinements to the façade design including window arrangements to improve solar access. ▪ Reconfiguration of all typical apartment layouts of Levels 5 to 8 ▪ Introduction of skylight to C.08.01.
Building D	▪ Minor refinements to the façade design including window arrangements to improve solar access. ▪ Reconfiguration of all typical apartment layouts of Levels Upper Ground to Level 6
Building E	▪ Minor refinements to the façade design including window arrangements to improve solar access. ▪ Reconfiguration of all typical apartment layouts of Levels Upper Ground to Level 7

2.3.2. Core Precinct

Within the Core Precinct, a number of refinements have been introduced in direct response to comments from DPE including:

- Reduction of the C1.2 envelope length from 48m to 45m to reduce the overall building depth.
- Update to the description of ‘Note B’ on the Building Envelope Plan (DA01.MP.130) associated with the through site link between C6.1A and C6.1B to replace the reference to a 6/12m wide link with a consistent 9m wide link.
- Introduction of 9m wide through site links to C6.2 and C8. These through site links are also referenced as ‘Note B’ on DA01.MP.130.

Figure 1 Core & East Precincts – Envelope Control Plan

Source: Bates Smart

As part of the review of the building envelopes within the Core Precinct, upper level setbacks have been adjusted to the following buildings to satisfy the relevant ADG design criteria for building separation:

- C6.1a: Eastern side boundary upper setback increased from 2.5m to 6m to achieve ADG compliant building separation between habitable and non-habitable rooms between five and eight storeys.
- C6.2: Introduction of a 12 metre setback between C6.2A and C6.2B to achieve ADG compliant building separation between habitable and non-habitable rooms between five and eight storeys.
- C7.1: Northern side boundary upper setback increased from 3m to 6m to achieve ADG compliant building separation between habitable and non-habitable rooms between five and eight storeys.

Compliance with the relevant design criteria for building separation is now achieved across the Core Precinct. A breakdown of building separation is provided in the ADG compliance summary prepared by Bates Smart enclosed in **Appendix D.**

The identified refinements have also resulted in a reduction of GFA across the Core Precinct of 3,388sqm. A summary of refinements to GFA is provided in **Table 3** below.

Table 3 Summary of GFA updates in the Core Precinct Concept Plan

Lot	Maximum Permissible GFA (including bonuses)	Previous Maximum GFA	Proposed Maximum GFA
C1	24,443.1	36,951	36,469.0
C2	28,385.8	45,435	44,622.9

Lot	Maximum Permissible GFA (including bonuses)	Previous Maximum GFA	Proposed Maximum GFA
C3	16,574.6	16,150	15,650.0
C4	11,586.7	16,266	16,278.0
C5	21,104.6	18,637	19,068.8
C6	32,541.5	34,495	33,310.0
C7	13,464.0	11,360	11,454.0
C8	14,630.4	12,742	11,796.0
Total	176,194.7	192,036	188,647.8

A summary of the proposed methodology to calculate site area and maximum permissible GFA is provided in amended Clause 4.6 Variation for Floor Space Ratio (**Appendix U**).

It is also acknowledged that several buildings within the Core Precinct sit over two height controls identified in the PLEP. This is illustrated in **Figure 2** which was provided as part of the current Clause 4.6 variation for height in the Core Precinct. Parts of Blocks C3 to C8 remain outside of an applicable height control due to the land swap associated with the road layout. As such, no height control applies to these areas therefore there is no non-compliance with the controls associated with these portions of the site.

While there are no changes to the proposed overall height as part of the refinements described above, the Clause 4.6 Variation for height has been refined to clarify both the split controls and where no height control applies. A summary of the proposed height of buildings variation is provided in the table below with updates provided in blue and the amended Clause 4.6 Variation for Height (**Appendix T**).

The maximum building height is proposed to be exceeded on Blocks C1, C2, C3, C4, C6 and C7 (refer to **Table 4**), noting that Block C3 is a partial non-compliance only. Council's RTS response identified a 79% non-compliance within the Core Precinct. The greatest exceedance within the Core is 37 metres (74%) which is attributed to Building C1.2 which straddles the 50 and 70 metre height controls applicable under the Parramatta Local Environmental Plan 2011 (**PLEP**). Blocks C1 and C2 are both located within the Upper Core in immediate proximity to PLR where the tallest buildings are located, and accordingly the height reflects the sound planning principle to locate highest densities closest to public transport and amenities.

The degree of variation is either reduced and/or offset by lower building heights the further the development transitions eastward from the Middle Core to the Lower Core. Most notably, eleven buildings within development blocks C5, C6, C7 and C8 (east of Manson Street in the Middle and Lower Core), maintain a compliant or reduced height.

Figure 2 Proposed height of buildings within the Core Precinct overlayed with LEP height controls (RtS Scheme)

Source: Bates Smart

Overall, seven of the twenty buildings within the Core Precinct exceed the maximum height standard ranging from 3% to 24%, excluding C1.2 which results in a 74% exceedance. As noted in the original EIS and associated documentation, a compensatory reduction in built form has been applied to eight buildings of between -13% and -50%. This strategy has resulted in improved solar access to the public domain (Eyles Street Pedestrian Link), reduction in overshadowing to Telopea Public School compared to a compliant scheme (whilst balanced with minor increases in overshadowing to Sturt Park), improved ADG performance and reduced visual impact as a result of taller but fewer towers across the skyline.

Given there is no change to the overall heights associated with the non-compliance, re-exhibition is not warranted.

Table 4 Proposed Height of Buildings Variations in Core Precinct

Lot	Building	PLEP 2011 Maximum Height (m)	Telopea CPA Maximum Height (m)	Maximum non-compliance (m)	Proposed Variation
C1	**C1.1**	**70**	**72**	**2**	**3%**
	C1.2	**Partial 70**	**87**	**17**	**24%**
		Partial 50	**87**	**37**	**74%**
C2	**C2.1**	**70**	**87**	**17**	**24%**

	C2.2	*Partial 50*	*48*	*-2*	*-4%*
		Partial 70	*48*	*-22*	*-31%*
C3	**C3**	**50**	**58**	**8**	**16%**
		No applicable height	*18*	*N/A*	*N/A*
		40	*18*	*-22*	*-55%*
C4	*C4.1*	*50*	*25*	*-25*	-50%
		No applicable height	*15*	*N/A*	*N/A*
		40	*15*	*-25*	-62.5%
	C4.2	**50**	**60**	**10**	**20%**
C5	*C5.1a*	*40*	*33*	*-7*	-18%
	C5.1b	*40*	*40*	*0*	*0%*
	C5.1c	*40*	*30*	*-10*	-25%
		No applicable height	30	*N/A*	*N/A*
C6	*C6.1a*	*40*	*36*	*-4*	-10%
		No applicable height	*25*	*N/A*	*N/A*
	C6.1b	**40**	**47**	**7**	**18%**
	C6.1c	*40*	*33*	*-7*	-18%
	C6.2a	*40*	*33*	*-7*	-18%
		No applicable height	*33*	*N/A*	*N/A*
	C6.2b	40	40	0	0%
C7	*C7.1*	*40*	*35*	*-5*	-13%
	C7.2	**40**	**47**	**7**	**18%**
		No applicable height	*47*	*N/A*	*N/A*
C8	*C8.1a*	*40*	*35*	*-5*	-13%
		No applicable height	*35*	*N/A*	*N/A*

	C8.1b	40	40	0	0%
	C8.1c	40	40	0	0%

2.3.3. North Precinct

Across the North Precinct, Bates Smart have undertaken a review of GFA and building envelopes to ensure that all lots remain compliant with the maximum permissible FSR and associated GFA. A summary of updates made to GFA on a lot by lot basis is provided in **Table 5** with lots previously identified as non-compliant identified in blue**.** A full GFA Schedule has been prepared by Bates Smart identifying GFA associated with the PLEP and bonuses under the ARH SEPP and Seniors Housing SEPP is enclosed in **Appendix C**.

Overall, there has been a reduction in GFA across the North Precinct of 4,868sqm. As such, a Clause 4.6 Variation is not required for the North Precinct as the overall GFA remains compliant with the relevant controls at a lot by lot and Precinct level.

Table 5 Summary of GFA updates in the North Precinct Concept Plan

Lot	**Maximum Permissible GFA (including bonuses)**	**Previous Maximum GFA**	**Proposed Maximum GFA**
N1	5,580	5,312	5,282
N2	3,687	3,906	**3,687**
N3	14,193	14,499	**14,193**
N4	5,138	4,439	4,322
N5	11,698	11,373	11,172
N6	11,847	13,552	**11,847**
N7	17,420	18,656	**17,420**
N8	6,600	7,544	**6,600**
N9	13,330	12,385	12,466
N10	4,008	4,075	**3,884**
Total	93,501	95,741	**90,873**

In relation to the reduction in GFA across the North Precinct, the following refinements described in **Table 6** were made to the proposed building envelopes. Overall these refinements aim to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties. An assessment of the North Precinct's ADG compliance is enclosed in **Appendix D** with further commentary is also incorporated in **Section 2.3.2** of this report.

Table 6 Summary of Refinements to the North Precinct Concept Plan

Lot	Proposed Refinement
N1	Western side boundary setback increased from 4m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.
N2	Northern side boundary setback increased from 6m to 9m to exceed ADG compliance for building separation between habitable rooms up to four storeys by 3 metres.
N3	Northern side boundary setbacks increased from 4m to 4.5m and upper level setbacks increased to 12m above 25m to achieve ADG compliant building separation between habitable and non-habitable rooms up to eight storeys.
N4	Southern side boundary setback increased from 4m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.
N5	Southern side boundary setback increased from 4.5m to 6m to support tree retention and ADG building separation between habitable rooms up to four storeys. Eastern side boundary setback increased from 4 to 4.5 metres to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.
N6	Western side boundary setback of N6.1 increased from 4m to 9m to exceed ADG criteria for building separation between habitable rooms up to four storeys and to retain compliance with building separation for habitable rooms between five and eight storeys. Southern side boundary of N6.2 setback increased from 4m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys and habitable and non-habitable rooms between four and eight storeys. Increased setbacks have resulted in the amount of deep soil between N6 and N7 increasing by 1,143sqm (11%), from 23% (2,609sqm) to 34% (3,752sqm) of the total lot area.
N7	N7 through site link increased from 6m to 9m to achieve ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys.
N8 + N9	Southern side boundary of N8 setback increased from 4m to 4.5m to achieve ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys. The upper level floor plate has also been reduced by 420sqm. Separation between N8 and N9 increased from 6m to 9m, aligning with the N7 through site link. The increased setback achieves ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys and non-habitable to non-habitable from five to eight storeys.
N10	Northern side boundary setback increased from 4m to 4.5m to achieve ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys. Deep soil areas increased by 202sqm (12%) from 24% (486sqm) to 34% (688sqm) of the total lot area.

Figure 3 North Precinct – Envelope Control Plan

Source: Bates Smart

2.3.4. South Precinct

Bates Smart have also undertaken a review of GFA and building envelopes within the South Precinct to ensure that all lots remain compliant with the maximum permissible FSR and associated GFA. A summary of updates made to GFA on a lot by lot basis is provided in **Table 7** with lots previously identified as non-compliant identified in blue**.** A full GFA Schedule has been prepared by Bates Smart identifying GFA associated with the PLEP and bonuses under the ARH SEPP and Seniors Housing SEPP is enclosed in **Appendix C**.

Overall, there has been a reduction in GFA across the South Precinct of 741sqm. As such, a Clause 4.6 Variation is not required for the South Precinct as the overall GFA remains compliant with the relevant controls at a lot by lot and Precinct level.

Table 7 Summary of GFA updates in the South Precinct Concept Plan

Lot	Maximum Permissible GFA (including bonuses)	Previous Maximum GFA	Proposed Maximum GFA
S1	5,248	5,577	**5,248**
S2	6,860	6,751	**6,860**
S3	7,920	7,744	7,920
S4	6,955	6,818	6,813

Lot	Maximum Permissible GFA (including bonuses)	Previous Maximum GFA	Proposed Maximum GFA
S5	5,554	5,744	**5,554**
S6	4,603	4,645	**4,603**
S7	6,981	7,160	**6,981**
S8	7,243	7,524	**7,243**
Total	51,364	51,963	**51,222**

In relation to the reduction in GFA across the South Precinct, the following refinements described in **Table 8** were made to the proposed building envelopes. Overall these refinements aim to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties. An assessment of the South Precinct's ADG compliance is enclosed in **Appendix D** with further commentary is also incorporated in **Section 2.3.2** of this report.

An assessment of the South Precinct's ADG compliance is enclosed in **Appendix D** with further commentary incorporated in **Section 2.3.2** of this report.

Table 8 Summary of Refinements to the South Precinct Concept Plan

Lot	Proposed Refinement
S1	Northern side boundary setback increased to 4m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. Given the proximity of the adjoining property (14 Manson Street + 31 Chestnut Avenue), it has been assumed that windows should be screened or angled to avoid privacy impacts.
S2	Introduction of an additional setback to the northern rear boundary from 3m to 4.5m above 12 metres to achieve ADG compliant building separation between non-habitable rooms between five and eight storeys. Southern Side boundary setback increased from 4m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys. Deep soil areas increased by 110sqm (4%) from 26% (713sqm) to 30% (823sqm) of the total lot area.
S3	Side boundary setbacks increased from 4m to 4.5m to achieve ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys. Deep soil areas increased by 63sqm (2%) from 28% (887sqm) to 30% (950sqm) of the total lot area.
S4	Introduction of an additional setback to the eastern side boundary from 3m to 4.5m above 12 metres to achieve ADG compliant building separation between non-habitable rooms between five and eight storeys. Southern side boundary setbacks increased from 4m to 4.5m to achieve ADG compliant building separation distance between habitable and non-habitable rooms up to four storeys.

Lot	Proposed Refinement
S5	Eastern side boundary setback partially increased from 4.5m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. The portion of the envelope which remains setback 4.5m from the side boundary maintains compliance with building separation between habitable and non-habitable rooms up to four storeys. Southern rear boundary setback increased from 5m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. Western side boundary setback increased from 3m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.
S6	Eastern side boundary setback increased from 3m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys. Southern side boundary setback increased from 4m to 4.5m to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.
S7	Western rear boundary setback increased from 3m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. Deep soil increased by 218sqm (6%) from 25% (1,090sqm) to 31% (1,308.9sqm) of the total lot area.
S8	Western rear boundary setback increased from 3m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. Southern side boundary setback increased from 5.5m to 6m to achieve ADG compliant building separation between habitable rooms up to four storeys. Built form reduced in the south western corner to maximise open space near existing trees resulting in an addition 90sqm of open space.

Figure 4 South Precinct – Envelope Control Plan

Source: Bates Smart

2.3.5. Road Network

In response to ongoing discussions with TfNSW, the road network associated with the Concept Plan has been refined, including:

- New Link Road and the signalised at-grade crossing of the PLR line and intersection with Adderton Road have been removed and replaced with landscaping. Overall, this results in an extension to the arrival plaza.
- The intersection of Evans Road with Shortland Street is to maintain its existing priority Give Way arrangement.
- The intersection of Sturt Road with Manson Street will be upgraded to a priority Give Way intersection incorporating the new approach of proposed New Marshall Road (Sturt Street major road, Manson Street and New Marshall Road, minor approaches).
- The intersection of Adderton Road and Manson Street will be upgraded to a roundabout with an inscribed diameter and mountable central island design like the relatively new roundabout installed at the nearby junction of Sturt Street with Evans Road.

The refinements result in updates to both the Concept Plan and Stage 1A Architectural and Civil Plans.

As a result of these refinements, TfNSW no longer has a compliance role in the SSDA. The Technical Memo prepared by Ason Group (refer to **Appendix H**) provides preliminary analysis of future 2031 'with development' conditions. This analysis indicates that the three intersections (and the local road network in general) would perform satisfactorily. Further details are provided in **Section 3.5** of this report. Further assessment of the Local Road Network prepared by Ason Group is also enclosed in **Appendix I**.

2.4. ASSESSMENT OF ADG COMPLIANCE

To reflect minor refinements to the Proposal post lodgement of RTS 2 and in response to comments from DPE and Council, ADG Compliance tables have been prepared by Plus Architecture for Stage 1A (enclosed in **Appendix B**) and Bates Smart for the Concept Proposal (enclosed in **Appendix C**). An assessment of non-compliances associated with the scheme and the proposed design interventions proposed to mitigate any impacts associated with the non-compliances are outlined below in **Sections 2.3.1 and 2.3.2** of this report**.**

2.4.1. Stage 1A ADG Compliance

ADG Compliance Tables have been prepared by Plus Architecture for individual buildings across Stage 1A to demonstrate how the design quality principles are achieved and how the objectives of Parts 3 and 4 of the ADG have been addressed. The full compliance assessment has been provided in **Appendix B** with a summary of key objectives provided below.

Figure 5 Stage 1A Reference Plan

Source: Plus Architecture

Objectives 2F – Building separation and 3F – Visual privacy

Objective 2F of the ADG sets minimum building separation requirements, which increases proportionally to the building height while 3F identifies that building separation distances are to be shared equitably to achieve reasonable levels of external and internal visual privacy.

Up to four storeys (approximately 12m):	**Five to eight storeys (approximately 25m):**	**Nine storeys and above (over 25m):**
▪ 12m between habitable rooms/balconies ▪ 9m between habitable and non-habitable rooms ▪ 6m between non-habitable rooms	▪ 18m between habitable rooms/balconies ▪ 12m between habitable and non-habitable rooms ▪ 9m between non-habitable rooms	▪ 24m between habitable rooms/balconies ▪ 18m between habitable and non-habitable rooms ▪ 12m between non-habitable rooms

The built form and massing design has been designed to optimise solar/daylight access and cross ventilation for all apartments. Where separation distances are not strictly consistent with the numerical ADG design criteria in a limited number of locations, the design has addressed potential overlooking concerns through the proposed layout and building orientation as well as visual privacy mitigation measures where required.

The locations where consistency with the minimum design criteria for building separation distances is not strictly achieved and visual privacy measures are proposed are as follows:

- Building A Level 5 to Building B Level 4
- Building B Levels 5 to 8
- Building B Level 9 to Building C Level 9
- Building C and Building D
- Building D and E

The use of privacy screens to minimise the impacts of the numerical non-compliances are justified, as follows:

Building A Level 5 to Building B Level 4

A 15 metre building separation has been proposed between Building A and Building B providing 3 additional metres of separation than required by the ADG for development up to four storeys. The identified non-compliance directly relates to the fifth storey of Building A which results in a minor non-compliance of 3 metres along the western edge of Level 5 (refer to **Figure 6**). The identified non-compliance with the ADG is limited to a 13 metre zone, which equates to approximately 36sqm of floor space.

The affected apartment (A.02.04) is a corner unit which fronts Sturt Street and the internal loop road. Despite the numerical non-compliance, the living rooms and principal open spaces of both impacted apartments in Building A and Building B are oriented north to minimise overlooking and ensure direct lines of sight between buildings are avoided.

Figure 6 Building Separation – Building A to Building B

Source: Plus Architecture

Potential options investigated by the project team to achieve compliance are identified below:

1. Removal of non-compliant floor space: reducing the floor plate of Level 5 of Building B would result in a stepped ziggurat form which is generally not supported within the design guidance of Objective 3F-1. An increased setback at lower levels has already been introduced.
2. Shift Building A further east: Building A is located directly adjacent to 27 Manson Street, Telopea. Moving the building further east would reduce separation to the adjoining properties and likely result in further impacts on the adjacent property.

3. Shift Building B further west: Building B has been designed to maximise amenity and orient apartments towards the three surrounding street frontages. Given the building is predominantly compliant with ADG building separation, shifting the building further west would reduce open space and street planting along the internal street network reducing the overall amenity at street level without any major improvements to the privacy of apartment A.02.04 or apartments along the eastern elevation of Building B.

4. Reduction in floor plate: as noted above, building separation between Building A and B at the lower levels exceeds the ADG numerical requirements. Reducing the entire floorplate of Building A to rectify a non-compliance on Level 5 of Building A to salvage 36sqm of non-compliant floor space would necessitate a significant redesign and most realistically result in a major reduction of floor space within a site identified for renewal. The overall floorspace associated with Stage 1A is compliant with the applicable FSR control and a reduction in the floor plate would likely lead to increased floor plates within another building within Stage 1A.

As such, this minor non-compliance is considered acceptable as the development maintains privacy while maximising passive surveillance and solar access.

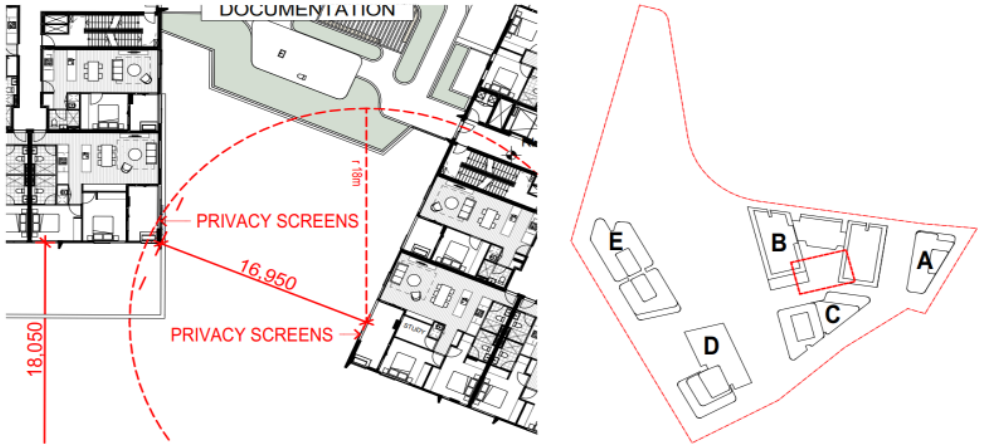
Building B Levels 5 to 8

The 'U' shaped structure of Building B has two wings, which are aligned with and address street frontages to the east and west. These building wings are slightly offset and intentionally do not have an orthogonal alignment, to assist in avoiding direct overlooking between apartments. While the building maintains adequate building separation on Levels 1 to 4, a minor non-compliance of 1.05 metres occurs on Levels 5 to 8, which equals 1sqm per floor (refer to **Figure 7**). The layout of all impacted apartments has been optimised to achieve adequate solar access and natural ventilation to be consistent with the relevant ADG design criteria. The eight balconies (B.05.02, B.05.13, B.06.02, B.06.13, B.07.02, B.07.13, B.08.02 and B.06.13) where strict compliance is not achieved are located on the building corners and have two aspects providing alternative outlook for apartment occupants. This minor non-compliance is mitigated with privacy screens and facade elements on both wings of the building.

Potential options investigated by the project team to achieve compliance included removal of the eight non-compliant balconies. Removal of the 8sqm of non-compliant floor space would result in the relocation of balconies which would likely require the two bedroom apartments to be redesigned as one bedroom apartments. Within Building B, there are 54 one bedroom apartments, 98 two bedroom apartments and 21 three bedroom apartments. Redesign would not only remove the amount of two bedroom apartments, noting there is a growing demand for larger housing options in the apartment market, it would also impact the ability to achieve solar access and natural ventilation for the apartments by requiring redesign.

In summary, requiring compliance with the 18 metre building separation would impact the usability of both balconies without providing a significant improvement in the amenity of the apartments. The benefit of achieving numerical non-compliance is disproportionate compared to achieving an appropriate mix of apartments that delivers tangible housing diversity outcomes and demonstrated apartment amenity.

Figure 7 Building Separation – Building B



Source: Plus Architecture

Building B Level 9 to Building C Level 9

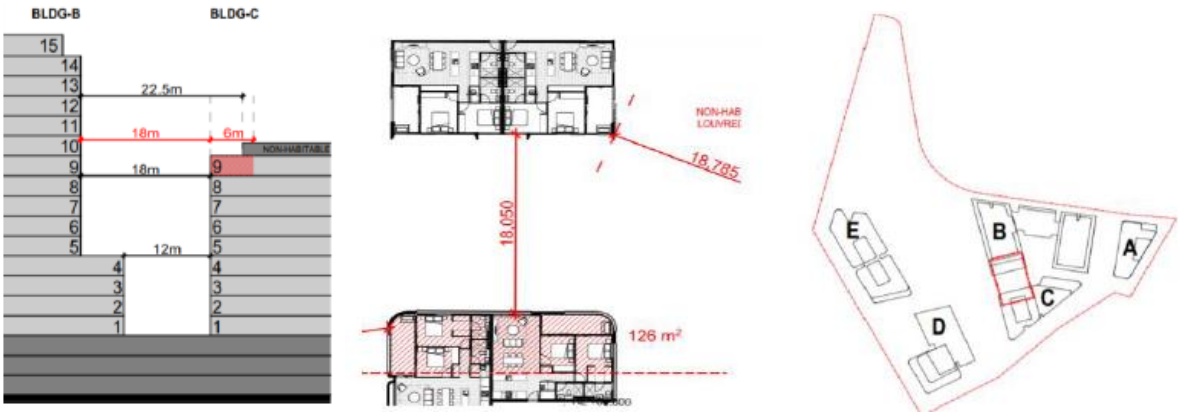
Building separation is consistent with the ADG design criteria for building separation between Levels 1 to 8. Level 9 of Building C results in a minor non-compliance with the 24m building separation distance design criteria for habitable to habitable rooms of 6 metres, which equates to 126sqm of floor space. To mitigate any impacts on visual privacy for apartment occupants, privacy screens have been introduced to the bedrooms of Building B which face Building C. Windows have also been placed to minimise overlooking and direct lines of sight while maximising solar access to private open space and living rooms.

Potential options investigated by the project team to achieve compliance are identified below:

1. Removal non-compliant floor space: reducing the floor plate of Level 9 of Building C would result in a stepped ziggurat form and would reduce the amount of solar panels and mechanical plant which is currently provided on the rooftop.
2. Shift Building C further south: Building C is located on the southern boundary of Stage 1A adjacent to the key driveway entrance for basement parking. As such, the building cannot be moved further south without impacting on the current road layout, and proposed access and basement layout without incurring considerable redesign. It is also likely to compromise and reduce the proposed quantum of associated tree planting.

As such, this minor non-compliance is considered acceptable as it will not does not have a significant impact on the amenity of occupants of apartments in either Buildings B or C with all impacted apartments maintaining adequate solar access and natural ventilation.

Figure 8 Building Separation – Building B to Building C



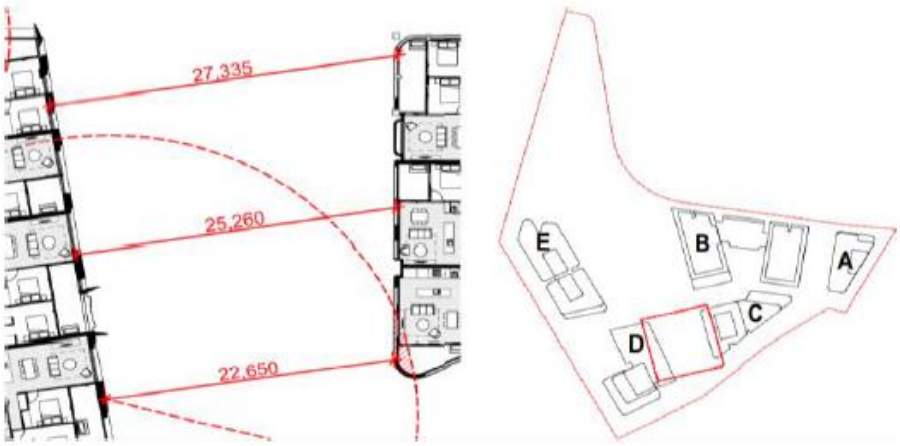
Source: Plus Architecture

Building C and Building D

Building C has been designed with consideration of the adjacent buildings by splaying away from Building D to improve separation and maximise views and solar amenity. The balconies for apartments C.02.02, C.03.02, C0.04.02, C.05.02, C.06.02, C.07.02, C.08.02 in Building C are designed with a round corner and dual orientation with a wider orientation facing south and away from Building D. A 1.35 metre non-compliance occurs on the southern corner of Building C and D on Levels 1 to 9, with the 24 metre building separation design criteria for habitable to non-habitable rooms/balconies.

To minimise direct views from either balcony, the minor non-compliance with the numerical design criteria for building separation distance is mitigated through the use of privacy screens on both Building C and D. The balcony design provides an appropriate dual aspect that relates to the irregular shaped building form. Achieving numerical compliance is disproportionate when compared to the compromised quality of reduced balcony sizes, or redesign/reorientation of the building.

Figure 9 Building Separation – Building C and Building D



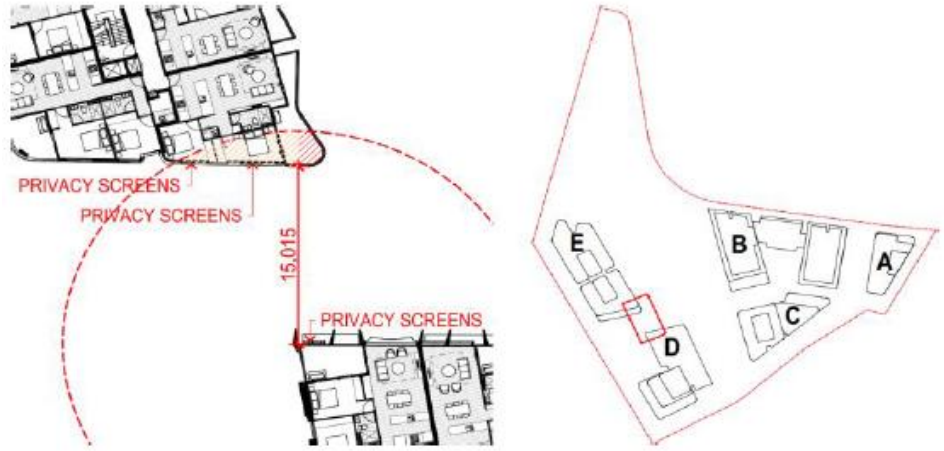
Source: Plus Architecture

Building D and E

Buildings D and E are offset to maximise visual amenity and views for residents of apartments. Levels 1 to 4 satisfy the relevant ADG criteria however, Levels 5 to 8 provide 15.01 metre separation between two balconies, resulting in a non-compliance of just less than 3m with the ADG criteria for building separation and equating to 24sqm of floor space. Privacy screens are proposed on both buildings to mitigate visual privacy impacts. The apartments on the south east corner of Building E oriented east to avoid direct view lines to apartments on the north west corner of Building D, that are oriented north.

Options investigated to reduce the non-compliance included removal of the Building D balconies. This was not considered as an acceptable outcome as it would compromise apartment amenity, compliance with the ADG's balcony guidance and reduce the ability for passive surveillance of public open space from Building D. Overall, the introduction of privacy screening assists in maintaining visual amenity and surveillance while allowing natural ventilation, sunlight and daylight access to apartments within both Buildings D and E.

Figure 10 Building Separation – Building D and Building E



Source: Plus Architecture

In summary, Stage 1A and the individual buildings meet the aims of Objectives 2F and 3F of the ADG by providing high quality residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and improved views.

In the limited number of instances where the proposal is not strictly consistent with the numerical design criteria for building separation, redesign of buildings and/or reduction in floor space have demonstrably been discounted as a viable solution. Appropriate visual privacy outcomes, which are identified by the ADG as entirely suitable solutions, are achieved through the siting and orientation of buildings, configuration of apartments layouts and the positioning of privacy screens and angled louvres to habitable room windows where necessary.

Objective 3D – Communal and public open space

Objective 3D-1 of the ADG requires:

- *Communal open space has a minimum area equal to 25% of the site*.
- *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).*

As illustrated in **Figure 11**, the proposal provides 2,794 sqm or 15% of the site area as communal open space including a range of spaces at ground level and on rooftops. A building by building breakdown of proposed communal open space and mid-winter solar access availability is provided below.

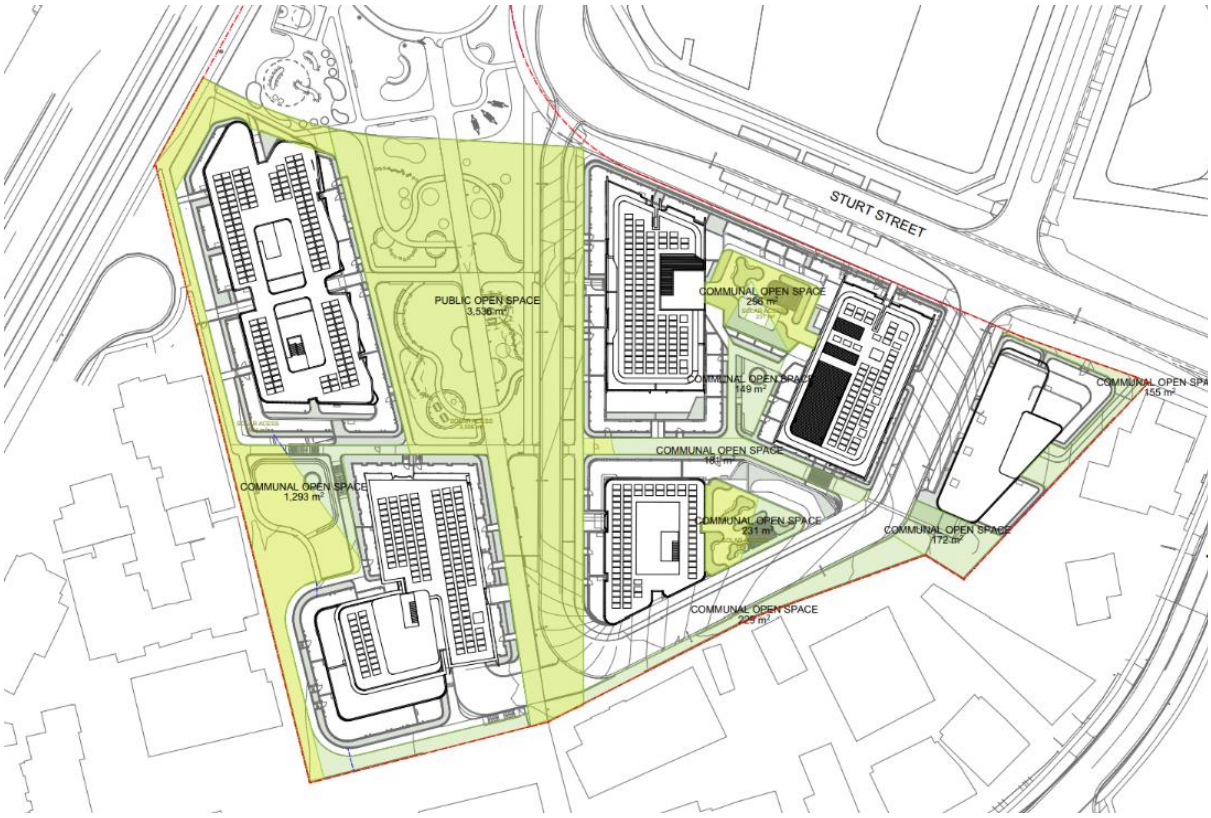
The ADG indicates that communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, valuable 'breathing space' between apartment buildings and provides important functional and amenity attributes such as opportunities for group and individual recreation and activities and social interaction. While the total Stage 1A project site area does not achieve the ADG's minimum 25% communal space requirements, it is important to highlight that Stage 1A is proposed to benefit from 3,536sqm of publicly accessible public open space which would provide additional amenity to residents and a green link to the Telopea light rail and plaza. This sizeable public open space area will service many of the intents and purposes typically expected of communal areas (particularly in developments that do not have the high proximity to open space that Telopea benefits from). Realistically, the Stage 1A public open space will be used by Stage 1A residents as an alternative communal area offer in addition provided as part of individual Stage 1A buildings. The pursuit of strict compliance with the communal area requirements cannot ignore the proximity to such a large open space within 5 minutes walking distance of all Stage 1A buildings.

- **Building A** provides 327sqm of communal open space (or 29% of the 1,092 sqm site) and exceeds the ADG's minimum 25% communal area requirement. Given the orientation of the building towards both street frontages, communal open space has been located along the southern frontage of Building A, which does result in minimal solar access between 9am to 3pm

at mid-winter. This is considered an acceptable outcome as the communal open space provides amenity for residents and connects with the overarching green corridor within Stage 1A. The communal space also connects Building A to the 3,536sqm of public open space to the east which is 150 metres or less than 5 minutes walk. This public open space which achieves 100% direct solar access during mid-winter will provide an alternative open space offer providing the form of a variety of active spaces, gardens and shelters to support the community. Apartments have also been oriented toward this open space to improve safety and provide passive surveillance.

- **Building B** provides 626sqm of communal open space (or 19% of the 3,340 sqm site) which results in a non-compliance of 209sqm (i.e: 6% shortfall) when compared to the ADG's minimum communal area requirements. 37% of the principal open space (located on the rooftop) receives direct sunlight for 2 or more hours between 9am to 3pm at mid-winter. Solar access is generally available from the rooftop communal space with ground level communal space provided to the south of the development connecting to Building A and the adjacent public open space. Given the proximity to public open space, which achieves solar access to 100% of the site in mid-winter, this is considered an acceptable outcome for the site given the range of spaces provided for residents' use.
- **Building C** provides 231sqm of communal open space located on the rooftop (or 19% of the 1,211 sqm site), which is a non-compliance of 71sqm. The rooftop location of communal open space allows 64% of this space to have direct solar access for two hours or more between 9am to 3pm at mid-winter. Similar to Buildings A and B, the location of Building C is in close proximity to high quality public open space, which is considered an acceptable outcome for the site.
- Despite being situated south-west of the Core Precinct, **Building D** and **Building E** both achieve compliance with the requirements for communal open space. Across Building D and E, 1,293sqm (or 23% of the 5,573sqm joint site area) with 76% of the principal open space receiving direct sunlight for 2 hours between 9am and 3pm in mid-winter.

Figure 11 Stage 1A Communal and Public Open Space



Source: Hassell

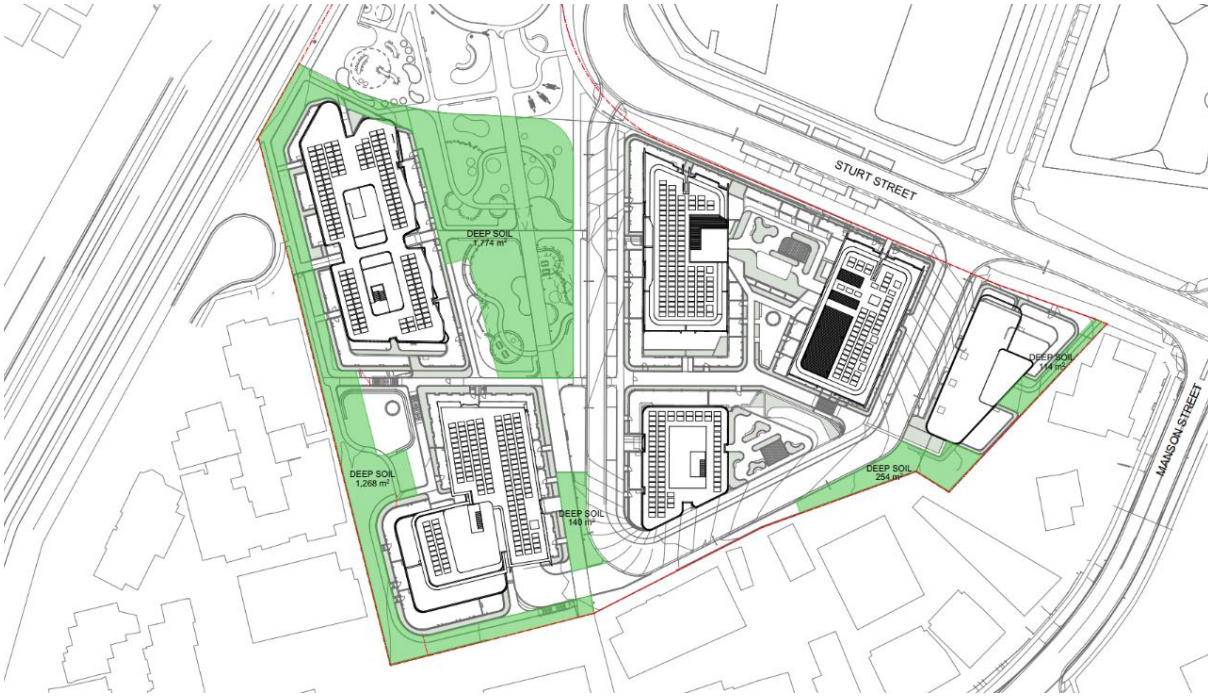
Objective 3E – Deep soil zones

Objective 3F-1 of the ADG identifies a minimum requirement of 7% of the total site area as deep soil zones. Overall, Stage 1A provides 1,776sqm of deep soil within Stage 1A (or 9.7% of the total site area) with an additional 1,774sqm of deep soil associated with the public open space.

The proposed basement is largely contained below the proposed built form which minimises the ability to provide deep soil within Buildings B and Building C. Overall, the proposal maintains the following deep soil areas:

- Building A: 368sqm (33.6%)
- Building B: No identified deep soil zones given the location of basements for the entire Stage 1A Precinct sits beneath the footprint of Building B. Extensive planting is still provided within the 626sqm of communal open space and street tree planting also introduced along Sturt Street.
- Building C: No identified deep soil zones given the location of basements for the entire Stage 1A Precinct sits beneath the footprint of Building C. Extensive planting is still provided within the 231sqm of communal open space and street tree planting also introduced along Sturt Street.
- Building D and E: 1,408sqm (25.3%)

Figure 12 Stage 1A Deep Soil Zones



Source: Hassell

The proposed basement is largely contained below the proposed built form which restricts the ability to provide deep soil. Overall, Stage 1A maintains 3,550sqm (19.6%) of deep soil area for existing and proposed planting which is associated with both communal open space and public open space.

While the area above the basement link is not deep soil, medium and small trees and low shrub plantings will help to mitigate urban heat by reducing paving and highly reflective materials in this part of the public open space. Overall, the proposed scheme improves connections and increases open space across the Precinct. The current design ensures that loading can be undertaken with minimal impacts on residential vehicular movement. The introduction of two separate basement structures would require an additional loading dock which would increase the overall basement size and reduce the potential for deep soil within the site.

Objective 4A – Solar and daylight access

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space, Objective 4A-1 of the ADG outlines the following design criteria:

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter*

The previous scheme resulted in:

- A total of 295 out of 449 apartments (or 66%) across Stage 1A meeting the ADG two-hour solar access thresholds between 9am to 3pm; and
- A total of 337 out of 449 apartments (or 75%) across Stage 1A meeting the two hour solar access thresholds between 8am and 4pm.

In response this shortfall, refinements as described in **Section 2.2.1**, were introduced into Stage 1A. A full solar analysis of the refinements to Stage 1A has been prepared by Plus Architecture and is enclosed in **Appendix L.** Based on the refinements introduced, Stage 1A results in:

- A total of 314 out of 449 apartments (70%) across Stage 1A meeting the ADG two-hour solar access thresholds between 9am to 3pm which is consistent with the ADG guidance; and
- A total of 337 out of 449 apartments (or 75%) across Stage 1A meeting the two hour solar access thresholds between 8am and 4pm which exceeds the ADG guidance.

While it is acknowledged that DPE has requested a building by building breakdown, it is considered appropriate to consider solar access in-globo for the entirety of Stage 1A. Where there are multiple buildings in a single development application, especially where there is a linked basement and/podium, it is common practice that solar access to all apartments should be assessed holistically given that the overall development has been designed to achieve a high level of amenity across the site and has considered the context of the development. Similar examples are provided below:

906 Bourke Street Zetland (D/2015/1791) was approved by the Central Sydney Planning Committee on 21 July 2016 for 'construction of a 13 storey building (the Eastern Block), an 8 storey building (the Western Block) and fifteen 3 storey terraces containing a total of 343 dwellings'. A total of 209 apartments (or 61%) of dwellings achieved the minimum two-hour solar access thresholds between 9am to 3pm at mid-winter. While this is below the minimum requirement of 70% of dwellings under the ADG, it was considered acceptable in this instance given the constraints of the building envelopes and the orientation of the site.

216-222 Keira Street Wollongong (DA-2021/957) was approved by the Southern Regional Planning Panel on 12 December 2022 for 'construction of a mixed-use development at the street block bound by Crown, Keira, Burelli and Atchison Streets, comprising three (3) residential towers (shop top housing), one (1) commercial building, retail shops, entertainment facilities (cinema, exhibition/performance space) and a wellness centre (pool, gym, and health services)'. Of the three towers which incorporated residential uses:

- All 203 apartments (100%) within Tower 1 meet the ADG two-hour solar access thresholds between 9am to 3pm;
- A total of 69 out of 107 apartments (69%) within Tower 2 meet the ADG two-hour solar access thresholds between 9am to 3pm; and
- A total of 49 out of 80 apartments (61%) within Tower 3 meet the ADG two-hour solar access thresholds between 9am to 3pm; and

While Towers 2 and 3 do not meet the minimum 70% solar access requirements under Part 4A-1, solar access requirements were met by the development as a whole. This was considered an acceptable outcome given the shared use of the basement across the three towers and the breaks in

tower forms (rather than a shared podium across the site) results in an improved amenity outcome on balance with numerical compliance with the ADG controls.

Nevertheless, a building by building assessment of solar access has been provided to identify non-compliances and work undertaken by the team to improve amenity across the site.

Building A results in:

- No apartments meeting the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm.
- A total of 13 out of 23 apartments (or 57%) meeting the ADG two-hour solar access thresholds at mid-winter between 8am and 4pm rather than 9am to 3pm.
- 1 out of 23 apartments (or 4%) receive no direct sunlight between 9am and 3pm at mid-winter.

Building A has been separated from Buildings B to E by the continuation of Wade Street but maintains a shared basement. The introduction of this local road has resulted in an irregular lot shape which impacts the ability to provide north facing apartments with apartment orientation prioritising activation along the two road frontages and privacy to properties along Manson Street.

Figure 13 Extract of Building A Upper Ground Floor Plan (PLA-AR-DA0100)

Source: Plus Architecture

Building A has deliberately been reduced in scale, below the PLEP height plane, to respond to the existing and future desired character of buildings to the south-east. If the Building was to be increased in height to reflect the control, there would the ability to increase the amount of north facing apartments and increase the percentage of apartments meeting the solar access thresholds. Nonetheless, the proposal aims to provide a more sensitive urban transition having regarding the steep fall at this location and surrounding development. As such, this is considered an appropriate and optimised outcome given the location and siting of the proposal and the overarching compliance with solar access thresholds across Stage 1A.

Building B results in:

- A total of 119 out of 178 apartments (or 67.4%) meeting the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm.
- A total of 128 out of 178 apartments (or 71.9%) meeting the ADG two-hour solar access thresholds at mid-winter between 8am and 4pm rather than 9am to 3pm.
- A total of 13 out of 178 apartments (or 7.3%) receive no direct sunlight between 9am and 3pm at mid-winter.

Building B has been split into three elements to create a variety of scale and form within Stage 1A rather than creating a homogenous height plane. Overall, the built form aims to activate communal space to the east and the 3,536sqm of publicly available open space provided along the western frontage. Given the high level of amenity associated with the public and communal open space, east-west orientation for apartments has been prioritised rather than north facing development which enhances solar access.

It is also acknowledged that solar access is achieved within Building B between 8am and 4pm. Extended hours are frequently taken into consideration in circumstances where urban structure, slope of the land, and external overshadowing present challenges for strict consistency with solar access to apartments between 9.00am and 3.00pm. The extended hours also ensure that the overall development avoids incorporating counter intuitive design elements just to ensure compliance with the relevant ADG criteria. In the case of Building B it is reasonable, to assess the project using the extended hours for the following reasons:

- Solar access to new public open space has been prioritised;
- The site is located on a south facing slope;
- Orientation of buildings are towards new open spaces and new internal roads to address and provide passive surveillance to these public spaces; and
- A diversity of apartments are proposed in sunny locations of the buildings.

As such, the minor non-compliance with solar access is considered negligible against the public benefits available across Stage 1A.

Building C results in:

- A total of 32 out of 55 apartments (or 58%) meeting the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm.
- A total of 35 out of 55 apartments (or 64%) meeting the ADG two-hour solar access thresholds at mid-winter between 8am and 4pm rather than 9am to 3pm.
- A total of 8 out of 55 apartments (or 15%) receive no direct sunlight between 9am and 3pm at mid-winter.

Building C sits to the south of Building B and higher density development to the north. The irregular shape of Building C and location along Wade Street results in apartments which are oriented towards the street frontage along the southern elevation of the building which minimises the ability to achieve solar access.

Figure 14 Extract of Building C (right) and Building D (left) Level 01 Floor Plan (PLA-AR-DA0101)

Source: Plus Architecture

Building D results in:

- A total of 72 out of 99 apartments (or 73%) meeting the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm.
- A total of 9 out of 99 apartments (or 9%) receive no direct sunlight between 9am and 3pm at mid-winter.

As such, Building D exceeds the ADG two-hour solar access thresholds.

Building E results in:

- A total of 90 out of 94 apartments (or 96%) meeting the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm and between 8am and 4pm.
- A total of 2 out of 94 apartments (or 2%) receive no direct sunlight between 9am and 3pm at mid-winter.

As such, Building E exceeds the ADG two-hour solar access thresholds.

Given the building achieves solar compliance across Stage 1A, the minor non-compliance for specific buildings (Buildings A, B and C) is considered acceptable for the proposal given the level of amenity achieved across the site and the shared nature of the basement.

Objective 4B – Natural ventilation

To optimise the number of apartments achieving natural ventilation, Objective 4B-3 of the ADG requires at least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.

A minimum of 283 out of 449 apartments (or 63%) of apartments achieve the ADG recommendation for natural cross ventilation. A building by building breakdown is provided below:

- Building A: A minimum of 16 out of 23 apartments (or 70%) achieve the ADG design criteria for natural cross ventilation.
- Building B: A minimum of 109 out of 178 apartments (or 61.5%) achieve the ADG design criteria for natural cross ventilation.
- Building C: A minimum of 32 out of 55 apartments (or 58%) of apartments achieve the ADG design criteria for natural cross ventilation. Given the irregular shape of Building C, there is a number of single aspect apartments within the building to provide a range of housing typologies across Stage 1A. Building C also provides 5 to 8 apartments per floor plate and is consistent with the design criteria identified in Objective 4F of the ADG in relation to common circulation and spaces. Despite this minor shortfall, the proposal ensures Stage 1A maintains consistency with the ADG design criteria for natural cross ventilation in-globo and maintains a high level of amenity across the building.
- Building D: A minimum of 64 out of 99 apartments (or 65%) achieve the ADG design criteria for natural cross ventilation.
- Building E: A minimum of 60 out of 94 apartments (or 64%) achieve the ADG design criteria for natural cross ventilation.

In summary, the natural ventilation outcomes for the proposal are acceptable and considered to meet the relevant ADG objectives.

Objective 4C – Ceiling height

Objective 4C-1 is satisfied as the minimum ceiling heights have been accommodated with 2.7m for habitable rooms and 2.4m for non-habitable rooms across Stage 1A.

Objective 4D – Apartment size and layout

Objective 4D is satisfied as all of the apartment internal areas are greater than the required minimum sizes, including the provision of 5sqm for additional bathrooms. Refer to the full ADG compliance assessment prepared by Plus Architecture enclosed in **Appendix B.**

Objective 4F – Common circulation and spaces

To ensure common circulation spaces achieve good amenity and properly service the number of apartments, Objective 4F-1 identifies the following design criteria:

- *The maximum number of apartments off a circulation core on a single level is eight*
- *For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40*

The proposal is not strictly consistent with the design criteria as it has between 8 and 13 apartments per level and a single core.

Objective 4F contains the following Design Guidance:

- *Achieving the design criteria for the number of apartments off a circulation core may not be possible.*
- *Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:*
  - *sunlight and natural cross ventilation in apartments*
  - *access to ample daylight and natural ventilation in common circulation spaces*
  - *common areas for seating and gathering*
  - *generous corridors with greater than minimum ceiling heights*
  - *other innovative design solutions that provide high levels of amenity*
- *Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.*

In all instances the core location is adjacent to an opening in the building floorplate, which allows for the provision of natural daylight creating inviting circulation spaces.

Figure 15 Indicative Floor Plate Configurations

Source: Plus Architecture

- Building A provides 1 to 5 apartments per floor plate and is consistent with the ADG design criteria.
- Building B provides 4 to 24 apartments per floor plate serviced by two cores. While most levels remain consistent with the design criteria, Level 2 and Upper Ground facilitate between 11 and 13 apartments from one core. On these levels, 13 out of 24 apartments (or 54%) meet the ADG two-hour solar access thresholds at mid-winter between 9am to 3pm with an additional apartment achieving two hours solar access between 8am to 4pm. While this is inconsistent with the numerical design criteria, the core is located adjacent to several openings in the building floor plate which allows for the provision of natural daylight and adequate solar access to both common areas and apartments satisfying the ADG's design criteria. Corridors are also articulated to avoid long corridors. An analysis of the proposed lift speed and selection has been undertaken by vertical transportation engineers, which confirmed the building is comfortably serviced with the proposed number of lifts.
- Building C provides 5 to 8 apartments per floor plate and is consistent with the design criteria.
- Building D provides 6 to 11 apartments per floor plate. The core is adjacent to an opening in the building floorplate, which allows for the provision of natural daylight creating an inviting circulation space which aligns with the overall design guidance for common circulation. The proposal also ensures a total of 72 out of 99 apartments (or 73%) achieve two or more hours of direct solar access to primary living areas and private open spaces between 9am and 3pm in mid-winter exceeding ADG guidance for solar access.
- Building E provides 5 to 12 apartments per floor plate. The core is adjacent to an opening in the building floorplate, which allows for the provision of natural daylight creating an inviting circulation space which aligns with the overall design guidance for common circulation while also maintaining solar access to a apartments within the building. A total of 90 out of 94 apartments (or 96%) meet the ADG two-hour solar access thresholds between 9am and 3pm in mid-winter exceeding ADG guidance for solar access..

2.4.2. Concept Plan ADG Compliance

An ADG Compliance Table has been prepared by Bates Smart for individual buildings and lots across the Telopea CPA to demonstrate how the design quality principles are achieved and how the objectives of Parts 3 and 4 of the ADG have been addressed. The full compliance assessment has been provided in **Appendix D** based on the refined Reference Scheme provided in **Appendix C** with a summary of key objectives provided below. Approval is not being sought for the reference scheme, nevertheless the scheme aims to show a high level of compliance can be achieved with further analysis to be provided as part of future detailed DAs and associated design processes.

Objectives 2F – Building separation and 3F – Visual privacy

Across the CPA, building separation in accordance with the relevant provisions of the ADG is generally achieved. Where numerical non-compliances are proposed, these are further addressed below.

Core Precinct

Compliance with the relevant design criteria for building separation is achieved across the Core Precinct. A breakdown of building separation is provided in the compliance assessment prepared by Bates Smart enclosed in **Appendix D.**

North Precinct

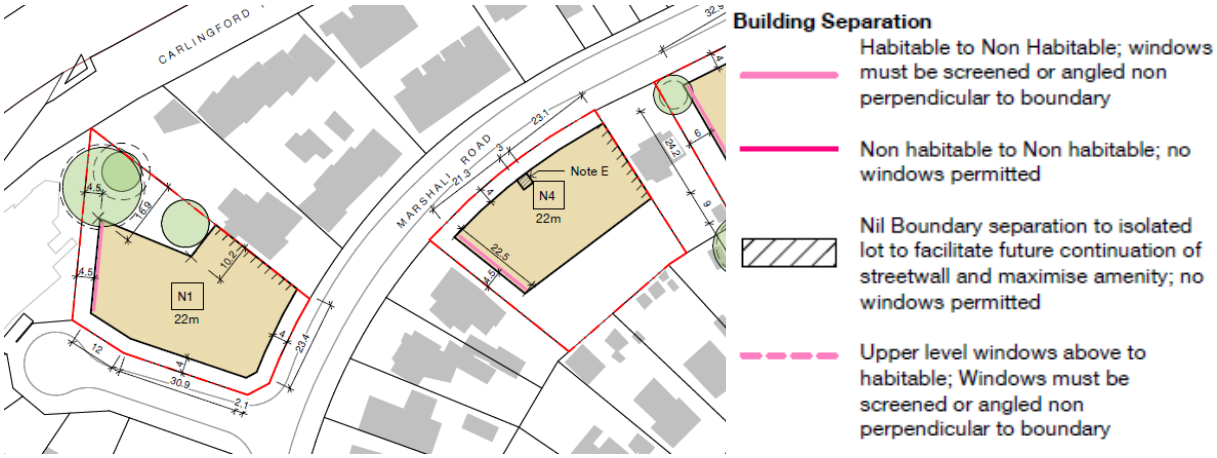
Within the North Precinct, the following minor non-compliances with building separation are proposed to maintain a number of nil side setbacks:

- N1: Nil boundary setback to the southern boundary of 3 Marshall Road (Lot 230 DP36743) to avoid site isolation. This results in a non-compliance of 6 metres up to four storeys and 9 metres above four storeys (assuming habitable to habitable rooms).

- N4: Nil boundary setback to southern boundary of 22 Marshall Road (Lot 253 DP36743) to avoid site isolation. This results in a non-compliance of 6 metres up to four storeys and 9 metres above four storeys (assuming habitable to habitable rooms).
- N6.2: Nil boundary setback to southern boundary of 6 Marshall Road (Lot 261 DP36743) to avoid site isolation. This results in a non-compliance of 6 metres up to four storeys, 9 metres up to 8 eight storeys and 12 metres for the ninth storey (assuming habitable to habitable rooms).
- N7.3: Nil boundary setback to the eastern and western boundary to allow for terrace style housing built to the boundary. This results in a 9 metre non-compliance assuming separation between blank walls/non-habitable rooms.
- N9.1a and N9.1b: The concept envelopes assumes a 6 metre through site link rather than 9 metre separation between blank walls/non-habitable rooms. This will be further designed with consideration of building separation as part of the future detailed DA.
- N9.2: Nil boundary setback to southern boundary of 26 The Parade (Lot 307 DP36743) to avoid site isolation. This results in a non-compliance of 6 metres up to four storeys and 9 metres above four storeys (assuming habitable to habitable rooms).

If compliance was to be achieved in these circumstances, this would impede on the ability to develop the adjacent development. Reducing setbacks within the site would also result in a reduction of floorspace associated with the concept envelopes well beyond the relevant FSR development standard for the site. As noted above, approval is not being sought for the reference scheme and there is still sufficient opportunity through future DAs and detailed design processes to strive towards greater compliance with building separation and assess the impacts on the surrounding development given the likely time between the approval of the concept envelopes and detailed design.

Figure 16 Extract of North Precinct – Envelope Control Plan (N1 and N4)



Source: Bates Smart

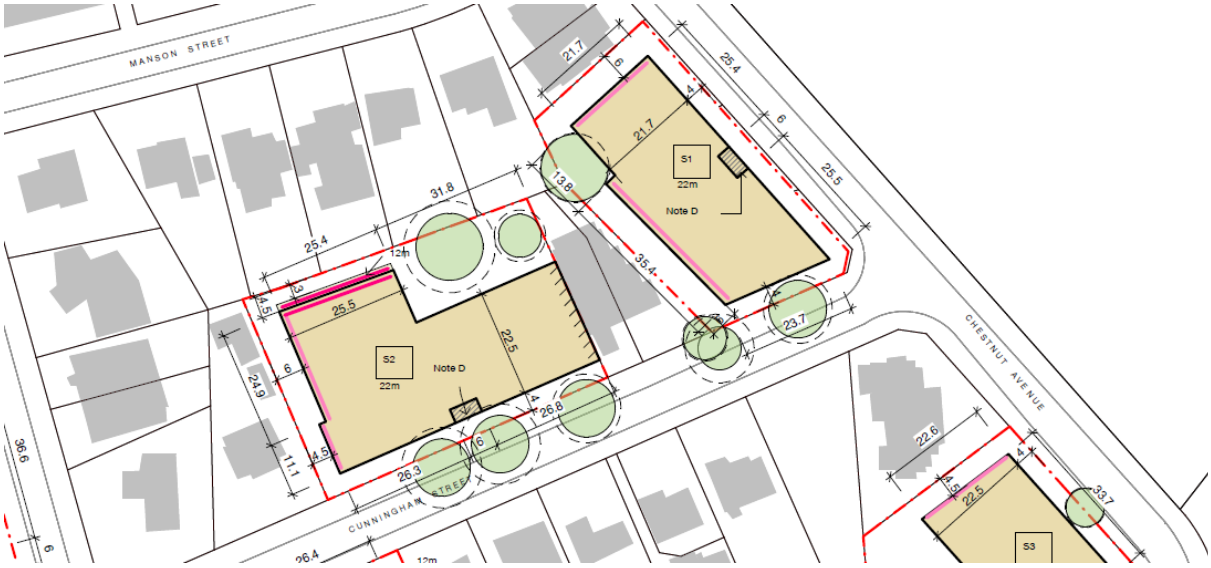
Figure 17 Extract of North Precinct – Envelope Control Plan (N3, N6, N7, N8 and N9)

Source: Bates Smart

South Precinct

Within the South Precinct, one minor non-compliance with building separation is proposed to maintain a nil side setback along the western boundary of 11 and 11A Cunningham Street (Lots 110 and 111 DP1199205) as illustrated in **Figure 18**. This results in a non-compliance of 6 metres up to four storeys and 9 metres above four storeys (assuming habitable to habitable rooms).

Figure 18 Extract of South Precinct – Envelope Control Plan (S1 and S2)



Source: Bates Smart

Overall, these minor non-compliances are proposed in various locations across the North and South Precinct to allow for adjacent sites to provide a continuous street wall development and do not result in any privacy impacts on surrounding lots given where non-compliances are identified, blank or continuous walls are proposed. To maximise amenity to the adjacent lots and ensure that the proposed scheme does not result in site isolation, no windows are proposed along the nil setbacks.

The revised Isolated Lots Study prepared by Bates Smart as part of RTS 2 demonstrates that the Concept Plan is not reliant upon, nor contingent on securing all isolated lots, and that each of the isolated lots can be redeveloped under current planning controls to deliver a complying residential typology.

Objective 3D – Communal and public open space

As noted in the ADG Compliance Table, all buildings within the North and South Precinct provide a minimum of 25% of the site area of each lot as communal open space.

Given the B4 Mixed Use zone within a large portion of the Core Precinct, activated ground floor uses reduce the ability to provide communal open space at ground level. As such, the following non-compliances are identified within the Core Precinct:

- Block C1 provides 1,257sqm (18%) for communal open space which results in a shortfall of 488sqm (7%) of open space. Given the proximity to high quality public open space including 1,875sqm of public open space associated with the Eyles Link and retail courtyard, this is considered an acceptable outcome for the site. FPA has advised Council it will retain the Eyles Street Pedestrian Link extension in private ownership as a common lot in the strata scheme. When these public spaces are considered as communal open space C1 would provide 45% of the site area as communal open space which exceeds the required amount of communal open space in accordance with Objective 3D.
- Block C2 provides 1,574sqm (24.6%) for communal open space which can for all intents and purposes be construed to be 25%. FPA is confident that the remaining 26.5sqm can be resolved through the detailed design process.
- Block C4 provides 529sqm (18.3%) for communal open space which results in a shortfall of 193sqm (6.7%) of open space. Given the proximity to high quality public open space including 715sqm of public open space associated with the Eyles Link and retail courtyard (separate to the 1,875sqm adjacent to C1), this is considered an acceptable outcome for the site. When these public spaces are considered as communal open space C4 would provide 43% of the site area as communal open space which exceeds the required amount of communal open space in accordance with Objective 3D.
- Block C7 provides 332 sqm (15%) for communal open space which results in a shortfall of 221sqm (10%) of open space. Despite this non-compliance, the site is adjacent to 503sqm of landscaped area which is to be embellished and dedicated to Council, providing an additional open space offer for residents to utilise If the dedicated land were to be considered as communal open space C7 would provide 38% of the site area as communal open space which exceeds the required amount of communal open space in accordance with Objective 3D.
- C8 does not provide any communal open space within the lot, however its proximity to the C7 communal open space and 503sqm of landscaped area to be dedicated to Council is considered to provide opportunities for communal open space for residential use.

Objective 3E – Deep soil zones

Objective 3F-1 of the ADG identifies a minimum requirement of 7% of the total site area as deep soil zones. Where lots are greater than 1,500sqm, the proposal has aimed to provide 15% of the total site area as deep soil in accordance with the relevant design guidance. Overall, the North and South Precincts remain compliant with the relevant criteria for deep soil zones. Within the Core Precinct, deep soil has not been provided in association with C7 or C8.

This is considered an acceptable outcome, given the proximity to high quality landscaping throughout the site. It is also acknowledged that 503sqm (10.5% of the site area of C7 and C8 combined) of landscaped area between C7 and C8 is to be dedicated to Council. This land is unencumbered by basements below and would meet the definition of deep soil if it was not to be dedicated. Overall, the

proposal provides extensive deep soil areas across the CPA in accordance with the ADG design criteria.

Objective 4A – Solar and daylight access

Core Precinct

Within the Core Precinct, all lots are capable of providing built from which achieves at least 70% of apartments receiving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Based on the concept envelopes, a limited number of individual buildings are inconsistent with the above design criteria as currently designed in the Reference Scheme. These buildings are outlined below and identified in **Figure 19**. As noted above, approval is not being sought for the reference scheme and there is still sufficient opportunity through future DAs and detailed design processes to strive towards greater compliance.

- Building C1.2 currently provides a concept building envelope which results in 63% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm. The layout of C1 aims to provide activation to Sturt Street along the western and southern boundaries, Wade Lane to the east as well as the retail plaza to the north. As such, Building C1.2 orients apartments to the south which reduces the amount of solar access achieved. Overall, Block C1 complies at a lot level with 75.9% of apartments achieving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.
- Building C5.1a currently provides a concept building envelope which results in 60.6% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm. Block C5 has been designed to provide a consolidated deep soil area which retains existing trees and connects with the public Eyles Link. Building C5.1a has been oriented towards Sturt Street to the south which reduces the ability to achieve solar access in mid-winter. Overall, Block C5 complies at a lot level with 72.1% of apartments achieving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.
- Building C6.1a currently provides a concept building envelope which results in 44.3% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm. The building envelope for C6.1a has been designed to both activate Shortland Street to the north and the communal open space to the east and south while also retaining existing trees. The irregular shape of C6.1 overall has reduced the ability to achieve solar access. Overall, Building C6.1 complies at a block level and with 72.1% of apartments achieving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. It noted that the through site link between Building C6.1b and Building 6.1c may move slightly and will be assessed as part of future detailed DAs.
- Building C6.1c currently provides a concept building envelope which results in 65.8% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm. C6.1c is located to the south of a through site link. As such, windows along the northern elevation are not permitted at upper levels and must provide adequate screening at lower levels. As such, the ability to achieve solar access from northern facing apartments has been reduced. Overall, Block C6.1 complies at a building level with 72.1% of apartments achieving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. As noted above, the through site link between Building C6.1b and Building 6.1c may move slightly and will be assessed as part of future detailed DAs.
- Block C8 (C8.1A, 1B and 1C) currently provides a concept building envelope which results in 40% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm. Despite this shortfall, the proposal ensures a total of 71.5% of apartments across Blocks C7 and C8 achieve two or more hours of direct solar access to primary living areas and private open spaces between 9am to 3pm in mid-winter.

Through detailed design, changes may be made which improve solar access including changes to the final building envelopes and additional building articulation.

Figure 19 Core Precinct – location of solar access non-compliances

Source: Bates Smart

North Precinct

Within the North Precinct, all blocks and buildings are capable of providing built form which achieves at least 70% of apartments receiving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Based on the current concept envelopes, some minor non-compliances with the design criteria for the maximum number of apartments receiving no solar access in mid-winter are noted which are outlined below and identified in **Figure 20:**

- Within Building N7.2, 16% of apartments receive less than 2 hours of solar access given the orientation of the building which orients apartments towards the internal communal open space, which is more than the maximum 15% of apartments to receive no solar access design criteria in the ADG. Across Block N7 this is reduced to 7.4% of apartments noting that Building N7.2 results in 70% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm.
- Within Building N9.1a, 18.2% of apartments receive less than 2 hours of solar access. Across Block N9 this is reduced to 11.7% of apartments noting that N9.1a results in 79.5% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm.
- Within Building N9.1b, 16.7% of apartments receive less than 2 hours of solar access. Across Block N9 this is reduced to 11.7% of apartments noting that N9.1b results in 79.2% of apartments meeting the ADG two-hour solar access thresholds between 9am to 3pm.

Through detailed design, changes may be made which improve solar access including changes to the final building envelopes and additional building articulation.

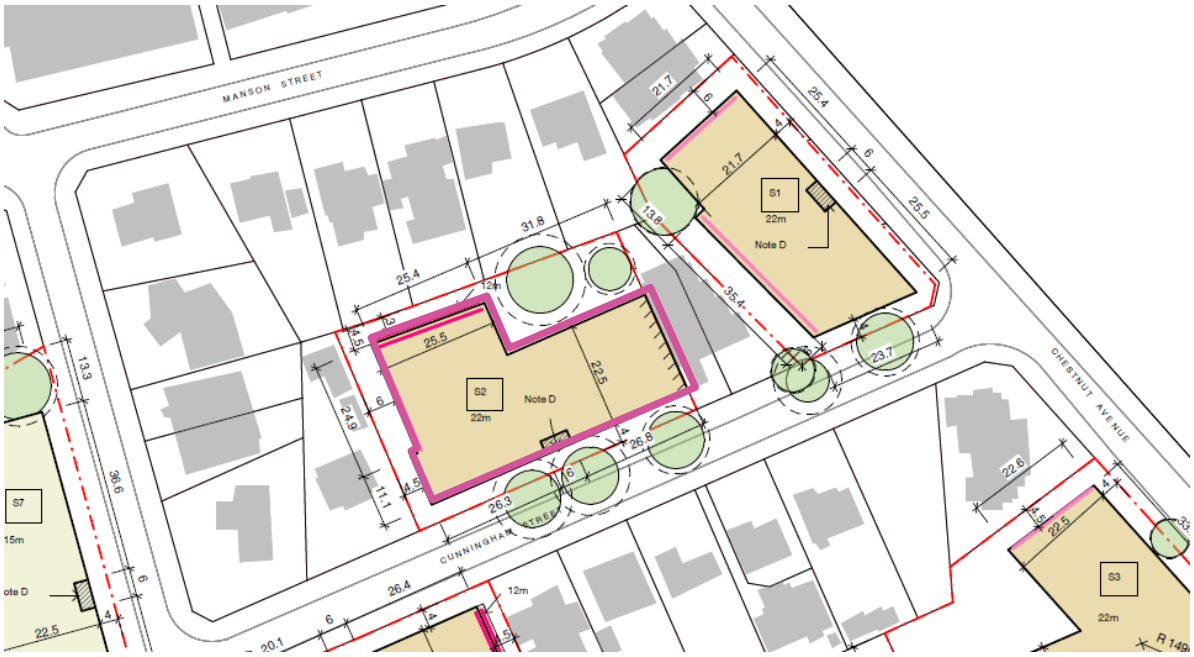
Figure 20 North Precinct – location of solar access non-compliances

Source: Bates Smart

South Precinct

Within the South Precinct, all lots are capable of providing built form which achieves at least 70% of apartments receiving a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Based on the current concept envelopes, one minor non-compliance with the maximum number of apartments receiving no solar access is identified within the South Precinct. Building S8 results in 16.1% of apartments receiving less than two hours of solar access in mid-winter. This is considered acceptable as the building envelope is oriented towards the Cunningham Street. Windows along the northern elevation are not permitted adequate screening required along the western elevation to provide adequate privacy to neighbours. Overall, Building S8 provides a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter for 73.5% of apartments while ensuring visual privacy to neighbouring lots.

Figure 21 South Precinct – location of solar access non-compliances



Source: Bates Smart

Objective 4B – Natural ventilation

In accordance with Objective 4B, the proposed development and concept envelopes are capable of achieving the ADG recommendation for natural cross ventilation for a minimum of 60% of apartments across the CPA at a lot by lot basis. Some minor non-compliances are noted in the Core Precinct at a building level as noted below:

- Within C1.2, a minimum of 55.6% of apartments achieve the ADG recommendation for natural cross ventilation. Despite this minor non-compliance, the overall Block C1 remains capable of compliance with 68.4% of the total apartments achieving the ADG recommendation for natural cross ventilation.
- Within C6.1c, a minimum of 49.3% of apartments achieve the ADG recommendation for natural cross ventilation. Despite this minor non-compliance, the overall Block C6.1 remains capable of compliance with 61.7% of the total apartments achieving the ADG recommendation for natural cross ventilation.
- Within C7.1, a minimum of 57.4% of apartments achieve the ADG recommendation for natural cross ventilation. Despite this minor non-compliance, the overall Block C7 remains capable of compliance with 60.5% of the total apartments achieving the ADG recommendation for natural cross ventilation.
- Within C8.1c, a minimum of 51.8% of apartments achieve the ADG recommendation for natural cross ventilation. Despite this minor non-compliance, the overall Block C8.1 remains capable of compliance with 66.4% of the total apartments achieving the ADG recommendation for natural cross ventilation.

Figure 22 Core Precinct – location of natural ventilation non-compliances

Source: Bates Smart

In summary, the proposed development and concept envelopes are capable of achieving the ADG recommendation for natural cross ventilation for a minimum of 60% of apartments across the North and South Precincts in accordance with Objective 4B. Ongoing detailed design will strive to achieve greater compliance as part of future DAs.

Objective 4C – Ceiling height

Objective 4C-1 is satisfied as the minimum ceiling heights have been accommodated with 2.7m for habitable rooms and 2.4m for non-habitable rooms.

Objective 4D – Apartment size and layout

Objective 4D is satisfied as all of the apartment internal areas are greater than the required minimum sizes, including the provision of 5sqm for additional bathrooms.

Objective 4F – Common circulation and spaces

The proposal does not strictly comply with the design criteria as the proposed reference scheme includes buildings with floor plate layouts that have between 6 and 11 apartments per level associated with a single core.

As noted in Objective 4F-1, where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. Given the proposal only seeks approval for the concept envelopes, building plates have been designed with a maximum of 11 apartments to meet the design guidance with further investigation to occur as part of future detailed DAs. Nevertheless, all building envelopes have been designed to achieve good amenity within common circulation spaces having daylight access in one or more orientations. Ongoing detailed design as part of future DAs will work towards achieving compliance with Objective 4F.

3. RESPONSE TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the issues raised in submissions.

3.1. RESPONSE TO DPE LETTER

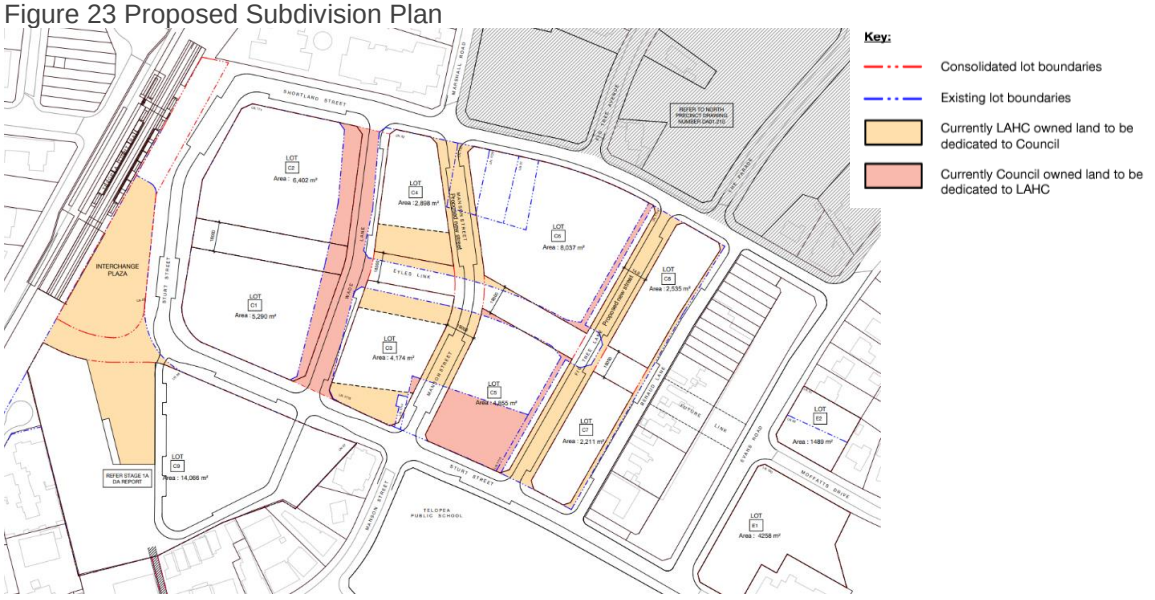
DPE Comment	Response
1. Voluntary Planning Agreements (VPA)	
Council VPA Provide a Letter of Offer endorsed by Council	FPA and Council are continuing to progress negotiations. A summary of the current status of the Local VPA is provided in **Section 3.2** of this report.
State VPA Provide a Letter of Offer endorsed by the Department's Infrastructure Partnerships and Agreement Team.	Following the introduction and subsequent ascension of the *Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023* (**the Bill**) on 14 July 2023, FPA submitted a revised State Planning Agreement Offer to DPE on 20 July 2023. DPE confirmed its in principle acceptance of the offer of 26 July 2023. The review State Planning Agreement Offer and evidence of DPE's acceptance are provided in **Appendix V.** The revised agreement will be uploaded on the NSW Planning Portal following the acceptance of the current scheme.
2. Design Excellence	
Obtain a waiver from Council from the need to undertake an architectural design competition for the proposal in accordance with clause 6.12(6) of the Parramatta Local Environmental Plan 2011 (PLEP 2011).	FPA are committed to the design excellence in the delivery of built form and public domain works throughout the Telopea CPA. As noted in **Section 2.1**, FPA has met with Council on 4 July 2023 to discuss the request to waive the requirement for a design competition. At the meeting, it was agreed that FPA would submit a package of documentation for Council's consideration. The package was submitted to Council on 7 August 2023 and is enclosed in **Appendix W**. Based on email correspondence received from Council, further discussions are occurring between Council and DPE on this matter. Under the provisions of Clause 6.12 (6) of the PLEP 2011, Council may grant a waiver if it determines that the development is one for which an architectural design competition is not required. FPA posits that height is now Council's primary basis for forming the view that a design competition waiver should not be issued. It is the view of Bates Smart and Plus Architecture as reputable and award winning architectural practices) that design excellence would

DPE Comment	Response
	not be solely achieved through a reduction in height and stronger compliance with the ADG. The grounds for seeking a waiver accordingly remain valid, particularly having regard to the SDRP process embarked on prior to submission of the application which led to the current concept design. Consequently, FPA is still seeking Council endorsement that an architectural design competition is not required for Stage 1A in accordance with Clause 6.12 (6) of the PLEP 2011. A Waiver Request has been sought on the basis that: 1. The Stage 1A proposal involves an integrated public domain and built form outcome that must adhere to the operational and technical requirements of TfNSW, Parramatta Light Rail, the State Transit Authority, and Council for the light rail station plaza, light rail crossing, and road and intersection upgrades. 2. An design excellence processes, undertaken by FPA that has resulted in a design that exhibits design excellence, are robust including: a. A selective process to appoint the design team. b. Robust site analysis and interrogation including consideration of Connecting with Country. c. Design review and refinement through engagement and collaboration with Council and the State Design Review Panel (**SDRP**). d. A commitment to ensuring design integrity through retention of the design team for the duration of the detailed design and delivery phases and establishment of a Design Integrity Panel. 3. Undertaking an architectural design competition is not expected to achieve a significantly superior design outcome than currently proposed given the rigour and analysis invested to date. This submission addresses the ADG design criteria and demonstrates that the Stage 1A is consistent with the majority of design criteria of the AGD, and where inconsistencies occur these have been fully justified in **Appendix B** and **Section 2.4.1** of this report. 4. Council has indicated its support for the Stage 1A application, subject to resolution of outstanding details. Outstanding matters were addressed as

DPE Comment	Response
	part of the RTS 2 package with further clarification provided within this report. 5. An architectural design competition would significantly delay delivery of the public domain and compromise critical coordination with Parramatta Light Rail. FPA will continue discussions with Council on this matter and will keep the DPE informed of the outcomes of the discussions.
3. GFA/FSR variations	
Provide a Clause 4.6 variation request for Stage 1A addressing the use of RE1 zoned land to generate floor space for residential accommodation, citing Clause 4.5(4) of PLEP 2011.	The area of the Stage 1A site is 18,150sqm excluding the RE1 Public Recreation zoned land. The Stage 1A site is subject to a base Floor Space Ratio (FSR) of 1.7:1 (equating to 30,855sqm of floor space). An additional 0.5:1 bonus FSR (equating to 9,075sqm of floor space) is available pursuant to Clause 6 (2) and Clause 13 (2) of the Affordable Rental Housing SEPP as the development is on land owned by LAHC and qualifies as affordable housing. The total permitted floor space is accordingly 39,930sqm. The internal road is not intended to be a public road and therefore does not need to be excluded from site area calculations for Stage 1A. As such, the proposed GFA of 37,130sqm is 1,700sqm less than the maximum permissible GFA applicable for Stage 1A and a Clause 4.6 variation is not required.
The GFA specified for sites N2, N3, N6, N8, S1, S2, S5, S6, S7 and S8 does not comply with the maximum PLEP 2011 FSR including the applicable bonus under clause 13(2)(a) of the Affordable Rental Housing SEPP. Reduce the GFA specified for these sites to comply.	As noted in **Section 2.3**, Bates Smart have reduced the GFA to ensure that all lots remain compliant with the maximum permissible FSR and associated GFA. In summary, refinements to GFA have been introduced for sites N2, N3, N6, N7, N8, S1, S2, S5, S6, S7 and S8 which ensure compliance is achieved on a lot by lot basis with the relevant FSR controls in both the North and South Precincts. A supplementary GFA Schedule has also been prepared by Bates Smart (refer to **Appendix C**) which provides a breakdown of GFA by land use and any associated bonus GFA on a lot by lot basis. Likewise with Stage 1A, pursuant to Clause 6 (2) and Clause 13 (2) of the Affordable Rental Housing SEPP as the development is on land owned by LAHC and qualifies as affordable housing: ▪ where the maximum floor space ratio is 2.5:1 or less, a 0.5:1 FSR bonus applies; and

DPE Comment	Response
	▪ where the maximum floor space ratio is greater than 2.5:1, a 20% FSR bonus applies.
Provide further details of the land transfer to facilitate the new road layout, and a comparison in terms of area with the existing public roads.	Whilst the exact quantum of land being transferred is still under negotiation, the amount of land dedicated to Council for public roads and open space has been increased given the reduced site areas identified for residential development within the Core Precinct. In accordance with DA01.MP.110 prepared by Bates Smart (extract provided in **Figure 23**), the proposed land swap provides a reduced site area for Lots C1-C8 compared to the PLEP. **Site area of 3:1 FSR land** ▪ PLEP – 24,115sqm ▪ Proposed – 17,644sqm **Site area of 3.7:1 FSR land** ▪ PLEP – 21,243sqm ▪ Proposed – 20,453sqm As such, the amended road layout reduces the amount of space used for residential development and increases public space available within the Core Precinct. As such, the amount of land dedicated to Council for public roads and open space has been increased given the reduced site areas identified for residential development within the Core Precinct. Additional details are provided in the Clause 4.6 Variation for Floor Space Ratio in the Core Precinct (refer to **Appendix U**).

Figure 23 Proposed Subdivision Plan



Source: Bates Smart

DPE Comment	Response
4. Concept plan layout	
Comparative assessment Provide a comparison of the environmental impacts of a PLEP 2011 compliant scheme (including FSR bonuses) and the proposed non-complying scheme, with respect to amenity, bulk and scale and visual impacts.	As noted above, Stage 1A as well as the North and South Precincts all remain compliant with the relevant FSR controls. An assessment of the variation within the Core Precinct has been prepared as part of the Clause 4.6 Variation for FSR previously provided to the DPE. A summary of key impacts of the Core Precinct is provided below. Bulk and scale The proposed Concept Plan introduces more slender towers than the intended Telopea Master Plan. The refinements improve residential amenity and reduce the perception of bulk within the Core Precinct, while retaining the built form objectives of the Telopea Master Plan and responding to comments received from the SDRP. The concentration of increased massing, introduction of additional roads and the Eyles Street Pedestrian Link, and the general open space and public domain spatial arrangement with lower scale of development in the North, South and East Precincts is an appropriately scaled and transitioned massing response with further analysis provided in the Concept Response to Submissions Report (RTS 2 Appendix C). Overshadowing As noted in the RTS 2 response, solar access shadow diagrams have been prepared by Bates Smart and are included in the Concept Response to Submissions Report (RTS 2 Appendix C). Shadow diagrams were prepared for hourly intervals from 9am to 3pm for mid-winter (21 June), representing the greatest overshadowing impact through the year. The shadow diagrams compare the shadow cast by existing development at the site, shadow cast by a building height compliant with the PLEP 2011, shadow cast by the proposed Concept building envelopes, and shadow cast by the reference scheme. The overshadowing impact of the proposed envelopes when compared to compliant LEP envelopes for key public open areas demonstrated: ▪ The proposed Concept building envelope produces 1,645sqm less shadow across Telopea Public School. The reference scheme produces 7,635sqm less shadow than a PLEP compliant envelope. Utilising the reference scheme, the

DPE Comment	Response
	Concept DA shadows 12.3% of Telopea Public School at its worst case being 3pm, with 8.8% directly related to non-compliant height. The additional overshadowing, which is limited to about an hour, mainly occurs to existing school buildings and an area of car parking and does not impact to the main areas of the school grounds during recess or lunchtime break periods. ▪ The proposed Concept Proposal building envelopes produce 1,993sqm more shadow across Sturt Park. The reference scheme producing 573sqm more shadow (14.2% of Sturt Park) at its worst case being between 2.30 and 3pm. The impacted area is located on the northern boundary of the Park to an area which is already partially shaded by mature trees. A majority of the grassed area of the Park will continue to receive full solar access between 9am to 3pm. In summary, the Concept Response to Submissions Report (RTS 2 Appendix C) demonstrates that the shadow impacts arising from the additional GFA is better than a PLEP compliant scheme. The shadowing that does occur is not significantly worse than a complying building envelope. <u>Visual Privacy</u> The proposed slender towers achieve compliance with building separation criteria outlined in 2F and 3F of the ADG. As such, the non-compliances do not result in any further impacts on visual privacy. <u>Heritage</u> The State Listed heritage item known as Redstone at 34 Adderton Road is located to the south of the Stage 1A Project Site. As set out in the supporting Heritage Impact Statement prepared by Urbis (July 2021), the Concept DA has been prepared with consideration for the appropriate management of the heritage values of the area. The HIS concludes the Concept DA is physically and visually separated from Redstone and variations to both height or FSR will not detract from its existing setting and streetscape. Urbis has confirmed that a PLEP compliant scheme would not garner any less heritage impacts.

DPE Comment	Response
	Traffic generation The Transport Assessment prepared by Ason Group concludes the expected vehicular and pedestrian traffic generated by the Concept DA is acceptable and can be accommodated within the local road network (refer to Telopea Transport and Accessibility Impact Assessment prepared by Ason Group, 30 July 2021). Most notably, the Transport and Accessibility Impact Assessment concluded the Concept DA (as exhibited and comprising more GFA than currently proposed) would generate circa 30% fewer vehicle trips in the peak periods than assigned to the Telopea Precinct under the rezoning proposal and associated Telopea Master Plan. A Technical Note prepared by Ason Group (refer to **Appendix K**) provides justification for the trip generation rates that were adopted for the purpose of forecasting the traffic generation for the proposal. In summary, the proposed building envelopes respond to the characteristics of the site including topography and views and allows for building envelopes that deliver high quality and high amenity residential dwellings. The variation allows for the established urban design principles to be delivered across the Core Precinct to ensure a high level of amenity for all residential dwellings as well as public open spaces and pedestrian connections.
Height Provide an updated Clause 4.6 variation request that correctly identifies the height limits identified in the Parramatta Local Environmental Plan 2011, noting that some building envelopes (C1 and C2) are located within the boundaries of two height controls and some building envelopes (C3 to C8) are located outside of the boundaries on the PLEP 2011 Height of Building Map. Provide further justification for any of the above height variations.	As noted in **Section 2.3.1**, it is acknowledged that buildings within the Core Precinct are partially located over multiple Height of Building standards on the Height of Building Map in the PLEP. While there are no changes to the overall building form or the location of non-compliant built form, the Clause 4.6 Variation for Height has been refined to clarify the non-compliances (refer to **Appendix T**). Further justification for the variation is also provided in **Section 2.3.1** of this report. It is also acknowledged that parts of C3 to C8 remain outside of an applicable height control due to the land swap associated with the road layout. As such, no height control applies to these areas therefore there is no non-compliance with the controls associated with these portions of the site. Nevertheless, for abundance of caution the Cl 4.6 has been updated to address these buildings.

DPE Comment	Response
Urban Design Provide a building break for Building C1.2 which exceeds 45m in length. Provide a through-site link open to the sky (Note B) for Buildings C6.2 and C8.1A. Update the Street Elevations in the Concept Proposal Drawings to match the building breaks shown on the Envelope Control Plans.	Updated Envelope Control Plans and Street Elevations have been prepared by Bates Smart (**Appendix C**) to reflect comments from DPE including a 9 metre wide building break within C1.2 and C8.
5. Apartment Design Guideline (ADG)	
Provide an updated ADG assessment for the Concept proposal and Stage 1A proposal which clearly details how each building meets the criteria in the ADG including numerical evidence and justify / make amendments to address any non-compliances.	Building by building ADG Compliance tables have been prepared by Plus Architecture for Stage 1A and are enclosed in **Appendix B**. A summary of how key objectives of Parts 3 and 4 of the ADG have been addressed is provided above in **Section 2.3.1** of this report. In summary, where non-compliances are proposed, Stage 1A still meets the relevant design guidance to provide sufficient amenity to residents and surrounding properties. A summary of ADG compliance outlining compliance for at a lot by lot level against these key amenity criteria of the ADG has been prepared by Bates Smart and is enclosed in **Appendix D**. A summary of how key objectives of Parts 3 and 4 of the ADG have been addressed is provided above in **Section 2.3.2** of this report. In summary, the Concept proposal is capable of achieving compliance with a majority of ADG design criteria with further design work to be undertaken as part of detailed DAs.
Outline how the Stage 1A proposal complies with the building separation design criteria in the ADG for the proposed buildings and neighbouring properties and provide justification / amendments to address any non-compliances.	Building by building ADG compliance tables have been prepared by Plus Architecture for Stage 1A and are enclosed in **Appendix A.** A summary of how the development meets the relevant building separation criteria is provided below in **Section 2.3** of this report.

After an initial review of the RFI Package in June 2023, DPE requested additional information on 23 June 2023.

DPE comment	Response
Provide an updated clause 4.6 variation clearly detailing the extent of non-compliance with the FSR development standards and addressing all relevant	An updated Clause 4.6 Variation for FSR has been prepared by Urbis (refer to **Appendix U**). The amended report has provided a breakdown of

DPE comment	Response
Caselaw, including the environmental planning grounds for any non-compliances rather than (or in addition to) the merits of the project as a whole.	permissible floor space based on the existing PLEP 2011 tiles in accordance with Clause 4.5.
Clarify the GFA schedule at Appendix C and a discrepancy between the proposed overall total GFA and the proposed total GFA by land use.	The GFA schedule has been replaced with information within the updated Clause 4.6 Variation for FSR has been prepared by Urbis (refer to **Appendix U**).
Provide additional information addressing the most recent requests from Transport for NSW, noting the information dated April 2023 submitted through the portal has already been reviewed by this agency and further information has been requested.	A summary of the latest correspondence from TfNSW is provided in **Section 3.4** of this report. Further information is provided in: ▪ Technical Note – TfNSW Comments and Modifications to Concept Plan (**Appendix H**). ▪ Technical Note – Local Road Network Performance Assessment **Appendix I**). The refinements to the scheme based on recommendations from TfNSW (as described in **Section 2.3.5**) have also been incorporated into the the Concept Plan and Stage 1A Architectural and Civil Plans.
Confirm that the design changes to the building envelopes for N2, S1, S4, S5, S6 and S8 has not resulted in any change to deep soil areas as shown on the deep soil plans for the northern and southern precincts	Based on a review by Urbis and Bates Smart of the RTS 2 Deep Soil Plans against the recent ADG Compliance Summary table, the current proposal has retained deep soil areas in each of the identified lots. Based on the preliminary RFI Package, it is acknowledged that was a minor error in S4 which identified 890sqm of deep soil. This has been amended in the ADG Summary table enclosed in **Appendix D**.
Provide an agreed letter of offer for the State Voluntary Planning Agreement	A summary on the status of the State VPA has been provided above.
Provide an agreed letter of offer for the Local Voluntary Planning Agreement	A summary of the current status of the Local VPA is provided in **Section 3.2** below.
Obtain a waiver from Council for an architectural design competition for Stage 1A proposal in accordance with clause 6.12(6) of the Parramatta Local Environmental Plan 2011.	A meeting was held with Council on 4 July 2023 to discuss the design refinements for Stage 1A. Based on this meeting, Council requested further information in order to prepare a waiver in relation to the architectural design competition which has been submitted to Council for consideration. A copy of package provided to Council is provided in **Appendix W**.

3.2. STATUS OF LOCAL VPA

As noted above, DPE issued a letter on 23 June 2023, requesting an agreed letter of offer for the Local Voluntary Planning Agreement.

Council resolved to confirm FPA's Revised Letter of Offer in relation to a proposed Planning Agreement on 12 December 2023. The resolution was passed subject to ten (10) specific terms and delegation of the VPA to the City of Parramatta's Chief Executive Officer (CEO). The CEO has also been delegated the authority to endorse legal drafting of the draft VPA and its progression to public exhibition.

Council correspondence dated 19 January 2023 advising of Council's resolution has been the catalyst for a thread of multiple meetings between the two parties, with the mutual objective of closing out the outstanding terms and reaching consensus, which will in turn address DPE's requirement for an agreed letter of offer for the Local Voluntary Planning Agreement..

FPA and Council have now reached agreement on seven (7) of the terms, with three remaining the subject of ongoing discussions. The table below summarises the status of each term. Further to the terms raised in the Council's 19 January 2023 correspondence, a supplementary query has emerged, primarily concerning the elucidation of the term 'oncosts' and its proposed quantum and application.

FPA is committed to continuing VPA negotiations with Council. Most recently, FPA and LAHC met with Council on 17 August 2023 at which the parties reached agreement as follows:

- FPA will compile a 'VPA deliverables' programme to be distributed to the parties which identifies timeframes and milestones. This programme is enclosed in **Appendix V**.
- The cost plan will be updated in line with current market rates and restructured to:
  - Remove reference to 'oncosts' and provide more transparent itemised allowances under each scope item;
  - Include all items that have been agreed to in principle in a single schedule (Cost Plan 'A');
  - Track the costs of the 4 x intersection upgrades separately while modelling and intersection upgrade designs progress following feedback from TfNSW that New Link Road is not required(Cost Plan 'B'); and
  - Track the costs of the library works separately while the design is developed by the recently appointed architect (Cost Plan 'C').

FPA is confident the VPA negotiations are progressing and is hopeful that consensus can be reached on the local VPA within the next 3 months, as evidenced by the attached program (refer to **Appendix V**). The negotiation will be focused on matters of details and should accordingly not hold the assessment of the Concept Plan and Stage 1A Project Application in abeyance, given that Council has resolved that a VPA can be negotiated. A suitably worded condition(s) on the approvals could provide sufficient rigour to ensure the negotiations are satisfactorily finalised prior to development proceeding.

Item	Proposed Term (City of Parramatta)	Proponent Response
(b) i.	For all items, with the exception of the library and community centre, are delivered as works in kind, in line with development and with no financial value cap assigned;	FPA confirmed in writing to Council dated 29 March 2023 that it agrees in principle with this term. In doing so, FPA has noted that specific terms regarding the delivery of works in kind will need to be detailed in the draft VPA.
(b) ii.	That subject to an agreed scope and cost estimate, FPA deliver a warm shell new library and community centre of a	FPA confirmed in writing to Council dated 29 March 2023 that it agrees in principle with this term. In doing so, FPA

Item	Proposed Term (City of Parramatta)	Proponent Response
	minimum of 4,150sqm and associated car parking;	noted the specifications and timing of the warm shell and associated carparking will need to be detailed in the draft VPA.
(b) iii.	That subject to an agreed scope and cost estimate, FPA provide a monetary payment to Council upon issue of a consent of the first development application within the concept area, towards the full fit out of the library and community centre and associated parking;	FPA is not in a position to commit to an upfront monetary payment equating to the full fit out cost of the library, community centre and associated carparking upon issue of the Stage 1A Project application. FPA is however prepared to commit to payment of a CPI-indexed monetary contribution (or bond) towards the full fit out of the library and community facility at the time a Construction Certificate for the facility is secured. This will ensure that the monetary contribution accurately reflects the form and timing of the approved facility. Development consent is not currently sought for the library and community centre and accordingly when approved the concept consent will not authorise the carrying out of library construction works. Deferring the payment until such time as there is a relevant development consent in place for the library and fit out is accordingly an appropriate approach to adopt. To date, Council has not indicated its objection to the approach outlined above and accordingly FPA assumes there is in principle agreement to the negotiated position.
(b) iv.	The existing Dundas Library and other community facilities at 21 Sturt Street will remain open until a new library and community facility is fully operational;	FPA confirmed in writing to Council dated 29 March 2023 that it agrees in principle with this term.
(b) v.	The sale of 21 Sturt Street, in accordance with section 30 of Land Acquisition (Just Terms Compensation) Act 1991, is conditioned on the dedication of new stratum to Council and	FPA confirmed in writing to Council dated 29 March 2023 that it agrees in principle with this term, subject to the specific terms of b(iii) being suitably agreed to. FPA also note that specific

Item	Proposed Term (City of Parramatta)	Proponent Response
	the delivery of a warm shell library and community centre and associated car parking and the payment of funds (upfront) for future fit out of facility;	terms governing the sale of 21 Sturt Street will need to be detailed in the draft VPA.
(b) vi.	Removal of items '12' and '13' Eyles Street link in Table 1 unless there is significant redesign of these items;	FPA submitted in writing to Council dated 29 March 2023 that the resolution incorrectly cited Items 12 and 13, rather than Items 13b and 13c which are the proposed extensions to the Eyles Street Link. By way of background, Table 1 (pg 5) of FPA' Telopea VPA Revised Letter of Offer dated 27 September 2022 identified: Items 11 & 13A as '*Open space associated with the multifunction centre and library (11)/ Eyles Street open space link – deep soli section (13a)'* Item 12 as '*Shortland Street / Evans Street intersection*' Item 13B as '*Eyles Street open space link – deep soil section'* Item 13C as '*Eyles Street open space link – deep soil section'* Points 19-22 of Council's report incorrectly referenced Item 12 as '*Elyse Street open space*' (sic) and Item 13 as '*Elyse Street pedestrian link'*, and went on to outline that Council's objection to Item 12 is attributed to the design not meeting Council's open space requirements and the site's topography and narrowness hindering the provision of universal access if the street was to be closed. The report further indicated that Council officers considered a better outcome for Item 12 (Eyles Street Link) would be to maintain these areas as a public shareway or laneway dedicated to Council to reflect primary 'access' purpose and to accommodate additional street parking.

Item	Proposed Term (City of Parramatta)	Proponent Response
		FPA maintains the Eyles Street extension is a crucial placemaking element of the overall scheme, connecting Telopea Station Plaza to Benaud Lane, with opportunity to connect through to Evans Road shops in the future. It also supports retention of significant trees and provides an opportunity to increase tree canopy across the Concept Plan Area. The project team acknowledges the site's topography and has developed a concept for the Eyles Street Link which provides diverse access options that can cater for people of all abilities and ages. For the reasons outlined above, repurposing this part of the site for a primarily vehicular function is not supported by FPA or its specialist project team. Accordingly, FPA proposes to retain the Eyles Street extension that constitutes Items 13b and 13c in the Revised Letter of Offer as a key open space. To facilitate this outcome, FPA is prepared to retain the Eyles Street extension (Items 13b and 13c) in private ownership as a common lot in the strata scheme. These Items, with a combined value of $2,287,831 (including on costs), have accordingly been withdrawn from the VPA. To date, Council has not indicated its objection to the approach outlined above and accordingly FPA assumes there is in principle agreement to the negotiated position.
(b) vii.	Removal of item '8' New Marshall Road in Table 1, unless evidence is submitted that indicates that it provides wider community benefits and does not solely service the development itself;	FPA submitted in writing to Council dated 29 March 2023 that the resolution incorrectly cites Item 8, rather than Item 7 as per Table 1 (pg 5) of FPA's Telopea VPA Revised Letter of Offer dated 27 September 2022 which identifies Item 7 as '*New Marshall Road extension and portion of Manson Street with signalised intersection*'.

Item	Proposed Term (City of Parramatta)	Proponent Response
		Notwithstanding the typographical error, FPA contends that the new Marshall Road extension and portion of Manson Street with the signalised intersection forms an important linkage between the north and south precincts, integrating the School, and locating the new Multipurpose Hub and Library located on this axis. Importantly, the new Marshall Road provides access to the community centre and library, the new RACF, Church, and the residential addresses from an accessible gradient. The purpose and function of Marshall Road extends well beyond the immediate Telopea Precinct. The Marshall Road extension will provide improved permeability and connectivity to both the public school and the community centre, and will be of benefit to the broader community. It is also consistent with the Telopea Master Plan which envisaged a new north-south oriented road. FPA is committed to continuing to negotiate this matter with Council.
(b) viii.	That traffic items 7, 9 and 10 in Table 1 that require Transport for NSW approvals as part of the SSD Application process, if not obtained, then Council shall receive an agreed equivalent in monetary contribution; and	FPA submitted in writing to Council dated 29 March 2023 that the resolution incorrectly cites Items 7, 9 and 10 rather than 7, 9 and 12 which are the following signalised intersection identified within Table 1 (pg 5) of FPA's Telopea VPA Revised Letter of Offer dated 27 September 2022: Item 7 as *'New Marshall Road extension and portion of Manson Street with signalised intersection*'. Item 9 as '*Adderton Road and Manson Street signalised intersection*' Item 12 as '*Shortland Street / Evans Street intersection.*' These intersections will be subject to further modelling including the removal of New Link Road, in consultation with TfNSW as the relevant roads authority.

Item	Proposed Term (City of Parramatta)	Proponent Response
		The monetary contribution FPA will commit will equate to the value of the required intersection upgrades. Should signalised intersections not be required, FPA is committed to allocating a monetary contribution that results in the total value of the VPA offer (including all works) of the $57.8million. The VPA offer will also be revised to reflect the replacement of the previously proposed New Link Road with landscaping once Fraser's landscape architect (Hassell) has finalised a concept.
(b) ix.	The value of the Planning Agreement, excluding the land transactions, be equal to or more than the equivalent in development contributions payable.	FPA confirmed in writing to Council dated 29 March 2023 that it agrees in principle with this term, subject to the value being at the time of the VPA's execution. Council has agreed in principle to the total contribution value of $57.8M.
(b) x.	A monetary contribution of $750,000 to be paid to Council by FPA for the upgrade of the public domain of Adderton Road shops. In the event of current or future development consents being activated on the site, Council may redirect the contribution to other public domain works in Telopea.	FPA is prepared to contribute $350,000 towards the Adderton Road shops, which is to be offset against FPA contribution towards the library fit out . The value of the contribution reflects that the Adderton Street shops are outside the Concept Plan Area and consequently an upgrade would arguably provide limited benefit to the Telopea project, particularly given the new retail precinct proposed to be delivered. Council established a clear precedent in June 2022 when it advised that it did not accept the inclusion of any streetscapes as offsets in the draft VPA. The upgrade to the Adderton Road shops is also a streetscape upgrade and accordingly should not be fully funded through the VPA for consistency.

3.3. RESPONSE TO CITY OF PARRAMATTA COUNCIL LETTER

Council comment	Response
Clause 4.6 of Parramatta LEP 2011 – Variation to Height Council does not support the proposal for The Core nor Stage 1A to significantly vary the maximum height contained in the Parramatta LEP 2011. The latest plans indicate height increase variations range between 11% to 79% for Stage 1A and 3% to 79% for The Core, which are significant non-compliances. Council does not believe adequate justification has been provided to support the extent of variation being sought. Furthermore, Council does not support the overshadowing impact to Telopea Primary School and Sturt Park as a result of the height increases.	As noted in the previous RTS submission, refinements to heights of buildings have made across the Telopea CPA. Clause 4.6 Variations for height in relation to the Concept DA and Stage 1A development were prepared by Urbis to address the comments raised in the previous Council submission. Council have noted a maximum 79% in the Core, as noted in **Section 2.3** of this report, the greatest exceedance within the Core Precinct is 37 metres (74%) which is attributed to Building C1.2 which straddles the 50 and 70 metre height controls applicable under PLEP. Stage 1A It is acknowledged that variations to the height control within Stage 1A range from 11% to 79%. The creation of taller compact tower forms has facilitated several improvements across the Stage 1A DA site as noted in previous RTS submissions and the Clause 4.6 variation for height in Stage 1A. A new internal loop road has been introduced to provide each building with a street address and to improve access and legibility of the new public park. Buildings are separated into five distinct forms, varying in height across the site to respond to the future desired character of the Telopea Precinct. Buildings now achieve a greater level of residential amenity, particularly with regard to visual and acoustic privacy, number of apartments per core, and solar access. In order to deliver the new 3,500sqm public park, internal loop road, and through site link connections, the GFA is required to be redistributed into taller tower forms. Stage 1A maintains compliance with the FSR development standard without reliance on the adjacent plaza land. The proposed redistribution of building height is accordingly not the result of additional GFA being sought but rather several design related factors, including feedback from the SDRP and Council, which advocated for Stage 1A to be reviewed to maximise access, public open space, and residential amenity. The factors driving the height

Council comment	Response
	variations for each individual building are provided below. The redistribution of compliant GFA has resulted in minor variations to the maximum building height on Building C, D and E (ranging from 11-18% where the land begins to fall steeply towards the site boundaries) and a more significant variation to the maximum building height of Building B (22m above the maximum height limit), resulting in a 79% variation for the western portion of the building. Building A sits well below the maximum permissible building height under PLEP 2011 (6m below the maximum height limit). Of the five buildings within Stage 1A that propose a variation to the PLEP height limit, four of those propose a variation of one storey or less, with the majority of the exceedance being caused by either part of a storey due to the site's topography, roof features or lift overruns. This provides for variation and visual interest in the built form. The tallest building (Building B) sits in the context of the adjoining Core Precinct adjacent and provides a transition in height from the marker buildings adjacent to Telopea Station to the remainder of the site. This height variation allows for the loop access road and public open space adjacent to be delivered within the site. Council has previously supported the exceedance of height in Stage 1A. The variation to the Height of Buildings development standard has been the result of an iterative master planning process involving feedback received from the SDRP and Council, as well as investigating optimal outcomes based on a first principles approach for the site and its relationship to the Telopea CPA. The Stage 1A DA's design proposition seeks to make several improvements to the site including: ▪ Improved distribution of building typologies and scales across the Stage 1A DA site, including height concentrated towards the Telopea Core Precinct and reduced forms that respond to topography; ▪ Improved interface of building forms at the edges, including the podium base and tower compositional elements identified in Buildings C and D to break up bulk and scale;

Council comment	Response
	▪ Improved quantity of usable public open space within the centre of the site, which will receive suitable levels of sunlight and become a focal point for the area; ▪ Improved retention of native vegetation and important tree groupings, which will reinforce the existing quality and character of Telopea; and ▪ Improved or maintained levels of visual impact when viewed from the surrounding locality. The proposed variation to the building height control allows for greater public benefits to be achieved in comparison to a scheme with building heights compliant with the PLEP 2011. A scheme with LEP compliant building heights would result in larger building footprints which would reduce the quantum and quality of open space and amenity to be provided. <u>Core Precinct</u> Overall, seven of the twenty buildings within the Core Precinct exceed the maximum height standard ranging from 16% to 24%. A compensatory reduction in built form has been applied to eight buildings of between -13% and -50%. This strategy has resulted in improved solar access to the public domain (Eyles Street Pedestrian Link), reduction in overshadowing to Telopea Public School when compared to a LEP compliant scheme, improved ADG performance and reduced visual impact as a result of taller but fewer towers across the skyline. This is considered an improved outcome and documentation has demonstrated that compliance with the development standard is unreasonable or unnecessary.
<u>Clause 4.6 of Parramatta LEP 2011 – Variation to FSR</u> Council does not support the request to significantly vary the maximum FSR contained in the Parramatta LEP 2011 for The Concept development application (The Core and Precincts). It is estimated that this will result in significantly more dwellings envisaged by the Telopea Master Plan and Precinct rezoning processes. The request is inadequate and does not clearly present the variation	As noted in the current Clause 4.6 Variation for FSR in the Core, the Core accommodates additional floorspace than that envisaged by the LEP height controls as a result of FSR bonus provisions allowed under PLEP 2011, Seniors SEPP and ARH SEPP. To maintain a commercially viable development, the affordable and social dwellings would need to also be commensurately reduced which would be entirely in contravention of the Communities Plus Program, Future Directions for Social Housing in NSW policy and the Central District Plan which promotes the provision of affordable and social housing. FPA would also be forced to reconsider the quantum and

Council comment	Response
sought, nor if the variation applies to the Precinct areas.	embellishment of proposed open space, public domain, and community infrastructure. Accordingly, compliance with the FSR development standards would directly undermine the objectives of the R4 High Density Residential and Mixed Use zones and strategic visions established by the NSW Government for the Telopea Precinct. As noted in **Section 2.3**, the Concept proposal for the North and South Precincts has been revised comply with the FSR standards.
It is noted that proposed Traffic Control Systems (TCS) do not meet Transport for NSW (TfNSW) warrant assessments. The proposed development cannot be supported on traffic grounds by Council unless an in-principle agreement between the applicant and TfNSW can be reached for the TCS.	Ongoing discussions have occurred with TfNSW since the lodgement of RTS 2 with further comments provided in **Section 3.5** of this report. It has been acknowledged by the project team that the identified intersections do not meet the TfNSW signal warrant requirements. However, it is the view of the project traffic engineering consultants that the signalisation of these intersections is justified for a variety of reasons (including but not limited to; proximity of PLR, road safety, pedestrian safety, etc). A detailed justification for the signalisation of the four subject intersections is provided in the attached Technical Note prepared by Ason Group, dated 6 April 2023 (refer to **Appendix H**).
The applicant has submitted to Council a request to waive the requirement for the development application for Stage 1A to undertake an architectural design competition. Council Officers conclude that a waiver should not be granted at this time for Stage 1A as there are substantial design matters outstanding in order to satisfy the Design Excellence provisions under Parramatta LEP 2011.	As noted in **Section 3.1**, a meeting was held with Council on 4 July 2023 to discuss the design refinements for Stage 1A. Based on this meeting, Council requested further information in order to prepare a waiver in relation to the architectural design competition which has been submitted to Council for consideration. A copy of package provided to Council is provided in **Appendix W**.
Notwithstanding the above, Council Officers are supportive of the amendments made to the Design Excellence Strategy relating to architectural competitions to be held for future development applications within the Concept Area.	This is noted.
The proposed building envelopes within the Precincts are not supported as they constitute an overdevelopment of the sites, largely due to exceedances to maximum permissible FSRs. These building envelopes not only depart from	As noted above, amendments have been proposed to the North and South Precincts to ensure that all lots are compliant with the relevant FSR on a lot by lot basis. A GFA Schedule has been prepared by Bates Smart and is enclosed in **Appendix C**.

Council comment	Response
the desired streetscape character and building typology detailed in the Telopea Masterplan and DCP but also result in undesirable outcomes including extra-long facades, reduced setbacks and a lack of deep soil zones. Furthermore, the proposal does not adequately consider impacts on adjacent sites, which may result in site isolation and reduced development potential and inconsistency of built form across the Precinct.	Refinements across the CPA, particularly in the North and South Precinct, have taken into account Council's comments and introduced a range of measures which reduce opportunity for site isolation and increase opportunity for deep soil by providing zero lot setbacks next to isolated lots allowing for a continuous street wall and increasing building separation in other locations. A description of the proposed refinements is provided in **Section 2.3.**
Council does not support the content of the Design Guidelines, and as a guide to future applications for the Concept Application. Instead, the development should comply with the provisions of Council's DCP for the Telopea Precinct which is detailed further in Attachments A and B.	This is not agreed to by FPA. A response to detailed feedback provided by Council on the Design Guidelines was provided as part of RTS 2. The benefit of a single 'Master Plan Developer' for a precinct such as Telopea undergoing significant planned urban renewal is that the public domain standard is set at a high standard for a large area of the Telopea precinct.
The public domain must be designed to be consistent with the requirements of the Parramatta Public Domain Guidelines (PPDG) and Council standard construction details. Any development consent must ensure that final design of future Council parks and footpaths (Council assets) are to be approved by Council prior to Construction Certificate being issued. Council must be assured that they are able to maintain a certain quality of finish within the public domain in perpetuity.	LAHC (as the proponent) confirms it would accept a suitably worded condition requiring compliance with the Parramatta Public Domain Guidelines across Stage 1A and the broader Telopea Concept Plan Area. This commitment has already been reiterated in the Telopea Public Domain Plan prepared by Hassell (**Appendix Z**). As noted in the December 2022 RTS package, FPA does not agree to providing revised landscape plans to Council prior to the commencement of construction works. Plans will remain consistent with the approval, and if changes are required this may require a Section 4.55 modification which will require referral and comment from Council.
<u>Voluntary Planning Agreement</u> Council at its meeting of 12 December 2022 resolved to support the VPA Letter of Offer dated 27 September subject to specific terms. Council notes the importance of a timely resolution of the matter and is committed to working with FPA and LAHC to endorse and finalise a draft Planning Agreement prior to any consent being issued for the SSD.	Council's comments are acknowledged. As noted in **Section 3.1**, ongoing discussions are occurring with Council on this matter.

A response to matters raised in Attachment A and B of Council's submission are enclosed in **Appendix E.**

3.4. RESPONSE TO EHG LETTER

Based on RTS 2, EHG supported the proposal and provided comments and recommendations for consideration by the project team. In response to the letter received by DPE on 25 January 2023, updates have been made to the Biodiversity Development Assessment Reports (**BDARs**) for both the Concept and Stage 1 (Core Precinct and Stage 1A) Proposal which are addressed further below.

EHG Comment	Response
Telopea Concept Plan Area The documents accompanying the ARtS [RTS 2] include differing information on the Telopea Concept Plan Area (CPA). The applicant should clarify the total area of the Telopea CPA.	All reports have been updated to reference a total site area to 13.4 hectares for the Telopea CPA. As noted above, the Stage 1 BDAR covers detailed works within Stage 1A and the concept works within the Core Precinct. This portion of the site results in a total area of 7.85 hectares.
BDARs EHG has reviewed the BDARs for the Concept Plan (CPA) and Stage 1A and provides the following comments on both BDARs:	
Section 1.8 of both BDARs discuss the use of BAM's streamlined module for planted native vegetation but it is unclear if this module has been applied. As stated in section 1.8, if the module has been applied then the BDAR must include justification for why it was applied with refence to the decision-making key in Appendix D of the BAM. If remnant trees are to be impacted, the full BAM must be applied to the remnant areas and the streamlined module can be applied to the planted trees.	ACS Environmental have confirmed that BAM's streamlined module for planted native vegetation has not been applied to the site and a full BDAR has been prepared for both the CPA and Stage 1A.
Page iii states that Appendix A includes a checklist, but no Appendix A is included.	This was a referencing error which has been updated. Reference to the check list, which is irrelevant to the BDAR has been deleted.
The BDAR states that Sydney Turpentine Ironbark Forest (STIF) is listed as a threatened ecological community under the BC Act and a critically endangered ecological community (CEEC) under the EPBC Act. It should be noted that STIF is listed as a CEEC under both Acts.	Noted, both BDARs have been updated to reflect this comment.

EHG Comment	Response
The Stage 1A BDAR should include a site description that is relevant for that BDAR. The site description that is provided is for the Concept Plan not Stage 1A.	Noted, the Stage 1A BDAR has been updated to provide a site specific description.
The area threshold triggers for the BOS and the Biodiversity Values Map (Figure 7) are not relevant to SSDs.	This is noted, both BDARs have been updated to remove reference to Figure 7.
The extent of native vegetation shown in Figure 10 is not clear. It is also not clear how the extent of STIF was calculated as 1.5 ha for the CPA and 0.946 ha for Stage 1A, these areas should be mapped in the BDAR.	Figure 10 has been amended to reflect comments from EHG. The extent of native vegetation for the 1500m buffer area was calculated by ACS Environmental by digitising areas of vegetation by GIS.
The BDARs state that only a few of the trees in the subject site are remnant and most native trees are planted. However, it is not clear whether due consideration has been given to the possibility that some of these native trees may have naturally regenerated. In fact, there is some mention in the CPA BDAR that this may have occurred, as shown in Figure 13. The BDAR should include more justification for the decision that the planted trees are planted. Where there is doubt, a precautionary approach should be taken.	The BDARs state that only a few of the trees in the subject site are remnant and most native trees are planted. LAHC properties within the area maintain a managed curtilage with mown landscapes and no opportunity for any natural regeneration. Figure 13 of both the Concept and Stage 1 BDAR indicates one of only two trees in the entire precinct that may be remnant. The planted trees occur in rows along Council verges or in groups among similar non-locally occurring landscaped canopy tree species in formal gardens. All trees in rows or in groups within gardens appear of a similar age, likely dating back to the initial development of the housing stock some 60 years ago. Figure 1 of the BDAR indicates that the whole CPA area had been cleared for agricultural purposes well before 1943.
Once there is more clarity on whether the trees are remnant or planted, the BDARs should be specific about the impacts to remnant STIF and include a map showing where remnant and planted trees of STIF are located. It is not clear how many remnant trees are to be removed. For example, section 4.3.5.1 of the CPA BDAR states that “The impact would include the removal of 1.5ha of highly modified areas of representative elements of PCT 1281 on the subject site that have been largely been landscaped”. The BDAR should be clear on whether the	For Stage 1, two maps have been incorporated in the BDAR indicating the presence of planted trees in groups within the subject area. Only two remnant trees occur in Stage 1 and these have been clearly marked. Of these two remnant trees, it appears that the one in Figure 13 will be retained but the other one (Tree No. 315 in Scales 2022) will be removed.

EHG Comment	Response
PCT 1281 to be removed is remnant or not.	
It is not clear if targeted surveys were undertaken. Section 4.2 states that targeted searches are not required but Table 6 says targeted searches were undertaken.	Targeted searches were undertaken for all flora and fungi species and in the few formal gardens that occur within the Stage 1 area, none were found to occur.
There is inadequate justification for not undertaking targeted surveys for flora. Table 6 states that surveys are not required as the vegetation on site is limited to planted trees, but the BAM plots indicate some shrubs are present. Also, Table 6 states that there is no structural integrity to the vegetation, but some of the species that may be present can occur in such disturbed environments (e.g., *Acacia pubescens, Pomaderris prunifolia, Wahlenbergia multicaulis*).	Targeted searches were undertaken for all flora and fungi species and in the few formal gardens that occur within the Stage 1 area, none were found to occur.
Section 3.2.4 states that a few small and medium sized hollows are present and are suitable for parrots or microbats but the entries in Table 6 for parrots and microbats says there are no suitable hollows. Some threatened species, such as the Little Lorikeet, can utilise small hollows.	Only three hollow bearing trees in the whole of the CPA. Nest boxes and bat boxes are recommended to be installed to compensate for the one small hollow to be removed from the area.
In relation to the swift parrot, the BDARs should refer to the important habitat map for this species.	ACS Environmental have confirmed there is no important habitat for the Swift Parrot in the Telopea CPA or Stage 1 area.
The CPA BDAR states that during surveys there was a recording of the vulnerable species, Eastern Coastal Free-tailed Bat (Micronomus norfolkensis). In accordance with Appendix D.2 of the BAM, where there is evidence that threatened species are using the planted native vegetation as habitat, the assessor must apply section 8.4 of the BAM to mitigate and manage impacts on the species.	In response to Section 8.4 of the BAM, the Eastern Coastal Free-tailed Bat is responding to insects that are attracted to artificial light from the buildings. The large tree with hollows in the area will be retained. There is no minimisation of impacts that would appear to influence the activity of this bat species.
Section 3.2 states that surveys of buildings for microbats can be undertaken prior to demolition but this is not an acceptable practice as the release of microbats during the day would likely result in their predation. The BDAR should	If roosting habitat is identified during the preclearance survey to be undertaken, ACS Environmental have recommended that sections of the roof should be removed during the late evening when the bats would be active, this would satisfactorily mediate the risk of predation by daytime predators.

EHG Comment	Response
detail appropriate measures that must be applied if microbats are found prior to demolition.	
Regarding prescribed impacts, the BDARs have not discussed vehicle strike, which is relevant to this proposal. It should also be noted that human-made structures include buildings, which is relevant to this proposal, not just drainage pipes.	As noted in the Concept BDAR, there are no threatened species in the locality with only common urbanised species occurring on site. ACS Environmental have noted that vehicle strikes are not likely to have any significant increased impact.
The BDARs include only one sentence on avoidance/minimisation, which is not sufficient. Greater detail should be provided with reference to Chapter 7 of the BAM.	Noted, both BDARs have been updated to reflect this comment.
The BDARs should include a description of the nature, extent, frequency, duration and timing of indirect impacts.	ACS Environmental have noted that there are very few indirect impacts associated with the proposal given the minimal number of species impacted by the proposal.
The BDARs should include a table of measures to be implemented before, during and after construction to avoid and minimise the impacts of the proposal, including action, outcome, timing and responsibility.	While this comment is acknowledged, a more appropriate outcome for the proposal considered by the project team is the inclusion of a Vegetation Management Plan as part of the Construction Environmental Management Plan based on the recommendations and mitigation measures identified in the relevant Arborist Reports. A condition of consent regarding this matter could be implemented. post approval.
The CPA BDAR includes a discussion (section 5.1) of whether the impacts constitute a serious and irreversible impact (SAII) on STIF, but this assessment has not addressed all the factors in section 9.1.1 of the BAM. Therefore, the conclusion that the proposal would not constitute a SAII is invalid.	Noted, both BDARs have been updated to reflect this comment.
The BDARs appear to include screenshots of the BAM-C. Reports from the BAM-C should be provided instead.	Once the BDAR methodology and results have been signed off by EHG, ACS can process the results through BOAMS and derive all necessary credit reports.
If it is appropriate to apply the full BAM to all or part of the subject site, then more detail is required in several areas to meet the full BAM e.g., a site map, location map, details on the survey method and effort, timing, experience of personnel,	The BDAR qualifies all of these criteria for the full BAM.

EHG Comment	Response
limitations, justification for the vegetation identification, SAII assessment, identification of areas not requiring offset and not requiring assessment.	
Digital files of the report maps have not been provided to EHG	Digital Shape Files have forwarded to EHG separately, prior to the finalisation of this RFI response.
<u>Avoid and minimise the removal of local native trees</u>	
The EIS notes the Concept Plan has recognised the importance of preserving existing trees to support a mature tree canopy within the CPA (Table 2) but according to: ▪ Appendix AA which relates to Stage 1 and 1A indicates “One hundred and ninety-five high category trees and one-hundred and forty-one low category trees will be lost for the Stage 1 and 1A proposal” which amounts to 336 trees. The proposed changes may also adversely affect fifty-six high category trees if appropriate protective measures are not taken This amounts to 392 trees in total that could be removed/potentially impacted for Stage 1 and 1A. ▪ Appendix BB which relates to Stages 2 and 3 of the Concept application states, “Eighty three high category trees and two-hundred and fifty-five low category trees will be lost for reasonable building footprints to be established on each parcel in Stages 2 and 3”. This amounts to 338 trees to be removed. The proposed changes may also adversely affect a further eighty high category trees and one-hundred and one and three low category trees if appropriate protective measures are not taken. This amounts to 522 trees in total that could be removed/potentially impacted for Stages 2 and 3. In total 914 trees within the CPA site could be removed/potentially impacted for Stage 1 and 1A and Stages 2 and 3	The BDAR recommends preserving as many individuals Blue Gum and Spotted Gum trees as possible in the proposed development as these two species may be representative of former areas of STIF that may have occurred before clearing.

EHG Comment	Response
According to the ARtS [RTS 2] the retention of total existing trees is as follows: ▪ 45% of total trees across the North Precinct are to be retained (see pages 14 and 44) ▪ 53% of total trees across the South Precinct are to be retained (see pages 17 and 45) ▪ 32% of total trees across the Core and East Precinct are to be retained (page 44) which means a greater percentage of existing trees in the North Precinct and Core and East Precinct is to be removed.	
Appendix AA and BB indicate a variety of locally indigenous trees are scattered throughout the site area and the site boundaries in addition to ornamental and coniferous species (section 2.2.2). It would be helpful if Appendix 2 in Appendices AA and BB identified which trees are locally indigenous trees at the CPA site and the number of these trees that could be removed/potentially impacted. EHG recommends the SSD avoids or minimises the removal of local native trees from the CPA site.	An addendum letter has been prepared by Naturally Trees which identifies locally indigenous trees within the CPA area which includes: ▪ *Angophora costata* (Sydney red gum) ▪ *Eucalyptus piperita (*Sydney peppermint) ▪ *Brachychiton acerifolius* (Flame tree) ▪ *Eucalyptus punctata* (grey gum) ▪ *Corymbia maculata* (spotted gum) ▪ *Eucalyptus saligna* (Sydney blue gum) ▪ *Eucalyptus botryoides* (bangalay) ▪ *Eucalyptus sideroxylon* (ironbark) ▪ *Eucalyptus eugenioides* (thin-leaved stringybark) ▪ *Ficus rubiginosa* (Port Jackson fig) ▪ *Eucalyptus pilularis* (blackbutt) ▪ *Pittosporum undulatum* (Australian cheesewood)
Appendix AA and BB indicate a comprehensive landscaping scheme to mitigate the tree losses is proposed that will include the planting of new trees. The ARtS [RTS 2] proposes planting semi-mature trees. The removal of existing trees and the benefits that they provide, will take decades for a juvenile or semi-mature tree to grow and replace and may also remove the potential supply of future hollows that would be expected to form in time.	While this is acknowledged, the new trees should have the potential to reach a significant height without excessive inconvenience and be sustainable into the long term, significantly improving the potential of the site to contribute to local amenity and character.
DPE needs to be satisfied as to whether the potential removal of 914 trees from the CPA site is appropriate in terms of	Strategies to address the urban heat island effect are provided in the Telopea Design Guidelines prepared by Hassell and Bates Smart (Appendix D of RTS 2).

EHG Comment	Response
mitigating the urban heat island effect, and whether it is in accordance with the SEARs for this SDD which requires the Landscape Plan to demonstrate: ▪ how the proposal would protect and increase the urban tree canopy ▪ how the development maximises opportunities for green infrastructure EHG considers the best way to achieve this would be for the SSD to be designed to retain existing trees, particularly local native trees.	The Telopea CPA streetscapes are essential green infrastructure assets, enabling the Concept Plan to deliver on the NSW Government Architect's Greater Sydney Green Grid target of providing greater than 25 per cent tree canopy cover in urban residential areas (medium to high-density). This will be achieved by providing minimum 40 percent canopy cover to streets and open spaces within 20 years.

As part of EHG's response, draft conditions have been suggested which have been reviewed by the project team, with commentary provided below.

Proposed Recommendations	Response
<u>Removal of Local Native Vegetation</u> *Prior to the removal of any local native vegetation from the site seed from native trees and shrubs approved for removal is collected and it is propagated by a suitably qualified bush regenerator and used in the site plantings.*	Most of the trees are not naturally occurring and have been planted about 60 years ago. If seed produced from present crop of canopy trees can be collected, this will be prioritised however the condition of consent is not agreed to.
<u>Pre-clearance fauna surveys and Relocation of native fauna</u> *Prior to removing any vegetation or other habitat that has been approved for removal, the applicant must engage a qualified and experienced ecologist to:* ▪ *undertake a pre-clearing survey to delineate, map, and mark habitat-bearing trees and shrubs to be retained/removed and other fauna habitat features and determine the presence of any resident native fauna using nests, dreys, hollows etc* ▪ *native fauna found during pre-clearing surveys including in tree hollows must be captured and relocated to appropriate nearby habitat* ▪ *cover the tree hollows once checked for native fauna to ensure the hollows are not reoccupied prior to removal of the trees*	This is noted and accepted as a condition of consent.

Proposed Recommendations	Response
▪ *supervise the clearance of trees and shrubs (native and exotic) and other habitat to capture, treat and/or relocate any displaced native fauna to an appropriate nearby location* ▪ *remove sections of a tree containing a hollow or habitat prior to clearing and felling the tree and reuse as habitat on the site. The clearing of trees and shrubs should be avoided in late winter/spring during breeding/nesting period for birds* *Evidence of the pre-clearing surveys and inspections for fauna and any relocation of fauna must be provided to the satisfaction of the Secretary of Planning.*	
<u>Replacement nest boxes</u> ▪ *Prior to felling trees approved for removal, a nest box management plan must be prepared which includes details on:* - *the number, size, type and location of tree hollows to be removed* - *the size, type, number and proposed location of replacement nest boxes and/or compensatory artificial hollows using a HollowHog tool (https://www.hollowhog.com.au/) should be based on the results of the pre-clearing survey.* ▪ *Prior to felling the trees a suitably qualified ecologist must salvage and remove sections of a tree containing a hollow or other habitat features where possible for relocation and reuse by the project* - *trees with hollows should be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine*	As noted in the Stage 1 BDAR, there is only one hollow bearing tree, which was unoccupied at the time of the surveys required to be removal as part of the Stage 1 works. The BDAR recommends adequate compensation to offset the low is a nest box program of installing 2 nest boxes for small birds and two bat boxes for microbats on retained trees. Suggested wording is provided below. <u>Replacement nest boxes</u> ▪ *Prior to felling trees approved for removal, a nest box management plan must include the relevant recommendations and mitigation measures detailed in the Biodiversity Development Assessment Report (Stage 1), prepared by ACS Environmental, dated March 2023.* ▪ *Prior to removing any hollow-bearing trees, compensatory nest boxes and/or artificial hollows using a HollowHog tool (https://www.hollowhog.com.au/) should be installed on suitable retained trees on the site and prior to the release of the hollow dependent fauna unless the removed tree hollows can be relocated and installed on the same day they are removed* ▪ *Nest boxes should be monitored for any repair /maintenance /replacement requirements for a minimum of 5 years.*

Proposed Recommendations	Response
- *where it is not possible to remove a tree hollow/habitat feature prior to felling the tree, native fauna should first be removed before tree felling and the hollow bearing trees may then be slowly pushed over to avoid damage to hollows.* ▪ *Prior to removing any hollow-bearing trees, compensatory nest boxes and/or artificial hollows using a HollowHog tool (https://www.hollowhog.com.au/) should be installed on suitable retained trees on the site and prior to the release of the hollow dependent fauna unless the removed tree hollows can be relocated and installed on the same day they are removed* ▪ *The size of the nesting box/ artificial hollow is to reflect the size and dimension of the hollow removed* ▪ *Nest boxes should be monitored for any repair /maintenance /replacement requirements for a minimum of 5 years.*	
<u>Clearing of native vegetation</u> *The Applicant must where it is practicable reuse any of the native trees that are to be removed as part of this project, including tree hollows, tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), and root balls to enhance habitat:* ▪ *Any hollow sections of wood removed should be salvaged and re-located to appropriate locations to provide natural nest boxes prior to the release of any native fauna found using the tree hollows.* ▪ *If removed native trees are not able to be entirely re-used by the project, the proponent should consult with local community restoration/rehabilitation groups, Landcare groups, and relevant public authorities, local councils, and Greater Sydney Local Land Services prior to removing any*	This condition of consent is not accepted, and any condition should consider the mitigation measures outlined in the BDAR. There are 10 natively occurring species identified on the project site. As noted in the BDAR, the general condition of the vegetation is regarded as poor since the natural vegetation has long been cleared. It is statistically known that relocation of trees has a very low rate of survival, particularly for mature trees. As such, the relocation of the tree is not recommended as a suitable outcome. It is recommended that this condition is incorporated in an overarching condition for construction management of Stage 1A to reflect the mitigation measures identified in the BDAR. Suggested wording is provided below. <u>Construction Environmental Management Plan</u> *Prior to the commencement of works, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) for the*

Proposed Recommendations	Response
native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented.	*development and be submitted to the Certifier. The CEMP must:* *…* ▪ *include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Sydney Arbor Trees, dated 26 October 2022 and Arboricultural Impact Appraisal and Method Statement dated 2 November 2022;* ▪ *include the relevant recommendations and mitigation measures detailed in the Biodiversity Development Assessment Report (Stage 1), prepared by ACS Environmental, dated March 2023.*
<u>Tree Replacement Ratio</u> The RtS states in the Core & East, North and South Precincts the following tree succession strategy is proposed for Category AA and Category A trees: ▪ *Category AA Trees removed are proposed to be replaced at a ratio of 10:1* ▪ *Category A tree removed are proposed to be replaced at a ratio of 5:1* EHG recommends this mitigation measure is included as a condition of consent.	This is acknowledged and it is recommended that a condition of consent in relation to tree replacement references the Arboricultural Reports for Concept Works, prepared by Naturally Trees and Landscape Plans prepared by Hassell. Suggested wording is provided below. <u>Tree Replacement</u> *Suitable tree replacement in the CPA must be provided in accordance with the offset strategy detailed in the Arboricultural Statement, prepared by Naturally Trees, dated 2 November 2022. The tree species should remain compatible with the Design Guidelines for the Telopea Concept Plan Area prepared by Hassell and Bates Smart and ensure:* ▪ *Category AA trees are replaced at a ratio of 10:1* ▪ *Category A trees replaced at a ratio of 5:1*
<u>Revegetation and Landscaping</u> ▪ Any planting/ landscaping, rehabilitation associated with the project will use a diversity of local provenance native trees, shrubs and groundcover species from the relevant native vegetation community (or communities) that once occurred on the site/ local area (rather than use exotic species or non-local native species). ▪ Tree planting shall use advanced and established local native trees for local native tree species which are commercially available. Other local	This condition is not accepted. The Design Guidelines prepared by Hassell and Bates Smart nominates guidelines for the selection of trees and groundcovers in the public domain within the CPA. Guidelines include species palette, sizes, and densities. The current landscape plans and design guidelines also align with the City of Parramatta Street Tree Master Plan. It is anticipated a condition regarding the design guidelines will be implemented as part of the consent. Suggested wording provided below: <u>Concept Works – Landscaping</u> *Suitable landscaping must be provided in accordance with the Design Report and Plans prepared by*

Proposed Recommendations	Response
native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed. ▪ Enough area/space is provided to allow the trees to grow to maturity. ▪ A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on: a. the native vegetation community (or communities) that once occurred on the site/ local area and the plan demonstrates that the proposed plant species are from the relevant vegetation community b. seed collection – the location of all native seed sources should be identified c. the type, species, size, quantity, and location of replacement trees d. the species, quantity and location of shrubs and groundcover plantings e. the plan demonstrates replacement trees plantings will deliver a net increase in trees for trees that are not covered by a biodiversity offset strategy f. the local provenance tree, shrub and groundcover species to be used g. the area/space required to allow the planted trees to grow to maturity h. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species. i. the replacement plantings will be with the same growth form (i.e., a tree with a tree, a shrub with a shrub etc). The replacement planting must not decrease species diversity.	*Hassell and Bates Smart. The tree species, pot size and diversity of planting is to align with the Design Guidelines prepared by Hassell and Bates Smart* Detailed landscape plans for Stage 1A including public domain adjacent to the Telopea light rail station and line has also been prepared by Hassell and Bates Smart. It is anticipated the Stage 1A landscape plans will form part of the approved plans referenced in the Terms of Consent as part of the Conditions of Consent.

Proposed Recommendations	Response
Biodiversity Rooftops EHG supports the inclusion of green roofs into the design but it is unclear why only 50% of the rooftops are to include rooftop gardens. EHG recommends that if the project is approved a condition of approval is included for the proposal to include green roofs and green walls into the design.	In response to this comment, 50% of rooftops will include rooftop gardens, the other 50% are required for PV solar panels and building services. This will be further investigated as part of future development applications. As such, a condition of consent is not considered necessary for this matter.

3.5. RESPONSE TO TFNSW COMMENTS

Ongoing discussions have occurred with TfNSW since the lodgement of RTS 2. Recent discussions with TfNSW have focused on:

- The proposed New Link Road and the signalised at-grade crossing of the PLR line and intersection with Adderton Road
- The proposed signalised upgrades of the three local road intersections of Adderton Road with Manson Street, Sturt Road with Manson Street and Evans Road with Shortland Street.

A meeting was held on 16 August 2023 with FPA, TfNSW and NSW DPE to discuss the outstanding matters. With reference to the minutes of that meeting, TfNSW advised that:

> '*The removal of link road and the signalised intersections removes the need for TfNSW to have a compliance role in the SSD. Once the plans have been modified to remove the link road and traffic signals, TfNSW would be able to issue a letter of advising [sic] they have no role in the matter, with some clarifications*.'

Regarding the proposed signalisation of the three local road intersections, email correspondence received by FPA from TfNSW on 14 August 2023 advised that the proposal should be modified to remove these signalised upgrades or provide alternative intersection treatments. As noted in **Section 2.3**, in response to the discussions with TfNSW, the Concept Plan has been modified as follows:

- New Link Road and the signalised at-grade crossing of the PLR line and intersection with Adderton Road have been removed.
- The intersection of Evans Road with Shortland Street is to maintain its existing priority Give Way arrangement.
- The intersection of Sturt Road with Manson Street will be upgraded to a priority Give Way intersection incorporating the new approach of proposed New Marshall Road (Sturt Street major road, Manson Street and New Marshall Road, minor approaches).
- The intersection of Adderton Road and Manson Street will be upgraded to a roundabout with an inscribed diameter and mountable central island design like the relatively new roundabout installed at the nearby junction of Sturt Street with Evans Road.

As a result of these refinements, TfNSW no longer has a compliance role in the SSD. A modelling assessment of these intersections under existing layouts or with non-signalised upgrades has been prepared by Ason Group (refer to **Appendix H**). The preliminary analysis of future 2031 'with development' conditions indicates that these three intersections (and the local road network in general) would perform satisfactorily, with:

- The intersection of Evans Road with Shortland Street under its existing priority Give Way arrangement.
- The intersection of Sturt Road with Manson Street upgraded to a priority Give Way intersection with the new approach of proposed New Marshall Road (Sturt Street major road, Manson Street and New Marshall Road, minor approaches).

- The intersection of Adderton Road and Manson Street upgraded to a roundabout with an inscribed diameter and mountable central island design like the relatively new roundabout installed at the nearby junction of Sturt Street with Evans Road.

Further assessment of the Local Road Network prepared by Ason Group is also enclosed in **Appendix I**.

4. UPDATED PROJECT JUSTIFICATION

The refinements and clarifications made in response to comments raised by the DPE, Council and other government agencies are changes that fit within the limits set by the project description. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposal is not required.

The Concept Proposal and Stage 1A Application for detailed works for the Telopea CPA (including minor design refinements and clarifications) is considered acceptable having regard to the following economic, environmental and social considerations. Overall, the proposal is considered appropriate for the site and refinements to the proposal have addressed comments raised by DPE, Council and other government agencies in the following ways:

- The proposal is consistent with the PLEP 2011 land use zones for the site and will deliver the objectives for high density residential and mixed use development and public recreation.
- The proposal generally complies with the PLEP 2011 height of building control that applies to the site with minor exceedances relating to the Core Precinct and Stage 1A. The development is supported by two Clause 4.6 Variation Requests to exceed the height control – one in the Core Precinct and one in relation to Stage 1A. The Clause 4.6 Variation Requests provide comprehensive justification that compliance with the relevant height control is unreasonable and unnecessary in the circumstances of the case as:
  - The objectives of the development standard including providing a transition in built form and land use intensity; minimising visual impact, disruption of views, loss of privacy and loss of solar access; reinforcing and respecting the character of the area; and maintaining satisfactory sky exposure and daylight to buildings and the public domain are achieved by the proposed development; and
  - There are sufficient environmental planning grounds to support the proposed development, in that the proposal does not result in any unacceptable impacts on amenity, or any heritage impacts and the proposed variation allows for the delivery of higher quality residential development, greater public open space and improved residential amenity.

  It is also acknowledged that several buildings within the Core Precinct sit over two height controls identified in the PLEP. The Clause 4.6 variation for height in the Core Precinct has been amended to reflect the relevant height controls across the Core Precinct.

  The proposed building heights allow high quality, high density residential development to be delivered in a varied and interesting building typology and form which provides greater amenity for the Telopea community and more slender building footprints. This design ethos has been supported by the SDRP and also allows for increased publicly accessible land at the ground plane compared to the Telopea Master Plan.
- The proposal utilises the provisions of the ARH SEPP and Seniors Housing SEPP, in terms of the provision of additional floor space. Bates Smart have undertaken a review of GFA and building envelopes to ensure that all lots remain compliant with the maximum permissible FSR and associated GFA. A GFA Schedule has been prepared by Bates Smart and is enclosed in **Appendix C**. As part of this review, refinements were made to the proposed building envelopes to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties. Overall, Stage 1A as well as the concept envelopes within the North and South Precinct are compliant with the relevant FSR controls under the PLEP.
- Non-compliances with the FSR development standard in the Core Precinct are supported by a Clause 4.6 Variant Request which provides justification that compliance with the PLEP control is unreasonable and unnecessary in the circumstances of the case. Rigorous testing has been undertaken to ensure the proposed non-compliances do not result in unreasonable or unnecessary impacts on residents, visitors and neighbouring sites.
- FPA is still seeking Council endorsement that an architectural design competition is not required for Stage 1A in accordance with Clause 6.12 (6) of the PLEP 2011. FPA posits that height is now Council's primary basis for forming the view that a design competition waiver should not be issued. Design excellence would not be solely achieved through a reduction in height and stronger compliance with the ADG. The grounds for seeking a waiver accordingly remain valid, particularly having regard to the SDRP process embarked on prior to submission of the application which led to the current concept design.

- In response to comments from DPE, an updated ADG assessment has been prepared for all buildings within Stage 1A and the reference scheme for the Concept Plan Area. Both Stage 1A and the Concept Proposal achieve a high degree of consistency with the design criteria of the ADG Compliance. Overall, the proposal has demonstrated that the design quality principles are achieved across both Stage 1A and the CPA. Where non-compliances are proposed, these aim to provide an improved design outcome and has considered the overall context of the proposal. It is also acknowledged that consent has not been sought for the reference scheme associated with concept envelopes and further rigorous testing of the Core, North and South Precinct will occur as part of future development applications.
- In response to comments provided by EHG, updates have been made to the BDARs for both the Concept and Stage 1 (Core Precinct and Stage 1A) Proposal as well as recommended conditions of consent which reflects EHG's support of the proposal. Overall, the existing vegetation on site was assessed as having a very low floristic, structural and functional integrity in the canopy tree, shrub and ground strata. As such, the proposal introduces extensive deep soil landscaped areas into the precinct with tree retention, including native vegetation prioritised where required.
- Ongoing discussions have occurred with TfNSW since the lodgement of RTS 2. To assist TfNSW, technical notes on outstanding matters including swept path analysis and methodology for trip generation rates have been prepared to assist TfNSW in their assessment of the proposal. New Link Road has also been removed from the proposal. Overall, the proposal generates fewer vehicle trips in the peak periods than a compliant Telopea Master Plan and has no unacceptable traffic impacts. The proposal provides for infrastructure upgrade works as required and promotes the use and accessibility of public transport through new pedestrian connections and the light rail plaza.

Overall, the proposal will have long-term positive economic, social, and environmental impacts for the local community, the Paramatta LGA and the Greater Sydney region. In view of the above, we submit that the proposal is in the public interest and that the development application for State Significant Development should be approved subject to appropriate conditions.

DISCLAIMER

This report is dated September 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Frasers Property Telopea Developer Pty Ltd **(Instructing Party)** for the purpose of Response to Request for Further Information **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A LOCAL VPA WITH CITY OF PARRAMATTA COUNCIL

APPENDIX B ADG COMPLIANCE TABLES FOR STAGE 1A (BUILDINGS A – E)

APPENDIX C CONCEPT PROPOSAL DRAWINGS

APPENDIX D ADG COMPLIANCE SUMMARY FOR CONCEPT WORKS

APPENDIX E

RESPONSE TO CITY OF PARRAMATTA COUNCIL'S ATTACHMENT A AND ATTACHMENT B

APPENDIX F AMENDED BDAR REPORT FOR CONCEPT PLAN

APPENDIX G AMENDED BDAR REPORT FOR STAGE 1A

APPENDIX H

TECHNICAL NOTE – TFNSW COMMENTS AND MODIFICATIONS TO CONCEPT PLAN

APPENDIX I TECHNICAL NOTE – LOCAL ROAD NETWORK PERFORMANCE ASSESSMENT

APPENDIX J CIVIL PLANS – CONCEPT WORKS

APPENDIX K CIVIL PLANS – STAGE 1A WORKS

APPENDIX L STAGE 1A DESIGN REPORT

APPENDIX M STAGE 1A ARCHITECTURAL PLANS

APPENDIX N STAGE 1A ACCESS REPORT

APPENDIX O STAGE 1A PLAN OF SUBDIVISION

APPENDIX P STAGE 1A WIND ASSESSMENT

APPENDIX Q STAGE 1A BCA REPORT

APPENDIX R STAGE 1A FIRE ASSESSMENT

APPENDIX S CLAUSE 4.6 VARIATION FOR HEIGHT (STAGE 1A)

APPENDIX T CLAUSE 4.6 VARIATION FOR HEIGHT (CONCEPT PLAN)

APPENDIX U CLAUSE 4.6 VARIATION FOR FSR (CONCEPT PLAN)

APPENDIX V LOCAL VPA PROGRAM

APPENDIX W DESIGN EXCELLENCE WAIVER PACKAGE

APPENDIX X STAGE 1A LANDSCAPE PLANS

APPENDIX Y STAGE 1A LANDSCAPE REPORT

APPENDIX Z STAGE 1A PUBLIC DOMAIN PLANS

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