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Dear David,

TELOPEA STAGE 1A – ARCHITECTURAL DESIGN COMPETITION WAIVER REQUEST (SSD-14378717)

We refer to your email 24 November 2022 regarding the Telopea Concept Plan and Stage 1A (SSD-14378717) and subsequent email from the City of Parramatta Council (**CoP**) Group Manager City Design dated 26 April 2023.

We note that CoP officers have formed the view that a waiver should not be granted for Stage 1A as there are substantial design matters outstanding in order to satisfy the Design Excellence provisions under Parramatta LEP 2011. We also note CoP's advice that CoP Officers expect the matters in CoP's Attachment A to be 'fully addressed' (our emphasis added) prior to consideration of any waiver' and will consider Frasers Property Australia's (**FPA**) response to the matters raised upon review of further amended plans and relevant supporting information.

Since receipt of the above correspondence, FPA and its design team have carefully considered the feedback and proposed a suite of design refinements to respond to the feedback received. We wish to advise the Response to Submissions Report was submitted to the **Department** of Planning and Environment (**DPE**) on 5 June 2023 and have taken this opportunity to provide CoP with a summary of the amendments made.

1. STAGE 1A DESIGN REFINEMENTS

In relation to the Stage 1A proposal, FPA and the design team have made the following suite of further design refinements in response to CoP comments. The refinements relate to:

- Refinements to the façade design including eaves and window arrangements; and
- Reconfiguration of typical apartment layouts.

Table 1 Summary of proposed design refinements to Stage 1A

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

The proposed refinements result in an additional 47sqm of GFA being incorporated into Stage 1A, resulting in a total GFA of 37,130sqm.

Overall, Stage 1A remains compliant with the relevant FSR controls. 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 additional height of buildings introduced in the second Response to Submissions report dated December 2022 due to changes to the National Construction Code (NCC) has been maintained in the June 2023 submission. The Clause 4.6 request to vary the height of building standard has been refined to address the environmental impacts of the refined proposal.

2. CONCEPT PRECINCTS DESIGN REFINEMENTS

In relation to the broader Telopea Concept Plan Area (which appears to be part of the reason for CoP's concerns), FPA confirms design refinements have also been made to the Core, North and South Precincts to resolve the design matters raised by DPE and CoP, including:

- Additional building breaks, reductions in building length, and increased upper level setbacks in the Core Precinct; and
- Refinements to proposed building envelopes in the North and South Precincts to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties, and a reduction of GFA to comply with the applicable floor space ratio standards.

3. CORE PRECINCT DESIGN REFINEMENTS

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

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 12m 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 3 m to 6 m 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.

4. NORTH PRECINCT DESIGN REFINEMENTS

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 (including available bonuses). Overall, there has been a reduction in GFA across the North Precinct of 4,868sqm from the previously submitted Response to Submissions Report (December, 2022). The most recently submitted Response to Submissions Report (June, 2023) provides a breakdown of GFA reduction by development block. The following additional refinements were made to the proposed building envelopes to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties.

Table 2 Summary of proposed design refinements to 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 4m to 4.5 metres to achieve ADG compliant building separation between habitable and non-habitable rooms up to four storeys.

Lot	Proposed Refinement
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 the recommended 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. The proposed quantum of deep soil zone to be provided far exceeds the minimum areas recommended by the ADG.
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. The proposed quantum of deep soil zone to be provided far exceeds the minimum areas recommended by the ADG.

5. SOUTH PRECINCT DESIGN REFINEMENTS

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 (including available bonuses). Overall, there has been a reduction in GFA across the South Precinct of 741sqm. The most recently submitted Response to Submissions Report (June, 2023) provides a breakdown of GFA reduction by development block.

As part of this review, the following refinements were made to the proposed building envelopes to maximise compliance with the relevant ADG design criteria and amenity to neighbouring properties.

Table 3 Summary of proposed design refinements to South Precinct

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 12m 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. The proposed quantum of deep soil zone to be provided far exceeds the minimum areas recommended by the ADG.
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. The proposed quantum of deep soil zone to be provided far exceeds the minimum areas recommended by the ADG.
S4	Introduction of an additional setback to the eastern side boundary from 3m to 4.5m above 12m 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.
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.

Lot	Proposed Refinement
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. The proposed quantum of deep soil zone to be provided far exceeds the minimum areas recommended by the ADG.
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.

The Response to Submissions Report, dated June, 2023 demonstrates:

- FPA has sought to address concerns raised by both the DPE and CoP in relation to the clause 4.6 variation request for Stage 1A, GFA across the North and South Precincts and compliance with the ADG.
- FPA remains concerned however that CoP's benchmark for agreeing to grant a waiver to the requirement for an architectural design competition continues to primarily be CoP's acceptance of the proposed heights of buildings in Stage 1A. FPA and its design team maintains that building height is one of many design excellence considerations under Clause 6.12 of the PLEP 2011, and contests that design excellence would not be solely achieved through PLEP compliant building heights.
- The proposed Stage 1A building heights are the result of the SDRP process embarked on prior to submission of the application, which notably CoP was involved in. CoP's submission on the DA, dated 22 November 2021 did not object to the Clause 4.6 Request to vary the height of building standards for Stage 1A, and were supportive of the Stage 1A proposal subject to some resolution of details related to parking, roads and the design of the neighbourhood park and Arrival Plaza.
- Furthermore, CoP did not raise concerns with the proposed heights of buildings in Stage 1A submitted with the first Response to Submissions Report, dated April 2022.
- More recently, CoP have raised concerns with the additional height of buildings in the second Response to Submissions Report, which are required by the amendments to the National

Construction Code (NCC). The amendments to the NCC were introduced as a legislative requirement after exhibition of the DA.

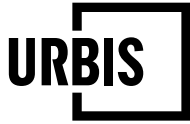
- The exhibited Stage 1A DA proposed 3,100mm floor to floors, which was compliant at the time. The NCC amendments have necessitated a re-evaluation of floor-to-floor heights for the residential floors and accordingly a 3,150mm floor to floor was adopted as part of the Response to Submissions design. The NCC amendments have necessitated an adjustment to all floor levels across Stage 1A and accordingly are also the subject of an evidence based Clause 4.6 request, which we note the DPE December 2022 Request for Information did not identify as requiring further justification or clarification. It is our view the DPE, as the assessing authority, should be responsible for evaluating the proposed heights of buildings on merit rather than a design competition waiver due to non-compliance with the height controls.
- A review of CoP's Attachment A would suggest that CoP may also be withholding a design competition waiver due to non-compliances with ADG building separation recommendations. As outlined above, FPA has made several design amendments to provide stronger compliance with the ADG's recommended building separation, communal open space and deep soil zones. CoP's position on the strict application of the ADG is at odds with the DPE Planning Circular PS June 2017, which provides that apart from the non-discretionary development standards for car parking, internal area and ceiling heights, the ADG is not intended to be, nor should it be applied as, a set of strict development standards.
- The minor extent of non-compliances with the ADG's recommended building separations are acceptable and do not compromise amenity, visual privacy or other objectives sought to be achieved through stronger alignment with the specified dimensions.

FPA's commitment to design excellence has been consistently demonstrated throughout the project. This has included the initial appointment of three highly reputable and award-winning design practices (Bates Smart, Plus Architecture and Hassell), engagement with the State Design Review Panel, the preparation and revision of a Design Excellence Strategy and the preparation of amended plans and supporting information in response to the design matters raised by CoP.

These amendments demonstrate FPA's willingness to work towards acceptable design outcomes across the Telopea Concept Plan Area. Combined with the amendments made to the Stage 1A Project Application, largely in response to comments received from CoP, and the revisions to the Design Excellence Strategy, it is evident that FPA is committed to achieving design excellence throughout all stages of the development.

It is important however to balance numerical compliance in the pursuit of design excellence against the broader objectives for the Telopea project to deliver much needed additional social, affordable and market housing. The core objectives of the development of delivering timely supply of social, affordable and market housing are of paramount importance to addressing the significant housing constraints Sydney faces.

FPA maintains the position that the grounds for seeking a waiver remain valid, particularly having regard to the SDRP process embarked on prior to submission of the application, which led to the current Stage 1A design. As outlined in the Design Excellence Waiver, we maintain that CoP can be confident that an architectural design competition is not required for Stage 1A. The alternative design excellence process that was undertaken will ensure that the final design outcome of Stage 1A is capable of exhibiting design excellence as required by Clause 6.12 of PLEP 2011. We acknowledge CoP is the only entity that can issue a design excellence waiver and we formally seek a request to work with CoP towards a design outcome that meets the mutual objectives of the project, CoP and DPE.



Yours sincerely,

A handwritten signature in black ink, appearing to read "Murray Donaldson". The signature is fluid and cursive, with a long horizontal stroke at the end.

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