

Response to Submissions

330 Church Street, Parramatta

MP10_0171 MOD 3

26 September 2013



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1 Introduction

A modification application under Section 75W of the Environmental Planning and Assessment Act was lodged with the Department of Planning and Infrastructure (the Department) on 31 May 2013 to amend the approved development under MP10_0171. The Section 75W application (MOD3) was publicly exhibited from 3 July 2013 to 16 August 2013.

Following exhibition of the Application, the Department website hosted submissions received during the exhibition period, a copy of which is attached to **Annexure 1**.

On 18 September 2013, the Department forwarded a letter detailing the issues raised in its preliminary assessment of MOD3. A copy of the letter is at **Annexure 2**.

This Response to Submissions has been prepared in accordance with Section 75 of the Environmental Planning and Assessment Act, 1979. The report addresses all relevant issues raised during the notification period and those raised by the Department in its preliminary assessment of the proposal.

This report:

- Outlines the issues raised in the submissions received during the notification period;
- Details the issues raised by the Department in its letter dated 18 September 2013;
- Identifies and describes the response to the submissions received and issues raised; and
- Provides a conclusion to the report.

2 Agency and Public Submissions and Response

MOD3 was publicly exhibited from 3 July 2013 to 16 August 2013. Submissions were received by:

- Friends of Linwood;
- Granville Historical Society;
- NSW Heritage Council;
- Australia ICOMOS;
- NSW National Trust;
- Parramatta Council;
- NSW Roads and Maritime Services;
- Sydney Water; and
- 32 public submissions (26 form letter).

Copies of the submissions are included at **Annexure 1**.

This section:

- Identifies the issues raised in the submissions; and
- Provides a response to each of the issues raised.

2.1 Agency Submissions

A response to all agency submissions is **Table 1**. While the submission from Parramatta City Council raises a number of matters that are addressed below, it must be acknowledged that there are no fundamental objections to the built form proposed under this application – *“Council does not raise issue with the revised floor space ratio of the development. The revised scale of the podium level is not significant and as discussed the overall height of the development and incorporation of relatively slender tower forms does not generate unreasonable amenity impacts.”*

Table 1: Response to Agency Comments

Agency Comments	Response
Parramatta City Council (Recommendations)	
1. Retail tenancies lowered to RL6.5	The levels indicated are consistent with the approved development to address flooding levels and provide appropriate freeboard. Accordingly, the units cannot be lowered.
2. Retail tenancies and associated outdoor areas to be lowered.	Refer to response to 1 above.
3. Enhance the “fine grain” of the building	This has been addressed in the report from Tony Caro Architects and amended plans in Annexures 3 and 5.
4. Conversion of podium to retail/commercial tenancy	The corner of the proposed building is considered to be appropriately architecturally treated to ensure a good interface with the public domain.

5. Convert sleeve units to Serviced Apartments or Maisonette apartments	Not proposed. This is addressed in 3.1.4 below.
6. Balcony Compliance with SEPP65	The dimensions of the balconies vary to support the architectural integrity for the design. Most
7. Enhanced landscape design for land to be dedicated to Council.	The original Part 3A Approval and basis of the VPA is to provide Council with a grassed area. We do not propose any changes.
8. Accessibility and pedestrian / vehicle conflict for the Eastern Tower	This has been addressed in the report from Tony Caro Architects and amended plans in Annexures 3 and 5.
9. Acoustic treatment of "sleeve" apartments	Please condition accordingly.
10. Signage on eastern tower	Meriton agrees to submit final detail on size and dimensions to the Department or Council for approval prior to the respective construction certificate.
11. Access, loading, parking for 328 Church Street.	328 Church Street benefits from a right of access only. The revised design allows delivery vehicles to enter and leave the loading dock area in a forward direction. This improves the situation for the adjoining occupant.
12. Compliance with AS2890.1	Please condition accordingly.
13. Relationship with future Public Square to south east of development site.	Please refer to 3.1.3(b) of this report. All vehicular access is to the south of the future Public Square.
14. Security Gates and card readers to be shown on plans.	Please condition accordingly.
15. Conditions of approval.	Please condition accordingly.
Roads and Maritime Service	
"No objections to or requirements for the modifications"	Noted.
Sydney Water	
No objection. Condition for S73 Certificate requested.	Noted and proposed condition considered acceptable.
NSW Heritage Council	
Impact on Old Government House.	Please refer to the email from the Department of Sustainability, Environment, Water, Population and Communities under Annexure 14 of the initial Planning Report for this Modification.
National Trust of Australia NSW (Parramatta Regional Branch)	
Form Letter regarding built form, planning process and impact on Old Government House.	<ul style="list-style-type: none"> Built form - Refer to comments under 3.1.1 below and Annexures 4 and 5. Planning Process - The applicant is complying with the provisions of relevant planning legislation. Old Government House - Refer to response to NSW Heritage Council above.

Australia ICOMOS	
Impact on Old Government House	Please refer to the email from the Department of Sustainability, Environment, Water, Population and Communities under Annexure 14 of the initial Planning Report for this Modification.
Granville Historical Society	
Form letter.	Refer to response above.
Friends of Linwood	
Form Letter.	Refer to response above.

2.2 Public Submissions

The public submissions have been revised, summarised into key issues and addressed under **Table 2**. It should be noted of the 32 individual submissions that 1 of the submissions express direct support, the submission from Think Planners does not object to the built form, while 26 (81%) are form letters copied from the National Trust (Parramatta Regional Branch).

Table 2: Response to Public Comments

Key Issue	Response
Support or no in-principle objection to height and scale.	Noted.
Increase in built form	Refer to comments under 3.1.1 below and Annexures 4 and 5.
Planning Process	The applicant is complying with the provisions of relevant planning legislation.
Heritage Impact on Old Government House	Please refer to the email from the Department of Sustainability, Environment, Water, Population and Communities under Annexure 14 of the initial Planning Report for this Modification.
Entry and Exit Arrangements, Loading Dock, Activation (Think Planners)	Refer to the response to item 11 of Council's recommendations in Table 1 above.

3 Response to Department of Planning and Infrastructure comments

On 18 September 2013, the Department forwarded a letter detailing the issues raised in its preliminary assessment of MOD1. A copy of the Department's letter is at **Annexure 2**.

The following provides a response to each of the issues raised in the Department's correspondence.

3.1 Key Issues

3.1.1 Built Form and Urban Design

a) *Building Height*

The department has reviewed the heights proposed for the eastern and western towers in the context of the likely future character of the Parramatta CBD. Based on this review the department considers that the proposed heights are not appropriately justified in terms of the transition between the centre and the periphery of the CBD. Furthermore, the department is concerned about the urban design impacts of the proposed modification on the profile of the northern edge of the CBD.

In addition, the department has also concluded that the proposed modification would create a significant height disparity between the eastern and western towers which would lead to a less harmonious built form outcome. In this regard, the final design of the building should maintain a similar height ratio between the two towers as identified under the current project approval (a height ratio of approximately 1.5:1 between the western and the eastern tower).

There is no change proposed to the height submitted in the S75W application. URBIS planning consultants have prepared an assessment of the proposed height at **Annexure 4**. Tony Caro has also prepared a statement which is included at **Annexure 5**.

b) *Podium Design*

The department supports the proposed increase in podium height; however the department has concerns with the architectural detailing of the podium. In this regard, the department considers that the podium should be redesigned to:

- *Delete the steps adjacent to the western elevation of the building to provide a seamless accessible connection between the street, the colonnade and the internal floor areas of the development;*
- *Provide further modulation of the ground floor retail spaces to ensure the final design of the podium provides an appropriate response to the fine grain character of Church Street; and*
- *Remove the pool shade structure, or set it back from the parapet to achieve a more streamlined podium.*

The amended plans at **Annexure 3** show that the proposed podium has been amended by relocating the swimming pool building. It has been set back from the Church Street elevation, which reduces the apparent height of the podium along Church Street.

Mullions have been added to the ground floor retail spaces to add fine grain detail to the elevations facing the public domain of Church Street and the riverside.

Tony Caro has prepared a statement which is included at **Annexure 5**. The statement addresses the items above raised by the Department.

3.1.2 Car Parking

The number of car parking spaces must be reduced commensurate to the number of residential and serviced apartments lost as a result of decreasing the height of the building. Any reductions in the number of car parking spaces should be made at podium level to provide a higher degree of amenity to the apartments proposed within the podium levels.

There is no change proposed to the height submitted in the S75W application. Accordingly, no change is required to the number of car parking spaces on the site.

3.1.3 Access, Egress and Traffic Impacts

a) Universal Access

There is insufficient detail to enable an understanding of how the transition in levels adjacent to the eastern boundary of the site and the eastern tower lobby will be resolved. Further details should be provided to identify how an accessible path of travel will be provided from the public domain adjacent to the eastern boundary of the site and the eastern tower lobby.

In addition, the Access Review prepared by Morris Gooding Accessibility Consultants should be updated to consider any revisions to the access arrangements adjacent to the eastern and western boundaries of the site.

The internal floor lobby of the eastern tower is at RL 7.80 and the external public domain outside the revolving door is at RL 7.50. This 300mm difference in level can be appropriately resolved during the design development phase for construction certificate documentation.

b) Pedestrian/Vehicular Conflicts

The department is concerned that the design of the driveway entry to the site will result in vehicular and pedestrian conflicts on land that will be redeveloped by the council as a future public square. Additional details should be provided to identify how the driveway located on the south-east corner of the site will be designed to ensure that these conflicts are minimised. The information submitted to address this issue must include:

- *A site plan which extends to Phillip Street which illustrates how pedestrians will obtain access from the footpath to the lobby entrance; and*
- *Plans depicting the location of all security gates/roller doors and card readers.*

The Council's proposed future square is situated to the east of the subject site, as shown in **Figure 1**. All vehicular access will occur south of the public domain edge shown on the plan. The same applies to pedestrian traffic between the site and Phillip Street. Accordingly, no conflicts will occur between the future city square and pedestrian and vehicular access for the site.

Plan A001 (site analysis) has been updated and is included at **Annexure 3**. The plan now clearly illustrates the path of travel between Phillip Street and the site, for both vehicles and pedestrians.

A plan depicting the location of all security gates/roller doors and card readers can be provided with future construction certificate documentation. However, both ramps into the building will be fitted with security devices that will enable secure access to the building. The residential lobby will be fitted with security device access. The serviced apartments lobby will be manned 24 hours a day and does not require any security device access.

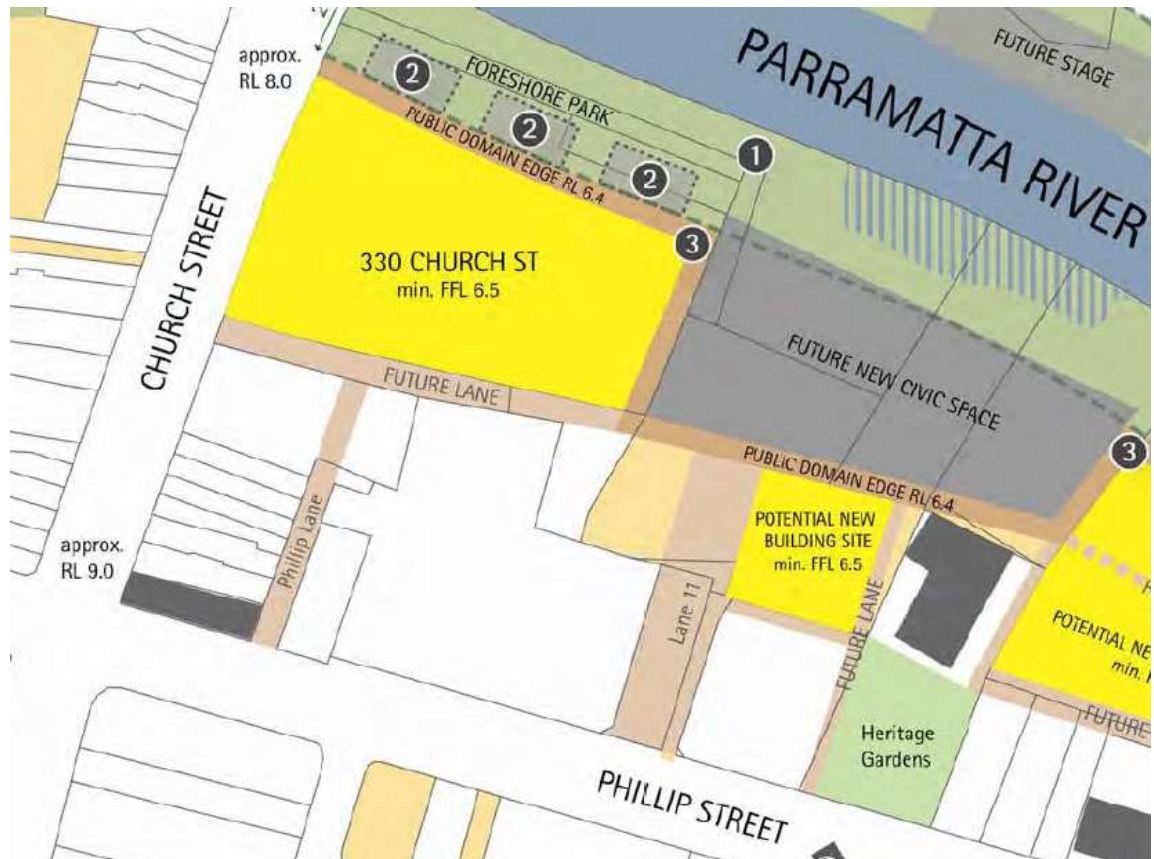


Figure 1: Riverbank Site Data vision for the locality

c) Traffic Impacts

The department notes that the proposed modification does not comply with the pedestrian and vehicle sight lines specified in AS2890.1. Drawing A100 should be revised to address this issue.

This issue can be suitably addressed by imposition of an appropriate condition on any approval granted.

The department also has concerns regarding the impacts of the proposed basement access arrangements on the adjoining landowner at 328 Church Street. The RTS/PPR should address how these impacts will be managed to ensure a suitable level of access is provided to the adjoining landowner.

Figure 2 below shows the cadastral information for the subject site and its surroundings. It shows that 328 Church Street (Lot 1, DP 61726) backs onto Lot 101, DP 1031459 being part of the subject site. A search of the current land title information reveals that 328 Church Street has a right of access over Lot 101, DP 1031459. The MOD3 does not seek to change this.

The design of the MOD3 plans will improve accessibility to the owner's property because all truck manoeuvring is proposed to occur within the building, rather than outside the building as originally approved.

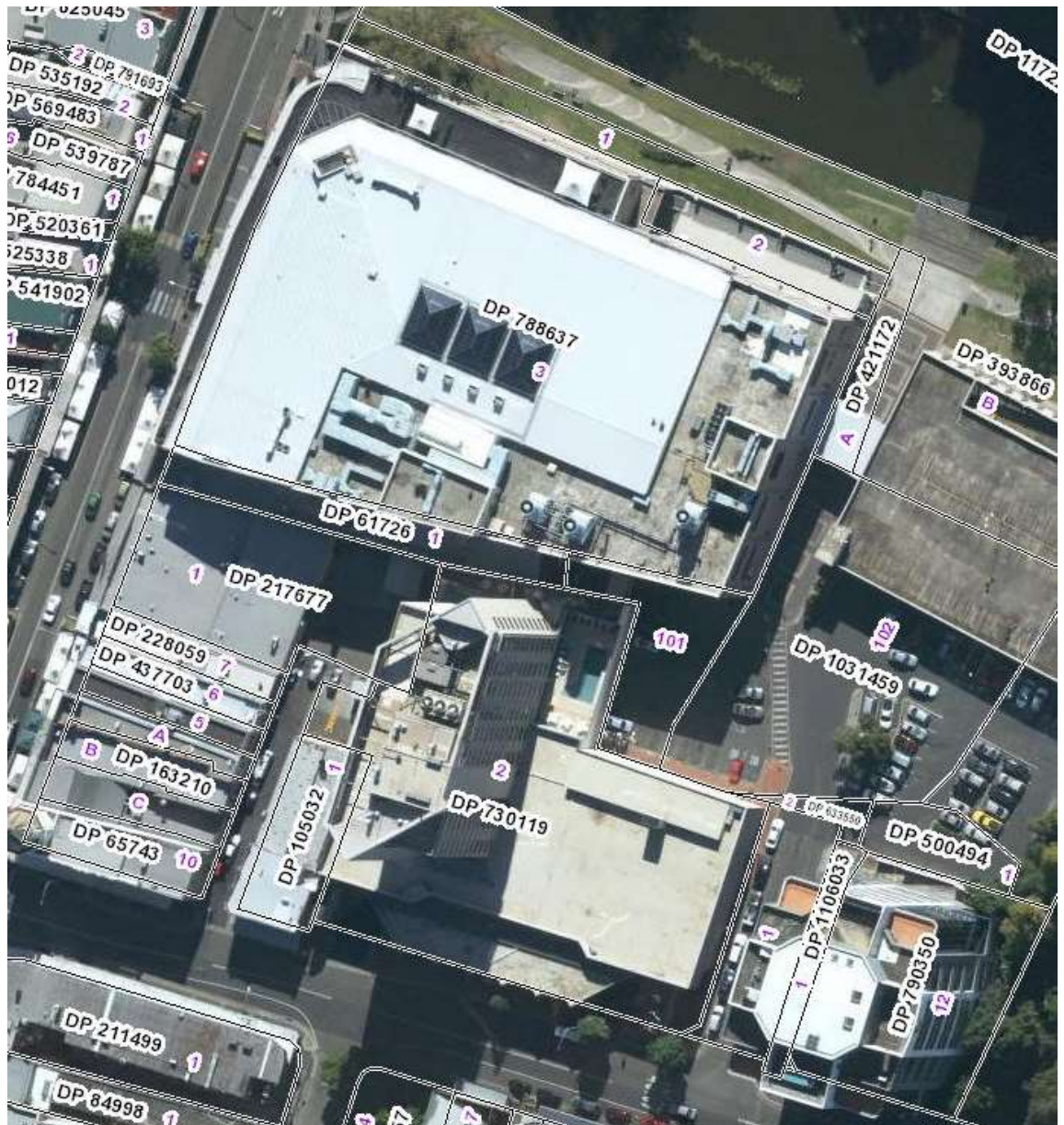


Figure 2: Cadastral map of locality

3.1.4 Compliance with SEPP 65

The SEPP 65 Design Quality Principles Verification and Report prepared by Tony Caro Architects identifies that 24 serviced apartments and 24 residential apartments are proposed at podium level. Notwithstanding, the architectural plans do not identify which apartments will be used for residential and serviced apartment uses. This issue should be resolved in the Preferred Project Report.

In addition, the department has identified a number of apartments within the podium levels that do not achieve an appropriate level of amenity as articulated in SEPP 65. In this regard, the architectural plans for the podium level apartments should be revised to:

- Improve solar access and ventilation along the internal corridors;
- Provide reduced travel distances and a direct line of sight to the entry of each apartment from the access points proposed on each level;

- *Remove the enclosed study rooms proposed in south and east facing apartments; and*
- *Reconfigure the apartments located on the south-east corner of the podium to reduce the length of the internal corridor and improve the access arrangements to the adjoining balconies. In this regard, it is the department's preference that the apartments identified in the plan provided at Attachment 2 are consolidated to provide a higher level of amenity.*

Note: These issues may be addressed by converting all of the podium level apartments to serviced apartments.

The department also seeks confirmation that all balconies servicing the residential apartments comply with the requirements of SEPP 65.

The amended plans at **Annexure 3** now show the division line between the serviced apartments and residential apartments.

The MOD3 application was submitted with a SEPP 65 Residential Flat Design Code assessment. It is included in Annexure 15 to the submitted Section 75W Planning Report. The assessment concludes that the proposal will result in compliance or no change to the existing approval, with exceptions only to cross ventilation and balcony sizes.

In respect of cross ventilation, 54% of units in the residential (west) tower have two-aspects that allow for cross ventilation. However, due to the height of the tower, significantly more than 60% of apartments in the tower will have access to excellent natural ventilation. This is due to the wind velocities are higher floors in buildings. In this regard, the proposal meets the objectives of the RFDC for natural ventilation.

In respect of balcony size, they have been provided with a minimum depth of 2 metres where possible. The architectural success of the proposal depends on maintaining the shape of the buildings. To comply with the minimum 2-metre balcony depth would have adverse results on the external appearance of the residential tower. In any case, each balcony will be adequate in overall area and dimensions to accommodate outdoor furniture.

3.1.5 Architectural Plans

a) Shadow Diagrams

The shadow diagrams must be revised to reflect any revisions to the proposed building.

There is no change proposed to the height submitted in the S75W application. Accordingly, amended shadow diagrams are not required.

b) BASIX

The BASIX certificate will need to be updated to reflect any changes to the residential component of the proposed building. In addition, the commitments identified in the BASIX assessment and labelled 'Show in DA plans' should be included within the architectural plans.

There is no change proposed to the residential units submitted in the S75W application. Accordingly, no change is required to the submitted BASIX Certificate.

3.1.6 Statement of Commitments

The Statement of Commitments should be revised to incorporate all mitigation measures identified in the appendices of the section 75W modification report. In the event that these mitigation measures change due to design modifications, the Statement of Commitments should be revised to incorporate these changes.

There is no change to the proposal that requires any amendment to the Statement of Commitments submitted with the MOD3 application.

4 Conclusion

Issues raised by the Department of Planning and Infrastructure and arising from the notification period of MOD3 have been adequately addressed in this Response to Submissions. The proposed development, with the proposed modifications, is worthy of approval.

Annexure 1: Copies of Submissions Received

Annexure 2: Department of Planning and Infrastructure Comments

Annexure 3: Amended Plans

Annexure 4: URBIS Statement

Annexure 5: Tony Caro Statement