



**CITY OF
PARRAMATTA**

SUBMISSION

To the Department of Planning, Industry and
Environment

In response to the exhibition of the State
Significant Development Application for the
Telopea Stage 1A and Concept Plan
22 November 2021

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Attachment A Summary of Recommendations

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1. Executive Summary

1.1 Introduction

City of Parramatta Council (Council) has undertaken a comprehensive review of the Telopea Concept Plan and Stage 1A State Significant Development (SSD) Application submitted to the Department of Planning, Industry and Environment (DPIE) by the NSW Land and Housing Corporation (LAHC).

Council's detailed response to the Environmental Impact Statement (EIS) is contained in this submission and **Attachment A** provides for a summary of recommendations. **Attachment B** contains the Technical Assessment which details any further assessment undertaken relating to the body of this submission, as well as additional assessment in relation to Biodiversity, Waste Management, Drainage and Contamination. Council resolved at its meeting on 22 November 2021 to endorse the submission.

The SSD Application will realise the most significant redevelopment of Telopea, whereby LAHC and its development partner Frasers Property and Hume Community Housing (known as the Affinity Group) are seeking approval for \$1.8 billion worth of development over 13.4 hectares of LAHC land within 15 to 20 years. The application seeks approval for the delivery of Stage 1A residential development of 443 units, a neighbourhood park and the Arrival Plaza, and the Concept Plan for a mixed-use development, including 4,700 dwellings, retail and commercial uses, community facilities, public open space and new roads. It is noted the Concept Plan does not seek approval for physical works which will be sought as part of future separate development applications.

Council objects to the Concept Plan in its current form, as there are significant built form issues and variations from the Parramatta LEP 2011 that are required to be reconciled by the applicant. Council supports the Stage 1A application, subject to some resolution of details relating to parking, roads and the design of the neighbourhood park and Arrival Plaza. Council's key issues are summarised in Section 1.2 below and detailed in the submission.

It is noted that the City of Parramatta Council has had a long involvement in planning for the renewal of Telopea, partnering with LAHC in 2015 to deliver the Telopea Master Plan in 2017. Therefore, Council is supportive of renewal of Telopea, ensuring it is delivered in a way that achieves positive outcomes for the community. Specifically Council supports the following aspects of LAHC's Concept Plan and Stage 1A SSD application:

- Renewal of ageing social housing stock and delivery of additional social and affordable housing;
- Provision of additional public open space, including the Light Rail Arrival Plaza and new neighbourhood park;
- Potential for a new larger community centre and library;
- New retail and service offerings closer to the Parramatta Light Rail stop; and
- Proposed provision of the residential aged care facility and independent living units.

1.2 Structure of this Submission

The body of this submission provides an assessment of key issues relating to Land Use Planning, Local and State Contributions, Property and Legal Matters, Urban

Design, Open Space Traffic, Public Domain, Trees, Social Impacts and Sustainability. Council has provided a summary of key issues in **Section 1.4** below.

Attachment A contains a summary of Councils' recommendations based on its assessment of the SSD application. **Attachment B** contains the Technical Assessment which details any further assessment undertaken relating to the body of this submission, as well as additional assessment in relation to Biodiversity, Waste Management, Drainage and Contamination.

Council requests that the DPIE considers this full submission and that the applicant respond to the entirety of Council's submission.

1.3 Planning Agreement

Council is currently reviewing the revised voluntary planning agreement (VPA) Letter Offer included as part of the SSD Application package. Council will provide direct feedback to LAHC and Frasers as part of current negotiations. This submission will provide high level feedback in relation to the Letter of Offer, and on design detail of those items contained in the VPA which are subject of the SSD application. Council understands that the VPA would be attached as a condition of consent to any development approval, however Council does not agree to the SSD Application being approved without the VPA being agreed to by Council and the applicant.

Furthermore, Council would appreciate the opportunity to review proposed Conditions of Consent prior to the approval.

1.4 Summary of Key Issues

Council has reviewed the EIS, and the attached detailed submission identifies the following key issues that are required to be addressed by the applicant.

In relation to both Stage 1A and Concept Plan:

- **The development should contribute to the provision of local infrastructure to meet the demand from increased residential and worker population as a direct result from the development.** This contribution should be either via the draft planning agreement or development contributions (or a combination of both) equal to or more in value than the development contributions payable under the Parramatta (Outside CBD) Contributions Plan 2021.
- **That Council be consulted by relevant State agencies in relation to allocation of funding under a State voluntary planning agreement (VPA),** in relation to opportunities to maximise benefits for the community of City of Parramatta.
- **The application should adequately address the requirements of Design Excellence provisions of Clause 6.12 of the Parramatta LEP 2011,** noting that this Clause was introduced when Telopea was rezoned by the DPIE. The proposal, as well as the Design Strategy, is insufficient in demonstrating how it meets the requirements of the LEP.
- **The development should comply with all provisions of Council's DCP for the Telopea Precinct.** There are only a small number of areas where variations are considered warranted and these are discussed further in this submission. Particular non compliances that should be addressed include:
 - **Visitor car parking provision should be increased and provision for electric vehicles for Stage 1A development.**

- **Commitment to provide dual water piping through the development; and**
- **Built form and landscaping outcomes for both The Core and The Precincts.**
- **The retention or adequate justification for the removal of a significant amount of high value trees.**

In relation to the Concept Plan:

- **Council does not support the proposal for The Core to significantly vary the maximum height contained in the Parramatta LEP 2011.** Council does not believe adequate justification, including significant improvements to solar access or built form outcomes (reduced tower floorplates or building separation), has been presented to support the significant variation in heights of buildings within the Core area.
- **Council believes based on its calculation that the Concept Plan proposal exceeds gross floor area permissible under the floor space ratio (FSR) allowable under the Parramatta LEP 2011 and State Environmental Planning Policies.** Based on Council's assessment there is a risk that the future development applications will exceed permissible FSRs.
- **The proposed built form Precincts are not supported and should be redesigned to respond to the steep topography, provision of adequate setbacks and creation of deep soil zones, in accordance with the DCP controls for Telopea.**
- **The Precincts site area create 'isolated sites' which are in private ownership and resultant poor built form outcomes.** Council requests that LAHC and its development partner pursue negotiations with these sites in order to amalgamate development sites.
- **No legal mechanisms have been outlined in the EIS documentation to guide the process for NSW LAHC to acquire Council's roads and Council's property at 21 Sturt Street.** This is a requirement of the SEARs.
- **That the delivery timeframes for new housing in Stage 3 should be reconsidered to be brought forward, based on current condition of the existing housing stock in this area.**

In relation to Stage 1A development:

- **The proposed area of the neighbourhood park dedicated to Council should be reflective of the true extent of the parkland,** that is, 1,830sqm (or 2,200sqm including footpaths), not the 3,536sqm stated in the application.
- **Access to the residential basement car parking should be solely via Mews Street and car parking basement access via Winter Street should not be permitted.**
- **The basement car park should be redesigned to not encroach along the south-western interface of the new neighbourhood park to ensure provision of deep soil throughout.** Council will not accept dedication of new open space with basement car parking below.
- **Visitor car parking provision should be increased, in line with Council's DCP for Telopea.** These rates are consistent with the Roads and Maritime Services' Guide to Traffic Generating Developments (2002) for Metropolitan Sub-regional Centres.

2. Land Use Planning

2.1 Height - Clause 4.6 Variations

Clause 4.6 variation to maximum height of buildings under Clause 4.3 of the Parramatta LEP 2011 has been requested as part of the SSD application for both the Stage 1A and Concept Plan (refer Appendix O and N Clause 4.6 Requests). A full assessment of the Clause 4.6 Variation is provided at Technical Assessment at **Attachment B**.

Concept Plan

The Clause 4.6 seeks variation to the maximum permissible heights as follows:

- 70 metres to 86 metres for buildings C1 and C2;
- 50m to 58m in C3;
- 50m to 60m in C4
- 40m to 47m in C6 and C7.

Council understands that the height variation in relation to The Core originates from advice from the State Design Review Panel (SDRP) (refer Appendix MM of the EIS) which encouraged height variation associated with key benefits including reduced build footprints, improved public domain and amenity outcomes for the ground plane and building envelopes. In addition to the SDRP advice, Council has assessed the variation in accordance with objectives contained in Clause 4.3 Height of Buildings of the Parramatta LEP 2011.

Council considers that there is inadequate rationale and technical analysis presented. The relatively large footprints mean the benefits as envisaged by the SDRP are not achieved. In addition, the objectives of Clause 4.3 of the Parramatta LEP 2011 are not met. Specifically, Council objects to the height variation:

- a. It is not consistent with the Telopea Master Plan 2017 and subsequent rezoning which permits tall towers at the top of the hill that transition out to a lower scale the further away sites are from the Light Rail Station.
- b. The proposed 'offset' of towers in the upper Core increases the overall perceived density and limits views to sky from the public domain. This is seen in the Visual Impact Assessment where buildings in the Core read together as one large mass, rather than defining any views or spaces between buildings.
- c. The height variation has not demonstrated how it leads to better built form outcomes as the building footprints and tower lengths are excessive. As per Council's DCP for Telopea Precinct, the maximum length of tower is 50 metres, and maximum residential tower floorplate 1,000sqm. Council's assessment (in **Attachment B**) shows that Buildings C1 – C3 exceed Telopea DCP controls.
- d. The reallocation of height has not addressed objectives of residential or open space amenity. It has not been demonstrated by the application that there is a net increase in public space as a result of the variation.
- e. A comparative overshadowing analysis should be provided as it is unclear that any proposed reallocation of height would have material difference in providing better solar access to public open spaces, including the retail plaza.

Furthermore, Council is concerned that by allowing additional height this would set an undesirable precedent for the remainder of the Telopea precinct. The Telopea Master Plan 2017 and the recent rezoning never envisaged the FSR bonuses of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP

(ARH)) to be applied broadly across the LAHC lands. The SEPP ARH does not allow for bonus height to accommodate the distribution of additional FSR, for potentially improved built form outcomes. Council asks that DPIE only consider the bonus floor space if the applicant can provide a more detailed and well-reasoned request. The request should provide a comparison of what a compliant scheme allows. Furthermore, from a policy point of view, the ability to provide for bonus heights need to be considered within the SEPP (ARH) 2009 if that is the intent.

Stage 1A

The Clause 4.6 seeks variation of height standards, with Building B on Sturt Street having the largest proposed increase in height from the maximum 28 metre to an increase of 45.48m and 30.88m.

Council considers that the height is due to the need to distribute the floor space (including SEPP (ARH) bonus) across the site and the provision of the new road and neighbourhood park. It could therefore be argued that the development provides greater community benefit (in terms of provision of adequate street address for buildings and a new public park) which is in the public interest. However as detailed further in Council's submission the park, which is to be dedicated to Council, must meet Council requirements.

The proposal appears to maintain a transition of height to the adjoining lower rise buildings to the south. The main variation which is to Building B is located adjoining the greater heights prepared within The Core Area. The development appears to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks and streets.

Therefore in this instance Council does not object to the Clause 4.6 variation for Stage 1A development.

2.2 Floor Space Ratio – Concept Plan

Council has reviewed Section 4.15.3 and Table 17 of the EIS which identifies the floor space distribution across the sites. It is noted that Stage 1A development proposes less than the maximum floor space ratio achievable. Therefore, the following commentary relates to the calculation and exceedance of the floor space ratio with the Concept Plan area (The Core and The Precincts).

The Core (C1-C8) - Permissible Maximum GFA

As shown in **Figure 1**, the Concept Plan does not match with the floor space ratio (FSR) map within the Parramatta LEP 2011. Buildings C3 and C4 are built in areas where FSR and Height is not allocated a value (shown in white on Figure 3) in the Parramatta LEP 2011 as they are existing roads.

Figure 1. FSR tiles (in shaded colour) overlaid with Concept Plan for The Core



It is acknowledged that the land use zoning allows for the proposed mixed use development, however, the proposed density and heights of C3 and C4 are not consistent. Council believes that the proposal should not be drawing gross floor area from this area. Clarification is required on the planning and legal implications of locating buildings over this land.

Council notes this is the technical aspect of a broader urban design issue which is addressed further in the submission relating to Council's request for revisions to the Concept Plan for the Core to more closely reflect the Telopea Master Plan and controls within the Parramatta LEP 2011.

The Precincts – Permissible FSR

Council has reviewed the EIS and undertaken testing on lots within the Northern Precinct. As shown in Attachment B of the Technical Assessment, Council considers that in 5 of the 9 lots the proposed FSR is greater than the maximum FSR permitted under the Parramatta LEP and SEPP (AHR) 2009 allowable FSR bonus. Just for the Northern Precinct, this translates to a potential increase in overall GFA of nearly 4,500sqm (potential additional 45 dwellings). Council has not undertaken a full assessment of the Southern and Eastern Precinct areas.

Council considers that the exceedances are unacceptable for the following reasons:

- The Telopea Master Plan and subsequent rezoning did not envisage these floor space exceedances, which has a resultant effect of an increase in dwellings and population and consequently pressure on local and state infrastructure.
- Results in poor built form outcomes, including reduction in setbacks, landscape areas and deep soil zones.
- If approved, will be difficult to challenge for each development application submitted.

GFA efficiency rates – The Core and Precincts

Council has tested the validity of the GFA calculations against the envelope plans presented in the application. As detailed in the Technical Assessment at **Attachment B**, there is a significant discrepancy between the gross floor area (GFA) stated in the EIS and GFA calculation from the Envelope Plan in Appendix J of the EIS. Council can only assume the applicant is using a very low efficiency rate. Based on Council's assessment there is a real risk that the future development applications will exceed permissible FSRs for both The Core and Precincts.

2.3 Design Excellence

Council has reviewed Appendix PP – Design Excellence Strategy – Concept Plan Area and Appendix MM - State Design Review Panel (SDRP) Feedback and highlight the following key concerns:

- The design excellence strategy is not consistent with Clause 6.12 of the Parramatta LEP 2011 as sites that are required to meet the criteria for design excellence. Sites that are required to meet the criteria for design excellence are not properly identified.
- The Government Architect Office role should be more clearly formalised in the process. They should be responsible for co-ordinating endorsement of the brief and determining the level of design review required at different stages of the process, i.e. at DA and CC stages;
- A Council representative should be on the Jury for any design competition not just a competition related to the possible future library site as suggested by the applicant; and
- Design Juries should have an odd number of members and should not be dominated by parties representing the applicant – in Council competitions Council and the applicant nominate one representative each and the third member is independent of both parties.

A detailed analysis is provided at Technical Assessment at **Attachment B**.

2.4 Development Staging

Council considers that some of the existing LAHC owned housing stock is of poor quality and in urgent need of renewal, in particular the housing stock is located within the Precincts (Stage 3). The EIS indicates that Stage 3 will not be redeveloped for more than 15 years. Council therefore requests that the applicant reconsider the staging of delivery of new housing based on current condition of the existing housing stock in Stage 3 areas.

3. Local and State Infrastructure (VPA Letter of Offers)

3.1 Council VPA Offer

Council is currently reviewing the revised voluntary planning agreement (VPA) Letter of Offer included as part of the SSD Application package. Council will provide direct feedback to Frasers and LAHC as part of ongoing negotiations.

In summary, the revised letter of offer is delivery of \$55M worth of local infrastructure, comprising:

- New open spaces, including the Arrival Plaza, neighbourhood park and pocket parks;
- A new Community Centre and Library (note not fully funded under the VPA Letter of Offer);
- New roads and intersection upgrades; and
- Cycleways and streetscape upgrades.

Council is undertaking an assessment of the merits of the items contained in the VPA Offer, and the principles in which these are based are contained in the Technical Assessment in **Attachment B**.

The Letter of Offer proposes that the value of 21 Sturt Street (of \$9.7M) is taken from the \$55.5M value of items, resulting in a total offer of \$45.8M. Council fundamentally disagrees with the value of 21 Sturt Street proposed by Frasers and its inclusion in the VPA Letter of Offer.

Furthermore, the applicant's VPA Offer requests that the development – both Stage 1A and the Concept Area – are fully exempt from payment of development contributions. Council believes that any VPA that is entered into must be equal to or exceed in value that Council would be payable under the applicable contributions plan.

Council understands that the VPA would be attached as a condition of consent to any development approval, however Council will not agree to the SSD Application being approved without the VPA being agreed to by Council and the applicant. Council has calculated the development contribution using the *Parramatta (Outside Parramatta CBD) Contributions Plan 2021* (which came into effect 20 September 2021) plan. Based on the current development proposal the estimated contributions are:

- Stage 1A works - \$7,417,672; and
- Concept Plan works - \$63,846,542.

Council's assumptions in calculating the development contributions are contained in the Technical Assessment in **Attachment B**.

Furthermore, it is considered by Council that proposed exceedances in floor space due to wide spread use of SEPP Bonuses and additional GFA being sought will result in potential additional dwellings not envisaged by the Telopea Master Plan and subsequent Priority Precinct rezoning by DPIE. If additional dwellings above the maximum allowable FSR are considered by DPIE to be acceptable, Council request a review must be undertaken of the generated need for additional local and state infrastructure.

Future Library and Community Centre

Generally the EIS presents the view that at completion of the development a new district level library and community centre will be operational for the community to use. The applicant is seeking approval based on an operational community centre and library, however the VPA Offer does not fund this facility. Therefore, Council is concerned that the onus to deliver the facility is shifted from the applicant to Council. Additionally, it is not clear if the stratum within Building C3 within The Core, in which the facility will be located, will be dedicated to Council. The applicant is required to confirm this.

Items 6.3.2 and 6.4 of the EIS imply that Council has consented to the disposal and relocation of the Library and Community facility and that the new facility will be provided by Frasers and LAHC as part of the redevelopment, this is misleading as neither has been agreed between the parties.

State VPA offer

It is noted that the current State VPA Offer includes the following key elements:

- Works in kind – the delivery of 740 social housing dwellings (and additional 254 dwellings) and delivery of 256 affordable housing dwellings;
- Funding for the Social Housing Outcomes Program;
- Cash contributions of:
 - o \$5M to deliver a communal facility for use by the school and wider community on the Telopea school site;
 - o \$5M to accelerate the upgrade of the Telopea Public School;
 - o \$8M towards Transport for NSW (TfNSW) upgrades in Telopea; and
 - o \$2M towards other government services.

Council supports the appropriate provision of State infrastructure as part of the Telopea Precinct renewal, specifically:

- The communal facility at Telopea Public School, to investigate shared use by the community of any facility. The key outcome is that the facility provides maximum future opportunity for public access in the future.
- As detailed in the submission below, the signalisation and upgrades of Pennant Hills Road and Evans Road intersection is considered critical to provide improved regional connections to the growing Telopea precinct.

4. Property and Legal Matters

Legal mechanisms for acquisition

The application includes Council owned properties including public roads (e.g. Elyse Street, Sturt St and Wade Lane) and 21 Sturt Street, currently home to the Dundas Library and Neighbourhood Centre. Section 8 of the Secretary's Environmental Assessment Requirements (SEARs) for this SSD Application requires the process and legal mechanism for dealing with Council owned land.

Council and Frasers/LAHC continue to negotiate an agreement on the value of 21 Sturt Street, Telopea and any additional compensation payable to Council. Council awaits correspondence on what legal mechanism and process is to be proposed.

Council has not received any correspondence on the proposed process and legal mechanism to acquire Council's public roadways.

21 Sturt Street

The VPA Letter of Offer to Council submitted with the application includes the transfer of Council's owned land at 21 Sturt Street Telopea. As detailed above, it is Council's view the planning agreement should not include the transfer of land owned by Council to LAHC because the land proposed to be transferred to Council forms part of the proposed residential and commercial development and is not intended to be used for a public purpose. The transfer of land by Council to LAHC does not directly facilitate the delivery of public benefits under the planning agreement and should therefore be separated from the obligations under the planning agreement.

In the present circumstances, the land to be acquired by LAHC will form part of the residential and commercial development which is not consistent with the meaning of a public purpose under s 7.4(2) of the *Environmental Planning and Assessment Act 1979* (the Act). In addition, even though the redevelopment of the LAHC's land will have a "public purpose" (the provision of housing) under the Housing Act, Council will not exercise control over that part of the development. The transfer of land from Council to NSW LAHC or Frasers and any compensation payable as a consequence,

does not satisfy the requirements of the Act and cannot form part of any planning agreement.

Proposed Land Swap

The Applicant proposes that a “land swap” between Council and LAHC be formalised in a planning agreement (refer Attachment 5 of the VPA Letter of Offer), to enable Council land currently subject to roads, pathways and 21 Sturt Street to be added to development sites. In addition, parts of LAHC will be dedicated to Council for roads, open space and other public purposes. Council considers it not appropriate to include a Land Swap in the planning agreement for the following reasons:

- While it is appropriate for a planning agreement to include dedication of land to Council, it should not include provisions for transfer of Council land to LAHC. The transfer of that land does not involve the provision of public benefits or serve any public purpose and should therefore be separated from the obligations under the planning agreement to deliver such benefits. Notwithstanding that, the Applicant continues to refer to the additional public domain and open space areas as a public benefit under part 3.5.3 of the EIS.
- The applicant is inferring that the areas for dedication “generally offset each other”. This is not accurate. Different portions of land currently have a variety of land uses, values and legal implications.
- No agreement has been reached about the value of the 21 Sturt Street land to be acquired by LAHC. There is no certainty that the value attributed to the Council land, which the Applicant “offsets” from the total value of the contributions to be delivered under the VPA, is accurate or equivalent to the market value of that land.

Furthermore the following points of clarification are made:

- Section 2.1.1 of the EIS notes the entire Concept Plan Area as owned and managed by LAHC. This is incorrect and created a perception Council has disposed of 21 Sturt Street and its public roads.
- Section 5.3 of the EIS has not documented the further engagement occurred regarding 21 Sturt Street and the VPA Offer.

5. Urban Design

5.1 Concept Plan – The Core

The Concept Plan for The Core departs from the LAHC and Council endorsed Master Plan (2017), which was formalised via the Parramatta LEP 2011 via the DPIE Priority Precinct process. Council’s DCP for Telopea also reflects the objectives of the LEP. This departure from the Parramatta LEP 2011 and DCP leads to poor outcomes in terms of street and block layout and built form outcomes.

A full urban design assessment of The Concept Plan for the Core is detailed in the Technical Assessment at **Attachment B**. In summary the key concerns relate to:

- The proposed street layout for the core is not well integrated into the surrounding street network and does not preserve any existing street sightlines, view corridors and connections across the site.
- All proposed streets are undersized in relation to the intensity of future development and do not respond to or reveal the topography.
- Council considers that successful retention and sustained longevity of the trees is at risk under the proposed concept plan due to basement encroachment,

changes to the water table and soil levels, and loss of sunlight and increases in wind downdraft. The existing trees play an important role to define the street network and built form and reduce the impact of perceived density.

- The pedestrianisation of Eyles Street does not offer clear address to adjacent buildings and it affects precinct accessibility. Nor does it contribute legibility to a future public open space network as it is not visibly delineated from private development.
- The 14 storey street wall buildings are too excessive to be considered a perimeter block typology, which is typical between 6- to 8-storeys. These buildings, setback at a maximum of 3m on street reservations that are typically less than 18m, do not provide for a human scale to the street, adequate solar access to the public domain, or views to sky.
- The length and depth of buildings and towers proposed on site are excessive. Towers in The Core exceed the maximum building length and floorplate controls of the DCP, with tower facades measuring up to 70 metres in length.

Council has undertaken design testing between the proposed scheme and the Telopea Masterplan (2017) – refer **Attachment B**. This is to demonstrate the benefits of more efficient street and block layout consistent with the Parramatta LEP 2011. These benefits include:

- There is more developable land (more street blocks and less street area) and therefore it is more efficient in achieving the GFA sought within the maximum height of buildings;
- A new wider street with clearer sightlines;
- More street frontage and buildings with street address;
- Improved street accessibility as they are designed along contours;
- Desktop analysis reveals that this would not result in more tree removal than the applicant's proposal (noting that compared with the Masterplan 2017 the applicant's scheme only retains 6 more A+ trees); and
- Improved communal space outcomes - having private boundaries, rather than 'backing on to' public open space or streets.

Therefore Council recommends that The Core be designed to meet the Parramatta LEP 2011 and Telopea DCP controls.

Furthermore Council requests that the applicant present urban design testing of the Evans Road (Waratah) shops block (bounded by Evans Road, Benaud Place, Shortland and Sturt Streets) to demonstrate that the proposal does not adversely impact on the realisation of development potential in line with the controls of the Parramatta LEP 2011 and Telopea DCP. In particular, that the building separation and visual privacy distances contained Apartment Design Guide (ADG) of SEPP 65 are able to be satisfied, as measured from the centre of Benaud Lane.

5.2 Concept Plan - Precincts

Council objects to the Precinct Concept design proposed in the application and considers it not an appropriate or holistic response. The proposed design solution is only a partial vision for how sites may redevelop, and if approved, risks an inconsistent and unequitable approach between those sites being redeveloped by LAHC/Frasers and those which are privately owned. A higher degree of regularity across the precinct is particularly critical in precincts with hilly topography and curvilinear streets, such as Telopea.

Council has undertaken an urban design assessment of the Precinct proposal and it is detailed at **Attachment B**, in summary the key issues include:

- The proposal does not apply a coherent or consistent built form.
- The proposed lot amalgamations are exhibiting issues of excessive excavation, subterranean spaces, large retaining walls, and greater loss of existing trees. The average continuous façade in the Concept Plan for the Precincts ranges from 70m-100m, which is not supported by Council.
- The proposed building depths in the Precinct ranging from 22.5m to 30m exacerbate the issues of negotiating the topography and leave very little opportunity for diversity of apartment types and or cross through apartments.
- The proposed 3 to 4m setback to rear boundaries, or basements traversing the centre of block, are unacceptable and undermine a very significant objective of the DCP for Telopea which seeks support adequate deep soil networks and to improve overall residential amenity.
- The proposed 3m setback will not deliver on objectives for the front setback to contribute to tree planting and will greatly diminish the perceived proportion of the street width to building height ratio. Development on all sites must comply with the 4m to 6m front setback to create a continuity of the streetscape.

The large landholdings and buildings proposed means the development of LAHC land in the precincts will look very different to those developed on private land under the Telopea DCP. Council considers that following controls must be delivered as a minimum to achieve consistency across the precinct:

- a) Building breaks at least every 45m;
- b) Continuity of deep soil network and 10m rear setback zone; and
- c) 4m – 6m setback to the street.

Testing of the northern precinct sites using Council's DCP (found at **Attachment B**) demonstrate that maximum allowable FSR can still be achieved.

The creation of isolated sites remains a significant issue in the Precinct and the Isolated Sites Study (refer Appendix R of the EIS) does not provide sufficient justification for their isolation. Given the sheer size of LAHC land holdings, only a few sites that will be isolated and the timeframe in which LAHC can achieve this, it is not unreasonable for the site purchase strategy to be demonstrated and potential future amalgamation to occur.

5.3 Stage 1A

The site plan presented for Stage 1A (Polding Place) exhibits a far more coherent built form than previous schemes shown to Council. The internal loop road provides future public open space with functional access and sensible delineation from the built form and allows buildings to address a street. **Attachment B** details floorplan issues.

6. Public Domain

Council supports the schematic design suggested for the public domain for Stage 1A however the level of finish is higher than Council would normally permit which has ongoing maintenance and budget implications. The Technical Assessment details the design documentation required to ensure the public domain complies with Council's requirements.

Each stage be fully coordinated and integrated with any adjacent stages to ensure seamless integration of all stages, especially when considering civil design issues and the continuity of soil, groundwater level and tree canopy networks plus the look and feel of the public domain across the entire project when fully realised.

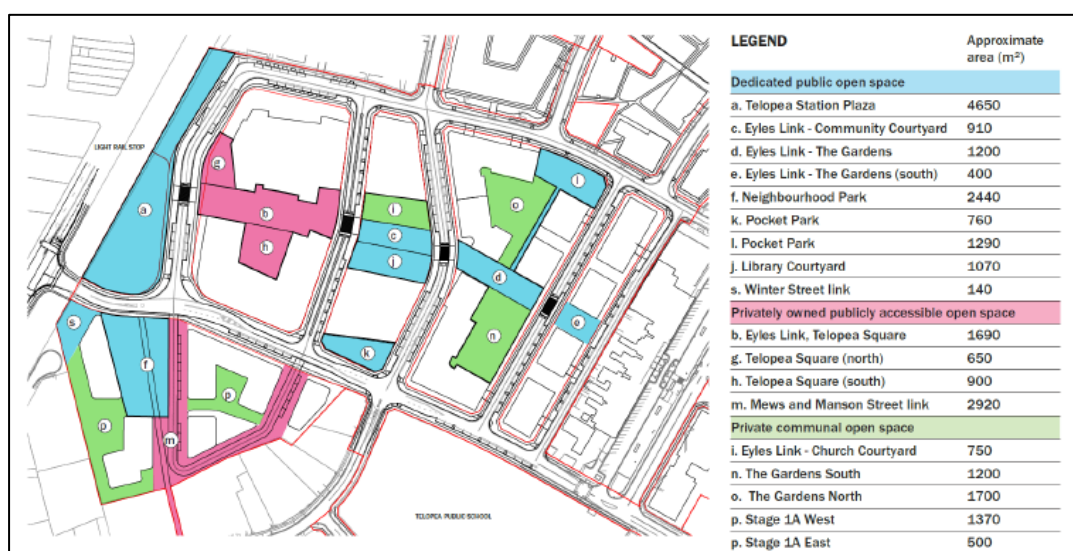
Typically, Council expects that public domain improvements directly adjacent to development sites should be included as Conditions of Consent and not be part of local contributions or VPA.

7. Open Space

Access to adequate public open space is critical to the health and wellbeing of future residents within the Telopea Precinct who will predominately live in apartments without access to private backyards. Council welcomes the inclusion of additional public open space within the Telopea Precinct, as it was never envisaged (with expectation of the Arrival Plaza) within the Telopea Master Plan and rezoning.

Figure 2 provides an overview of the public spaces to be delivered within The Core and Stage 1A.

Figure 2 Location of proposed public spaces (extract from Appendix N)



Council requires any open space to be dedicated to Council to have no basements to be located below, that is Areas C, J and K.

7.1 Stage 1A

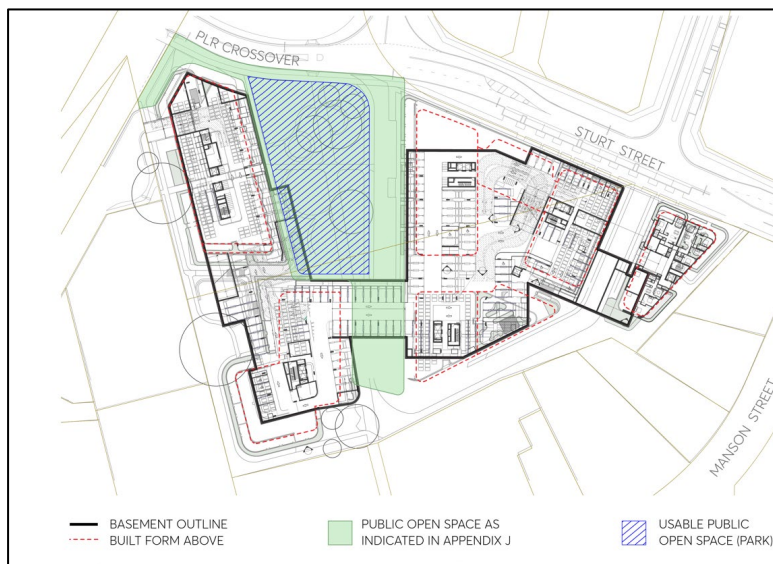
Hilltop (Neighbourhood) Park

Council is supportive of the delivery and dedication of a neighbourhood park associated with the residential development for Stage 1A- (refer item 'f' in Figure 2). However the following issues are required to be amended before Council agrees to its dedication:

1. The proposed useable public open space to be dedicated to Council measures less than the 3,536sqm stated in the EIS and annotated in the Stage 1A Design Report. Council measures the open space to be approximately 2,200sqm including footpaths or 1,830sqm excluding pedestrian curtilage. Refer Figure 3 showing the difference in useable public open space and the application's 'public' open space.

2. Removal of the underground carparking that encroaches along the south-western interface (refer Figure 3 below) and is to be removed to ensure deep soil throughout.
3. Design amendments as detailed in **Attachment B** Technical Assessment.

Figure 3. Plan indicating extent of public open space and encroachment of basement.



Station Arrival Plaza

Council is supportive of the delivery and dedication of the Station Arrival Plaza (refer item a at Figure 2) at the Telopea Light Rail stop, however the following issues are required to be amended before Council agrees to its dedication:

- Northern portion requires consolidation into larger 'green' useable spaces through expansion of turfed areas and consolidation / reduction of pathways / garden beds consistent with CPTED principles. Small scale of pathways and spaces feels enclosed and creates small odd shaped gardens and turf areas that are suboptimal for recreational use and problematic for ongoing maintenance;
- Justification for removal of existing trees and retention where possible; and
- Design amendments as detailed in **Attachment B** Technical Assessment.

7.2 Concept Plan – The Core

In relation to the Library Open Space / Community Courtyard (Items c & j, Figure 2), Council supports best practice to function as a contiguous 'public' open space under a single landowner / manager. It is recommended to consolidate as a single central 'public' open space to maximise size, useability and solar access through:

- Incorporating 'Church courtyard' (refer item 'i' Figure 2).
- Adjusting Building C3 podium and tower towards Sturt Street to increase central open space (i.e. reduce area of item 'k' Figure 2). Sturt Street pocket Park (item 'k') has limited useability due to small size (<1000m²). Its poor solar access and proximity of underground carparking likely to impact ongoing viability of retained trees.

In relation to the Shortland Street Pocket Park (Item 'l' Figure 2) Council recommends incorporation of pathway edges to clearly delineate the public and private interface with the adjoining communal open space.

Council does not support open space between New Marshall Road and Benaud Lane (refer items 'd' and 'e' in Figure 2) as 'open space', for the following reasons:

- By closing the street, universal access will be required to be accommodated and due to the topography and narrowness of the site will require significant ramping which would negate any the benefits of the proposed open space;
- It does not meet Council's requirements for public open space, as it borders with private communal open space (which causes interface issues) and not public streets; and
- As detailed above, is not consistent with the street layout envisaged by the Telopea Master Plan 2017 and subsequent rezoning.

Council believes a better outcome is maintain these areas as a public shareway or laneway dedicated to Council to reflect primary 'access' purpose and accommodate additional street parking.

8. Traffic and Transport

8.1 Road Design

The proposal includes amendment to the existing road network. The most prominent changes to the current road network are (refer Figure 3 below):

- Creation of a link from Sturt Street across the light rail line to Adderton Road;
- Creation of a new road (a slow speed vehicle environment referred to as a "Mews";
- A link from Manson Street to Marshall Road; and
- Conversion of Eyles Street from a formed road into a pedestrianised link with no vehicle access.

Figure 3: Proposed Concept Plan The Core and Stage 1A



It should be noted that in the LAHC and Council endorsed Telopea Masterplan 2017 it was proposed to relocate Wade Street to create a direct link between Manson Street and Marshall Street. This proposal retains Wade Street and introduces a new street that links Manson and Marshall Street. Refer Figure 4 below.

Figure 4: Extract from the Telopea Master Plan 2017



From a traffic and pedestrian safety viewpoint the variations to the endorsed Master Plan road network are considered acceptable as is the Mews proposal in Stage 1A. There are other issues related to urban design where the new road has a detrimental impact but the traffic/ access issues do not warrant any objection.

To address possible impacts on the broader road network the State Government VPA offer includes a financial contribution to future funding of improvements to the arterial road network. Traffic lights at the intersection of Evans Road and Pennant Hills Road and widening of Sturt Street where it connects to Kissing Point Road are the most critical of these works. The proposal is to provide funding the timing of the works is not specified and would be subject to the TfNSW securing the balance of funding required. These works are supported in principle subject to Council being given the opportunity on design details of the works when the projects proceed to the design and construction phase.

The introduction of the density proposed also requires changes to existing intersection treatments, pedestrian/ cyclist crossing and refuge arrangements, on street parking and bus stop arrangements. Details of the numerous changes being made to the road network are summarised in the Technical Assessment supporting this submission at **Attachment B**. The assessment by technical officers has also identified numerous amendments that Council considers should be made to proposed road network changes. These are also detailed in the Technical Assessment and these changes should either be agreed with Council Officers prior to development approval being granted or conditions be imposed requiring Council endorsements of amended plans prior to construction commencing.

The Council objects to the street arrangements in The Core, as detailed in the urban design section. As part of any redesign, Council requests that all new road widths be compliant with the Telopea DCP. Within the Precincts, there are no proposed new roads. Whilst the community has raised concerns with Council about the width of existing roads, it is not considered within the scope of works proposed in this application or reasonable that Council request widening of these roads.

As part of the approval process submission of documentation to ensure new roads and other roadworks are delivered to Council's standards should be included further detail on the process is included in the Technical Assessment at **Attachment B**.

Comments relating to the proposed cycleway are included at **Attachment B**.

8.2 Parking and Access

Council objects to the basement car parking access via Winter Street and request that access to the residential basement car parking should be solely via Mews Street. It is considered that Winter Street is very narrow and two-way traffic movements would be restricted due to any on-street parking. Further, there are issues with sight lines at the intersection of Adderton Road and Winter Street, and any additional traffic would be confronted with a substandard intersection.

Parking for Stage 1A is not consistent with Council's DCP which would require 372 residential parking spaces and 89 visitor parking spaces and 1 car share space. The proposal fails to comply with visitor parking requirements 44 visitor spaces which results in a 45 space shortfall. Objection is raised to the car parking shortfall. All parking should be provided in accordance with Council's DCP rates. Bicycle parking in Stage 1 is consistent with Council DCP requirement of 473 spaces.

It is recommended that a green travel plan be required for all stages of the development to encourage use of public and active transport modes.

A condition of the Concept approval should be that future compliance with Council's Telopea DCP parking and vehicle access arrangements for Stage 1 and all future stages endorsed by the concept approval, noting that the SEPP (ARH) 2009 has rates for social housing.

9. Trees

9.1 Stage 1A

Council has reviewed Appendix V1 Arboricultural Impact Appraisal and Method Statement – Telopea Stage 1 and 1A Revision B prepared by Naturally Trees dated 18 June, 2021. The report recommends removal of a significant proportion of high value trees within this stage without providing any reasonable justification to suggest the development impacts have been adequately assessed in their entirety.

The Arboricultural Impact Appraisal and Method Statement provided for this stage is based upon a survey plan dated 16 March, 2020 and Floor Plans dated 4 June, 2021. The recommendations made within the arborist report are inconsistent with the civil, architectural and landscape documentation provided. Furthermore, the Appraisal notes that tree dimension data provided by the arborist was estimated by the appraisal author. The tree protection areas provided by the author therefore cannot be considered accurate.

All trees and vegetation located within the Arrival Plaza are recommended for removal without justification. This is in direct conflict with the landscape documentation. Council believes that it is possible to retain trees in this area however design changes are required to be supported by a proper arborist assessment.

9.2 The Core and Precincts

Council understands that one of the design principles of the SSD application is to maximise the retention of existing high value trees across the precinct. Whilst this is supported, in practical terms, the successful retention and sustained longevity of existing mature trees is at risk under the proposed Concept Plan. Likely negative

impacts to trees which significantly alters the tree's ongoing health and viability caused by the proposal include:

- Hydrological impacts through water table changes facilitated by extensive underground carparking;
- Reduced solar access & overshadowing (particularly on the southern side of apartment towers);
- Wind funnelling and loading (particularly between tower buildings); and
- Soil level changes through significant cut / fill and terracing.

These impacts need to be more adequately assessed to ensure long-term viability of retained trees consistent with the desired Concept Plan outcomes.

The arborist report is lacking sufficient detail to demonstrate an arboricultural impact assessment has been undertaken in accordance with the requirements of AS-4970-2009 Protection of trees on development sites the issue discussed previously about the use of estimates is one example. Nowhere within the report has the author included any site-specific commentary of the potential impacts of the concept layout to retained trees nor have, they quantified the encroachment in accordance with the standard to determine whether it could be considered acceptable.

As stated in the Urban Design Section above, the allocation and arrangement of deep soil zones within the Precincts is not consistent with the controls set out in the Telopea Precinct DCP and subsequently consistency with the tree planting controls in the DCP are not met.

As detailed in the public domain section of this submission, street trees provide an important part of the tree retention and planting within the Precinct. Considering the significance of this development and its impact on the public domain, Council therefore recommends a Street Tree Master Plan be prepared. The street tree master plan should define locations for specific tree species, tree quantities, and provide a preliminary survey information identifying potential conflicts with the trees etc.

10. Social Impacts

Council has reviewed Appendix Q Social Needs Assessment; Appendix R Social Impact Assessment (SIA); and Appendix LL Connecting with Country Strategy and provides the following comments.

- While an ideal approach would be to integrate a mix of housing tenures within a building, rather than separate buildings, it is understood this may introduce management difficulties. As in the SIA, Council recommends that detailed design of future project stages continues to take a 'tenure blind' approach, with no external indicators of tenure type.
- Stage 1A is non-compliant dwelling mix provisions contained in the Parramatta DCP 2011. Council recommends a decrease in one-bedroom apartments and increase in two- and three-bedroom apartments to maintain compliance with the Parramatta DCP 2011.
- A minimum of 10% of all units must be adaptable.

- Council recommends that all communal spaces, particularly those on the roof top, have amenity to be usable and ensure that sufficient and shaded seating is provided for all ages and abilities.

Furthermore the staging of the development within the Concept Plan must ensure that the service delivery of the existing Dundas Library and Community Centre will not be impacted during development and will not lead to disruption to service until a new Library and Community facility is operational.

The EIS states “Opportunities and recommendations for Connecting with Country will be responded to in each of the future development phases for the Telopea CPA, alongside ongoing engagement with appropriate Indigenous stakeholders throughout the project.” Details of how the opportunities and recommendations will be responded to in Stage 1A cannot be identified in the current documents and are requested to be provided.

11. Sustainability

Council has reviewed the Sustainability Report and BASIX Reports contained in the EIS and provides the following summary of key concerns and recommendations. More detail analysis is provided within the Technical Assessment at **Attachment B**.

Electric Vehicle ‘Ready’: The application commits Sustainability Commitment 1 - Provisions for future EV infrastructure’, however not confirmed via Stage 1A or Concept Plans. Council requests that the development commit to Council’s DCP Telopea Precinct requirements in relation to electric vehicle infrastructure. These controls are consistent with the NSW Electric Vehicle Strategy and the proposed amendment to the Apartment Design Guidelines in the Design and Place SEPP *Explanation of Intended Effect* (February 2021).

Water efficiency: Council requests that the application demonstrate compliance with the DCP for the Telopea Precinct requiring new development include dual piping. This what is being required for major precincts, including the Parramatta CBD, within Greater Parramatta and Olympic Peninsula Precinct (GPOP) and is underpinned by a letter of support from Sydney Water.

Urban Heat: The urban heat island effect mitigation strategies do not satisfy Council’s DCP requirements for roof surfaces, vertical facades, awnings, heating and cooling systems, green roofs and walls and also glare.

BASIX (Building Sustainability Index): The Sustainability Report does not commit to beyond minimum compliance for energy and water and Council request that the application consider higher BASIX targets. Council is proposing opportunities for higher targets for its growth precincts across the LGA, including the Parramatta CBD. Council believes that energy and water efficiency, particularly for social housing tenants is an important part of housing affordability.

Furthermore the documentation includes the BASIX certificates but not the BASIX stamped plans. These are to be provided so that this can be assessed fully.