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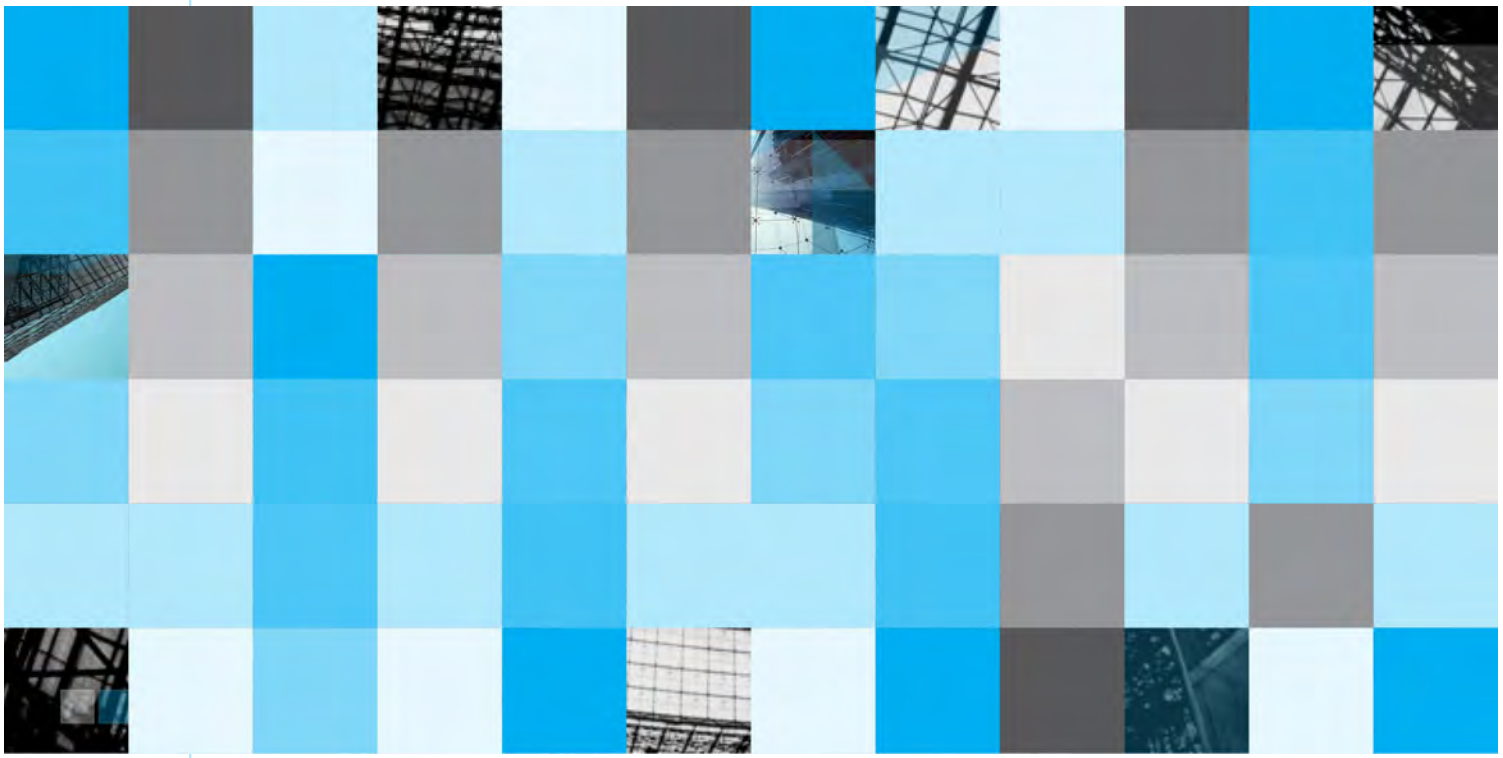

3 Farmhouse Road, Westmead

Clause 4.6 Written Request – FSR Development Standard

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 Written Request – FSR Development Standard

3 FARMHOUSE ROAD, WESTMEAD

26 September 2022

Prepared under instructions from
Combined Projects (Westmead)

by

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CONTENTS

1.0 INTRODUCTION

1. Development Application DA/932/2021 seeks consent for alterations and additions to an approved residential development DA 1271/2016 for various changes to the layout and arrangement of apartments, an additional 4 floors to Buildings D and F respectively, and expansion of the basement level 04 at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road, Westmead).

2. The Development Application involves a variation to the Floor Space Ratio development standard at Clause 4.4 of the Parramatta Local Environmental Plan 2011 (PLEP).

3. Clause 4.6(2) of the PLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the PLEP, or any other environmental planning instrument.

4. However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

    (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

    (b) there are sufficient environmental planning grounds to justify contravening the development standard.

5. Clause 4.6(4) provides that development consent must not be granted for development that contravenes a development standard unless:

    (a) the consent authority is satisfied that—

        (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

        (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

    (b) the concurrence of the Planning Secretary has been obtained.

6. Clause 4.6(5) provides that in deciding whether to grant concurrence, the Planning Secretary must consider:

    (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

    (b) the public benefit of maintaining the development standard, and

    (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

7. In accordance with clause 4.6(3) the applicant requests that the Floor Space Ratio development standard be varied. This Clause 4.6 Written Request has been prepared on behalf of the applicant in support of the proposed variation to the Floor Space Ratio development standard at Clause 4.4 of the PLEP and justifies the proposed extent of variation.

8. This Clause 4.6 Written Request has been prepared having regard to NSW Planning & Infrastructure, 'Varying development standards: A Guide', August 2011, which remains a relevant policy document, being referred to in Planning Circular PS20- 002, dated 5 May 2020.

9. In accordance with Clause 4.6(4) the consent authority can be satisfied that this request has adequately addressed the matters required to be demonstrated by subclause 4.6(3), and that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

10. In accordance with Clause 4.6(5):

    (a) Parramatta Local Planning Panel may assume concurrence under cl 4.6 in accordance with assumed concurrence notice dated 21 February 2018 (attached to Planning Circular PS 20-002, dated 5 May 2020) made under cl 64 of the EP&A Regulation 2000.

    (b) The contravention of the standard does not raise any matters of significance for state or regional environmental planning.

    (c) This Clause 4.6 request demonstrates that there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard, which has already been abandoned for this site.

11. Having regard to the above the Parramatta Local Planning Panel has the jurisdictional authority to grant consent pursuant to Clause 4.6 of the Parramatta Local Environmental Plan 2011.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

12. The site is located within the suburb of Westmead and is within the City of Parramatta Local Government Area.

13. The site is located within the Westmead Strategic Precinct pursuant to the Parramatta Development Control Plan 2011. The PDCP identifies that the Westmead Strategic Precinct has a primary function as a regionally significant health and education hub. Accordingly, Westmead serves a growing role as a mixed use location with a dynamic mix of employment, health, educational, recreation, retail and housing uses.

14. The site is located at the south edge of the Westmead Strategic Precinct and is located approximately 2 kilometres from the Parramatta CBD. The site is located adjacent the Westmead train station, Parramatta Light Rail Station, and Sydney Metro West station.

15. Westmead is identified as having a strong residential component to support its primary function as a health and education hub. The DCP indicates that future opportunities for residential, retail, business, hospital, education and community facility development should be integrated with public transport facilities to improve public transport accessibility and to provide a more permeable pedestrian and bicycle network.

16. The location of the site is illustrated in Figure 1 below.

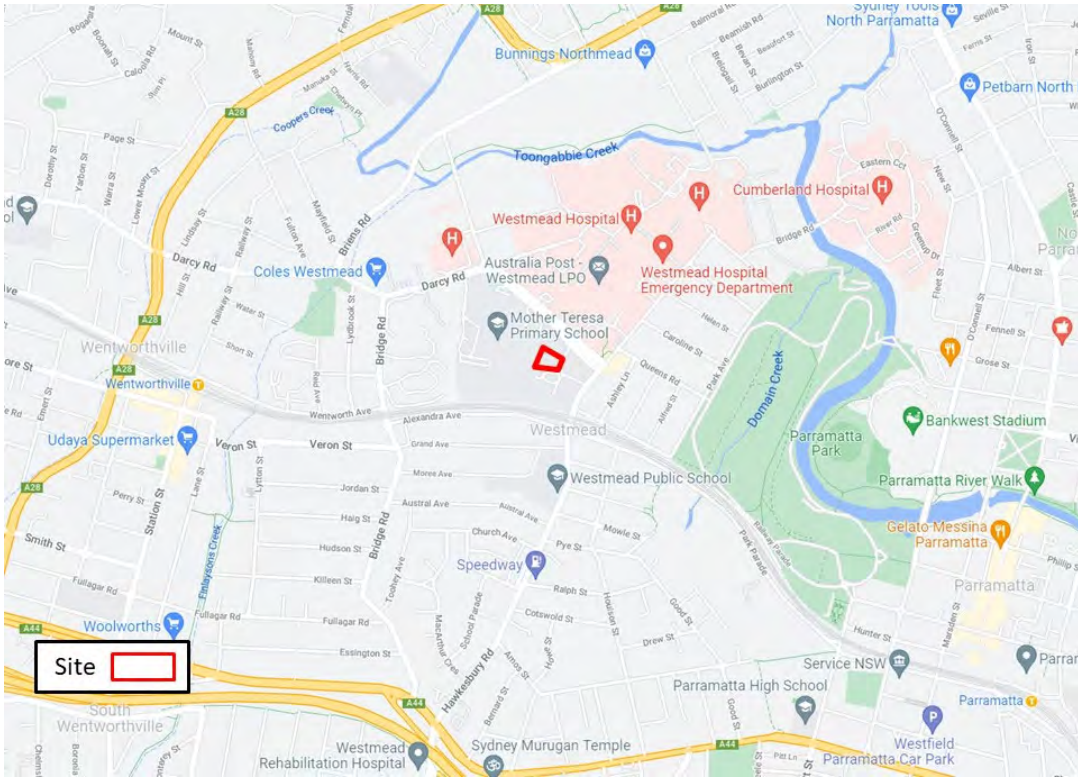

Figure 1:

Site location (Source: Google Maps)

17. The site is identified as being within Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP). The Desired Future Character of the locality is described in the DCP as follows:

> The site known as the University of Western Sydney (UWS) Westmead, comprises 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead. It is a four-hectare site located immediately north-west of Westmead Railway Station and within the Westmead Precinct, two kilometres west of the Parramatta CBD.
>
> The future mixed use character of the site will complement the medical and research facilities of the precinct. The land uses anticipated for the site include retail; commercial (i.e. medical support services, specialist rooms; medical professional associations etc); residential (i.e. serviced apartments, seniors living, key workers accommodation and residential flat buildings); open space and civic functions (i.e. plaza); and community facilities such as child care centres.
>
> Future built form will be designed to appropriately respond to the existing siting, scale, form and character of buildings of heritage significance, as well as provide appropriate heights and setbacks to street frontages to improve the quality of the public realm within the site.
>
> Height will be distributed across the site having regard for orientation, overshadowing, the scale of retained heritage buildings and views/vistas to Parramatta Park to the east. Built form fronting Hawkesbury and Darcy Roads will locate active uses on the ground floor to increase the vibrancy of the Westmead Precinct as a whole.
>
> **The built form will include taller, slender "statement" buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD. Taller buildings are to be located within the south western corner of the site and should reduce visual bulk, provide architectural modulation, reduce overshadowing and encourage dual aspect apartments for enhanced access to sunlight and breeze.**
>
> **The building form to the north and east will be lower in height to optimise solar access to private and public open space and would allow view corridors to the heritage buildings.**
>
> **The strategic location of this site in relation to Westmead Station and adjacent to the T-Way lends itself to the creation of a transit oriented development which allows for greater intensity of uses to optimise the advantage of available transport infrastructure and minimise the reliance on vehicles.**

2.2 Site Description

18. The site was formally known as Lot 4 158-164 Hawkesbury Road and 2A Darcy Road, Westmead. However, since approval of DA/1271/2016, a plan of subdivision has been registered which has formally created the site which is now known as 3 Farmhouse Road, Westmead and legally referred to as Lot 4 DP 1227281.

19. The subject site is irregular in shape, falls toward the west and has a total area of 6,588 square metres. The site is accessed via Farmhouse Road which connects to both Darcy Road and Hawkesbury Road. An aerial image of the is shown at Figure 2.

20. The site is temporarily occupied by a display suite and associated car park for Deicorp which was erected to facilitate sales in the recently completed southern adjacent development at 5-7 Maple Tree Road as well as apartments in the approved development on the subject site.

Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2021)

2.3 Surrounding Development

21. The surrounding development is characterised by a mix of development types including medical, educational, commercial, and residential development.

22. Parramatta Marist High School adjoins the site to the west. The school's swimming pool is located immediately adjacent to the site. A palisade fence currently separates the two properties. Further to the west, high and medium density residential development exists with frontage to Bridge Road, including the Monarco Estate which comprises a collection of residential towers up to 14 storeys in height.

23. The subject site is located within a precinct which was formally land owned by the University of Western Sydney and which has been the subject of strategic planning work and is specifically referenced in Section

4.3.4.1 of the Parramatta DCP which applies to the subject and surrounding sites known collectively as Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead.

24. On 11 February 2015, the Joint Regional Planning Panel approved Development Application DA/571/2014 for the works to the University of Western Sydney land including demolition of all buildings with the exception of the two heritage buildings listed under Schedule 5 of PLEP 2011, remediation, construction of an internal road network and torrens title subdivision of the site into 5 allotments. This subdivision created the subject allotment to which this development application relates.

25. An area of open space that was delivered as part of the above works on the overall site is located to the south on the opposite side of Maple Tree Road.

26. To the south of the subject site, across the open space, is the recently completed development at 5-7 Maple Tree Road which was granted development consent DA/96/2016 on 2 August 2017. This development was completed by Deicorp who is also the proponent of the subject development application. Low density residential development exists on the southern side of the railway line.

27. Opposite the subject site to the north-east is 160 Hawkesbury Road which holds a prominent corner location at the intersection of Hawkesbury Road and Darcy Road. This site is the subject of approved DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement on Lot 2. Construction of this approval is well advanced and part of this development, known as Stage 1, has been completed.

28. 1 Farmhouse Road is located immediately adjacent to the north and also has direct frontage to Darcy Road. The indicative use approved for 1 Farmhouse Road is for commercial development, however, do date no application has been made for the future redevelopment of this site.

29. Westmead Hospital is located further to the north across Darcy Road.

30. 158 Hawkesbury Road is located to the south-east of the subject site and contains the heritage significant Farmhouse Building and St Vincent's Building. The St Vincent's Building will continue to be used for the purposes of education. The Westmead village shops are located further to the east of the site on the eastern side of Hawkesbury Road. The Westmead village shops comprise an eclectic mix of retail, commercial and residential development. Westmead Train Station is located approximately 220 metres to the south east of the site.

3.0 BACKGROUND

3.1 Planning Proposal to rezone land at 158-164 Hawkesbury Road and 2A Darcy Road

31. In 2011 the University of Western Sydney sought a Planning Proposal to rezone the land at 158-164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Use. The Planning Proposal was accompanied by a number of studies and master plan prepared by ARUP which informed the amendment to the LEP as well as a site specific component of the Parramatta DCP and included specific boundaries for new height and FSR areas.

32. An amendment to the Parramatta Local Environmental Plan 2011 rezoning the land at 158-164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Use was gazetted in 2013. Parramatta Local Environmental Plan 2011 (as amended) provides site specific building height and FSR development standards, permitting building heights ranging from 31-48 metres and FSR of 1.5:1- 4.0:1 across the site based on the masterplan which accompanied the Planning Proposal. An amendment to the DCP was simultaneously adopted providing planning controls specific to the site.

33. The rezoning of the site from SP2 Special Uses (Educational Establishment) to B4 Mixed Use also provided for additional permitted uses on the site including residential, retail, commercial and community uses including education and significantly increased the development potential of the site consistent with both the Council's strategic plan for Westmead and the aims of Sydney Metropolitan Plan 2036.

Figure 3:

Indicative masterplan by ARUP which informed the Planning Proposal height and FSR controls for the site and was captured as Figure 4.3.4.1.3 of the PDCP 2011

3.2 Development Application DA/571/2014

34. On 11 February 2015, the Joint Regional Planning Panel approved Development Application DA/571/2014 for the following works on the site:

- Demolition of all buildings with the exception of the two heritage buildings listed under Schedule 5 of PLEP 2011.
- Remediation of the site.

- Earthworks and construction of an internal road network.
- Public domain works including landscaping involving the retention of 8 trees, removal of 40 trees and tree replenishment.
- Torrens title subdivision of the site into 5 allotments

35. The Stage 1 development application was accompanied by an Urban Design Report prepared by Cox Richardson. The Urban Design Report argued a case for an alternative site layout and distribution of buildings compared to the ARUP masterplan (refer to Figure 3) which informed the recently adopted height and FSRs across the site under the PLEP 2011. The Urban Design Report also included indicative building envelopes to illustrate one potential way in which the proposed new allotments could be developed under subsequent development applications.

36. In approving Development Application DA/571/2014 the Joint Regional Planning Panel upheld the applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Parramatta Local Environmental Plan 2011. The proposed gross floor area and floor space ratio on Lots 2, 3, 4 and 5 exceeded the maximum floor space ratio permissible under PLEP 2011 due to the fundamental change in site layout and indicative building envelopes when compared to the masterplan which informed the Planning Proposal. The height of the indicative building envelopes on Lots 2, 4 and 5 exceeded the maximum heights permissible by PLEP 2011. Specifically in relation to Lot 4, the Council's assessment report found that a floor space ratio variation of up to 25% was proposed and a building height variation of up to 23.8% was proposed within the indicative building envelopes.

37. The Council's assessment report for Development Application DA/571/2014 recommended that the Clause 4.6 variations for Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) be upheld and specifically noted that the non-compliances across the site are attributed to the fact that the concept plan in PDCP 2011 was poorly conceived and not well resolved and that the alternative approach to the site outlined in the Cox Richardson Urban Design Report represented an improvement which effectively meant that the height an FSR boundaries had become redundant. The assessment report states that Council's Urban Design Unit found that the proposal resulted in an improved built form outcome:

> ***The Urban Design Unit are supportive of the proposed non-compliances of Height and FSR across the site. Most non-compliances are a result of a suboptimal concept plan being the primary tool to inform the LEP controls for the site specific DCP.***
>
> *The proposed Concept Plan is a result of design development and rationalisation of the DCP and results in most instances results with an improved built form outcome.*

38. The Determination and Statement of Reasons issued by the Joint Regional Planning Panel stated that the Panel considered compliance with Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) to be unnecessary in the circumstances.

39. The concept plan prepared by Cox Richardson which supported the Stage 1 development application is illustrated in Figure 4 below.

Figure 4:

Cox Richardson Concept Plan which supported DA/571/2014 which differs substantially from the ARUP masterplan in Figure 3 above which informed the Planning Proposal and DCP amendments

3.3 Development Application DA/968/2016 (Lot 5)

40. On 2 August 2017, development consent was granted to DA/968/2016 at 160 Hawkesbury Road, Westmead (Lot 5) for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building.

41. In approving Development Application DA/968/2016 the Joint Regional Planning Panel upheld the applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Parramatta Local Environmental Plan 2011. There are three height zones which apply to that site and variations of up to 73.1% were supported. There are two FSR zones which apply to that site being 1.5:1 and 4:1 and an FSR of 4.52:1 was approved (at the time of approval, the guidance provided by *Mulpha Norwest Pty Ltd v The Hills Shire Council* (No 2) [2020] NSWLEC 74, did not exist and so FSR was calculated on a combined basis).

42. The site plan for Development Application DA/968/2016 is shown in Figure 5.

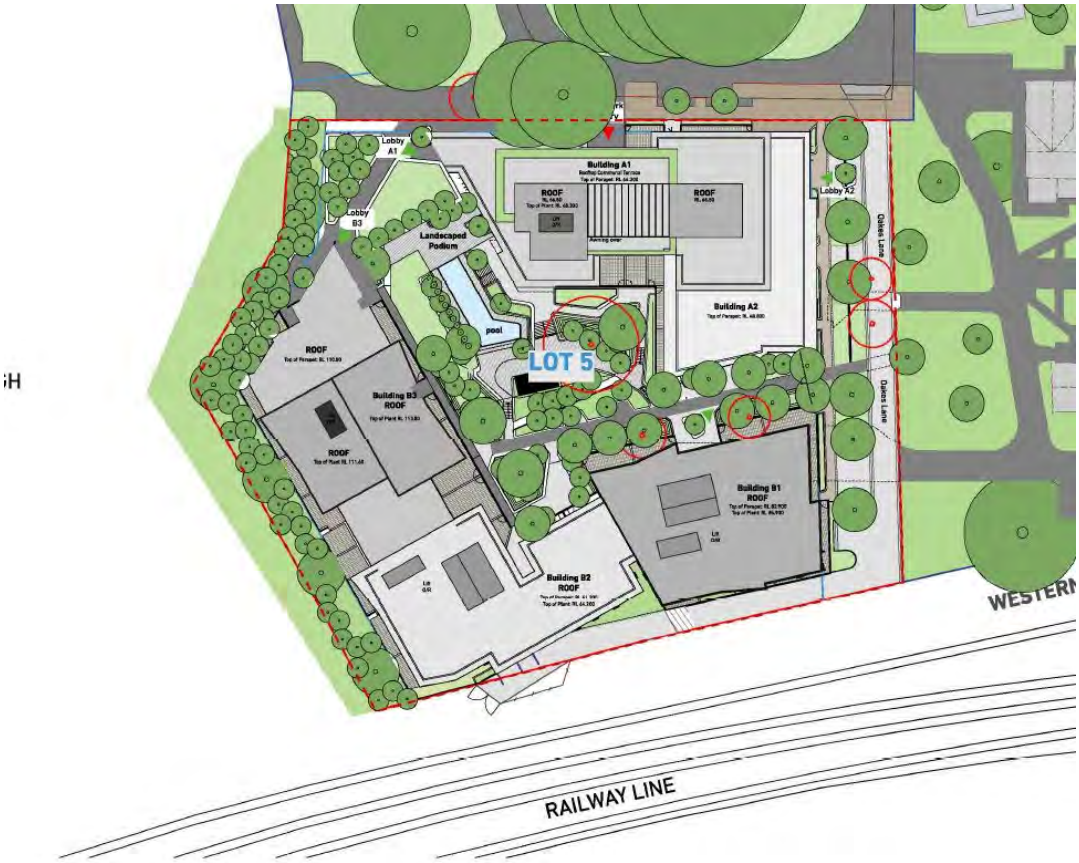

Figure 5:

Development Application DA/968/2016 (Lot 5) Site Plan

3.4 Development Application DA/1271/2016 (the subject site)

43. On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road).

44. In approving Development Application DA/1271/2016 the Joint Regional Planning Panel upheld the applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Parramatta Local Environmental Plan 2011. **The approved development departs significantly from the height controls with a departure of 19.3% for Building E, 23.7% for Building F and 80.3% for Building D. The approved development was identified as having an FSR of 4.34:1 against the standard of 4:1 and 3.5:1 which apply to the various parts of the site (at the time of approval, the guidance provided by *Mulpha Norwest Pty Ltd v The Hills Shire Council* (No 2) [2020] NSWLEC 74, did not exist and so FSR was calculated on a combined basis).**

Figure 6:

Development Application DA/1271/2016 – Subject Site

4.0 PROPOSAL

4.1 Strategic Context

45. On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road).

46. Since the time of the approval of DA/1271/2016, there have been significant strategic planning, transport planning and policy changes in relation to Westmead including the following:

    - In November 2017, the Department of Planning and Environment announced Westmead as a Planned Precinct with a health and education area north of the rail line.
    - Parramatta Light Rail – Stage 1 has been announced and construction is currently under way with the Westmead Light Rail stop to be built at corner of Hawkesbury Road and Railway Parade. Parramatta Light Rail Stage 1 will connect Westmead to Carlingford via Parramatta CBD and Camellia.
    - Sydney Metro West line has been announced and construction is currently underway with the new Metro platform located south of the existing Westmead Station on the eastern side of Hawkesbury Road, Sydney Metro West will connect the Sydney City Centre (CBD) with Westmead.
    - Sydney University has been chosen by the NSW Government to develop a new world class multi-disciplinary campus within the Westmead Health and Innovation District which will accommodate 25,000 students.
    - In March 2020, the City of Parramatta Council's Local Strategic Planning Statement (LSPS) City Plan 2036 (LSPS) came into effect and sets out a 20-year land use planning vision for the City of Parramatta. The LSPS identifies that the Westmead Health and Education Precinct provides a major conglomeration of health, research and medical services. The LSPS also identifies target for 28,700 additional jobs and 4,500 dwellings in Westmead by 2036.
    - The Westmead Place Strategy has been prepared and placed on public exhibition from December 2020 to March 2021. The Westmead Place Strategy identifies a bold vision for Westmead to be Australia's premier health and innovation district with a jobs growth of 50,000 by 2036. The Strategy includes an action to undertake further studies for housing intensification and diversification within 800 metres of Westmead Station.

47. The site is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. The site is also within a precinct which is ear marked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site. Accordingly, the changes in the strategic and planning context have prompted a design review of the approved development to understand whether it has sufficiently fulfilled the environmental capacity of the site.

4.2 General Description

48. An urban design review has been undertaken by Gyde in collaboration with Turner architects and has identified that an alternative approach towards the development of the site compared to the approved development DA 1271/2016 would achieve urban design benefits including greater diversity of scale, increased variety of architectural expression, and an accentuation of the slenderness of form of the tower. These benefits are achieved **whilst still adhering to the previously established urban design principles for the overall site**, including the principle of downward transition from south to the north.

49. The proposed development is for alterations and additions to an approved residential development DA 1271/2016 for the following:

    - Additional 4 floors (12.3m) to Buildings D
    - Additional 4 floors (15.05m) to Building F
    - Increase in apartments from 344 to 405 units
    - Increase in Gross Floor Area from 28,825 square metres to 34,163.6 square metres
    - Additional communal open space at Level 10 on Building E and Level 14 on Building D
    - Refinement to the architectural expression of the buildings
    - Various changes to the layout and arrangement of previously approved apartments

50. The proposed alterations and additions to the approved development DA 1271/2016 are detailed on architectural plans prepared by Turner Architects which accompany this application.

51. The proposal as amended is described as the erection of a 6 to 24 storey residential flat development above 4 basement levels. The amended proposal retains the 'U' shaped building footprint above a single storey landscaped podium which provides a common open space area for the residents.

52. The amended distribution of built form and massing of the building across the site is the result of a further analysis of the context of the site and the desire to deliver a positive urban design outcome that is consistent with the desired future character for the site and the Westmead precinct generally. The amended proposal is a high quality transit orientated development that will provide housing choice in a location that enjoys exceptional access to a range of employment, health and educational facilities as well as a range of public transport options.

53. The additional height does not result in an unacceptable shadow impact to the recently completed development at 5-7 Maple Tree Road which remains compliant with the ADG guidance.

54. The family of heights retain an appropriate contextual relationship with the development to the south and future development to the north. In this regard the higher buildings have been located in the south western corner of the site with the building height still decreasing toward the north and east to provide a transition in scale providing and appropriate level of visual relief between the development and the heritage significant buildings.

Figure 7:

Approved development on the site

Figure 8:

Proposed amendments with 4 additional floors to Buildings D and F

Figure 9:

CGI of approved development facing north-west

Figure 10:

CGI of proposed development facing north-west

Figure 11:

CGI of approved development facing south-west

Figure 12:

CGI of proposed development facing south-west

4.3 Urban Design Principles

55. The Urban Design Report prepared by Gyde which accompanied the development application is attached as Appendix A to this Clause 4.6 Written Request. The Urban Design Report discusses the urban design principles for the site in detail and discusses how the subject application responds to the principles.

56. Pertinent parts of the discussion in the Urban Design Report are provided below:

> **5. URBAN DESIGN PRINCIPLES**
>
> 5.1 The urban design principles underpinning the development of the site and the immediate precinct have evolved over a complex and unique planning history. Due to issues identified with the existing planning controls applicable to the site, Parramatta Council, along with its design review panel and the landowner have sought to address sub-optimal development controls embedded in the PLEP 2011. This has since occurred via progressive DA approvals, which have facilitated improved urban design outcomes that achieve compliance with SEPP 65 and the ADG, which was not possible under the applicable controls.
>
> The existing development consents and the development that has so far occurred in the precinct have significantly varied the applicable controls under PLEP 2011 via a merit based and peer reviewed assessment processes.
>
> As the applicable controls under PLEP 2011 have been **abandoned**, this report takes the more relevant and meaningful approach to consider the planning and urban design principles underpinning subsequent development consents applicable to the site and the precinct. As PDCP 2011 controls were developed in conjunction with the applicable controls under the PLEP 2011, departure from the DCP controls is warranted. However, these have been considered throughout the sequential DA processes on a principles basis.
>
> **6. URBAN DESIGN REVIEW**
>
> There are few locations in the metropolitan area in such an advantageous transit nexus that connects high frequency underground Metro line trains, frequent metropolitan and regional rail services, light rail and high frequency T-way services. This uniquely positions the site in a major transit oriented health, education and innovation hub with excellent access across the local, district, metropolitan and regional transit reach.
>
> Since development consent for Lot 4 and 5 were was granted in 2016, commitment to the future Parramatta Light Rail, Sydney Metro West and hospital expansion have significantly changed the employment and public transport context for this location.
>
> As consent for development preceded commitment to these key infrastructure items, the current development consent for Lot 4 did not capture opportunities to respond to the future enhanced transit oriented and land use context, when on a strategic level, increased residential capacity on the site would certainly be considered. The same can be said for Lot 5 but as it is now constructed, the opportunity for this to occur has since passed, meaning that increased density on Lot 4 is one of few remaining

shovel ready opportunities to respond to key infrastructure investment by providing increased residential density in short walking distance to the interchange.

The development consent for Lot 4 also precedes the adoption of the LSPS and the exhibition of the Draft Westmead Place Strategy. As outlined in Section 4, these documents clearly support focusing and intensification of land use adjacent to the future Westmead interchange and the employment, service and knowledge opportunities presented by the expanding health innovation and education precinct. This will facilitate integrated land use and transit, as well as making the most of the government's transport investment.

Increased density will provide greater opportunity for people to live close to jobs, education, health services and transport in a strategic location with a higher level of public domain amenity and connectivity.

The strategic merits of increasing density on one of the last remaining large consolidated development parcels adjacent to this interchange are clear. The focus of the remainder of this report is therefore on the site specific merits of increased density.

To inform our understanding of the site specific merits of the proposal, we consider whether: the additional density can be accommodated with acceptable and manageable impacts; it corresponds to the overarching urban design principles that have evolved to guide and underpin the development and approval outcomes of the precinct outlined in Section 5 - Table 5; and any departures (if any) from those underlying principles are justifiable.

As assessment of the amended development in relation to the Table 5 Urban Design Principles is provided as Appendix A. This demonstrates that the amended concept is generally consistent in principle, with already approved outcomes. This is largely because the amendments mainly involve the increase in height on Building D1 and Building F, along with some corresponding internal adjustment and reconfigurations of units to maintain compliance with ADG requirements.

As the fundamentals of proposed built form have not changed, Gyde's Appendix A analysis of the proposed development highlights a need to focus on the proposed amendment and how they relate to the following (Table 5) urban design principles. Consideration of these matters is provided in the following sections.

6.1 HEIGHT TRANSITION

The site planning for the proposed development generally adheres to the same urban design principles as previously approved under the current development consent.

The relationship between built form and public space remains unchanged with the building set out in a perimeter block arrangement, promotes positively interfaces and overlooks the public street, access ways and open space while enabling the privacy of the school grounds to be managed sensitively.

This also allows for solar penetration into the building cluster from the north west where is of best advantage to the common open space areas, irrespective of the increased building height to Building D1 and F.

The increase in building height warrants consideration for height modulation at the precinct scale. This is considered in relation to the principle of focusing taller building heights at the southern and of the precinct adjacent to the rail, and transitioning downward towards the north.

We consider the amended design in relation to the principle of transitioning building height downwards towards the north as reflected in the existing development on Lot 5, the current consent on Lot 4 and the intended future development potential of Lot 3. Across these lots a transition from south to north as follows:

- Lot 5 transitions from heights of 8-9-15-25 storeys;
- Lot 4 transitions from height of 6-9-11-20 storeys;
- Lot 3 in the north to 7 storeys.

Based on the amended concept, the transition scenario will occur as follows:

- Lot 5 transitions from heights of 8-9-15-25 storeys;
- Lot 4 transitions from height of 6-9-15-24 storeys;
- Lot 3 in the north to 7 storeys.

While the heights on Lot 4 will increase and will be comparable to the heights on Lot 5, they still achieve an acceptable northwards transition towards the Lot 3 height of 7 storeys in the north across, noting that this transition does not occur along public space and is therefore of minimal impact.

However, the clustering of 14, 9-10 and 7 storeys between the north of Lot 4 and Lot 3 will provide greater visual and streetscape interest and will not result in any deleterious effects in relation to building bulk.

Refer **Figures 13 and 14** for comparative analysis of the approved and proposed transitional massing in the precinct.

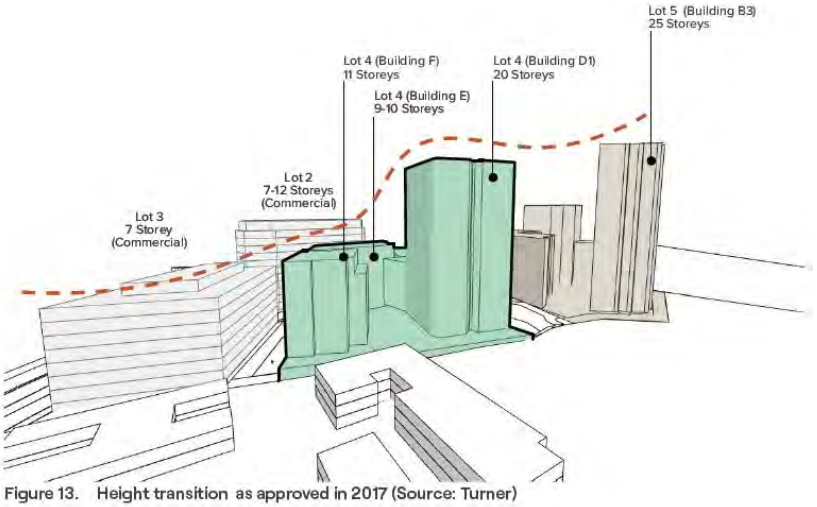

Figure 13. Height transition as approved in 2017 (Source: Turner)

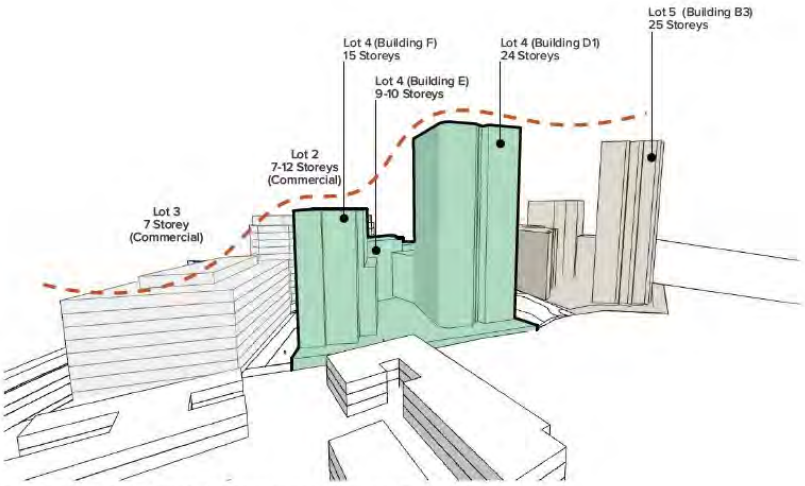

Figure 14. Height transition as proposed (Source: Turner)

Figure 13:

Figures 13 and 14 from the Urban Design Report

6.2 BUILDING MODULATION

The underlying principle of building modulation guides the design and interrelationship between individual buildings at the building, site and precinct scale. This assists in establishing the visual quality and interest of building form, and the balance between the uniqueness and coherency of architectural language. In this regard the principles seek to create streetscapes that tie together with a unifying character, but provide distinctive characterisation to promote visual interest.

Already built into the existing development consents is a set of individually characterised buildings with a with a high level of articulation and modulation. A unifying contemporary character is achieved with the use of bespoke design elements such as bay window boxes on upper levels. A variety of materials and finishes and alternating vertical and horizontal emphasis enhances individual character. This approach will be carried over from the current development consent.

At the site and precinct scale, we consider the arrangement and variances of volumetric form and roof height. The current development consent for Lot 4 provides for a combination of street wall and tower elements of differing shapes and forms to achieve varied roof lines and distinct characterisation between buildings. The same can be said for the development forms on Lot 5.

The amendments proposed will continue to adhere to the principle of modulated height while maintaining the desired 9-10 storey street wall scale on Farmhouse Road and in the immediate vicinity of the heritage item. **The additional height on Building D1 and Building F will enhance the slenderness of both buildings establishing a more elegant form and reducing perceived building bulk**.

The additional height on Building D1 will be comparable to the height of the tallest building on Lot 5 (i.e. Building C1) The additional height on Building F will be comparable to the mid rise building on Lot 5 (Building B1). The amendments to heights on Lot 4 will respond cohesively to the design approach on Lot 5. As the amended development concept seeks to include additional levels onto the existing approved development and to maintain the visual language that is reflected in those approvals, the elements of visual variance, individual characterisation have not changed. In terms of the modulation of height on Lot 4, the amended development enhances modulation in that it provides a greater sense of distinction an individuality between Buildings E and F, which were originally at a comparable height.

Figure 15. Building Modulation (Source: Turner)

Figure 14:

Figure 15 from the Urban Design Report

6.3 SOLAR ACCESS – ADG COMPLIANCE

6.3.1 ADG - Solar compliance within Lot 4

The increase in height for Buildings D1 and F as been designed to ensure that living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter as required by the Apartment Design Guide. Refer Figure 16.

In order to achieve ADG compliance, all 3 bed apartments have been relocated to the upper floors of Building D1 where they will have maximum outlook and amenity. 1 bed apartments have been relocated to the lower levels of the tower and to Building F. These are generally north facing to provide a high level of amenity and allow the proposal meet minimum ADG solar compliance.

Communal open space areas on Lot 4 meet the minimum 50% ADG requirement for mid winter solar access at 58%, as illustrated in Figure 17.

6.3.2. ADG - Solar compliance within Lot 5

The increase in height for Buildings D1 and F has been designed with consideration for impacts on Lot 5 in terms of amenity and the ability for Lot 5 to maintain its level of compliance with the solar access requirements of the ADG. As can be seen in Figure 19, the overshadowing effects of the additional building height generally occurs outside of Lot 5.

Based on information provided in Turner's DA package, Lot 5 maintains 70% of all apartments achieving compliance with solar access requirements of the ADG.

Communal open space areas on Lot 5 meet the minimum 50% ADG requirement for mid winter solar access at 62%, as illustrated in Figure 18.

6.4 SOLAR ACCESS – PRECINCT IMPACTS

6.4.1. Building D1 - Solar impacts of increased building height on the broader precinct

As can be seen in Figure 19, the focus on delivering slender tower forms results in fast moving shadows with short dwell times in any particular location. The additional height on Building D1 results in minor increases in overshadowing which largely falls within the railway reserve and is therefore of minimal and acceptable impact. The additional height results in minor increases in overshadowing between 2pm and 3pm affecting part of the commercial centre at the corner of Hawkesbury Road and Railway Parade. There are no impacts of the additional height on the retail plaza.

The solar overshadowing is therefore of minimal and acceptable impact resulting from additional height on Building D1.

6.4.2. Building F - Solar impacts of increased building height on the broader precinct

As can be seen in Figure 19 there is a minor increase in overshadowing in the peripheral area of the Marist School sports oval, which occurs for a

brief period of time in the morning. The sports oval is unaffected by overshadowing for the remainder of the day. Additional overshadowing impacts on the retail plaza and the open space surrounding the heritage item are negligible as affects are generally limited to the at grade car park.

The solar overshadowing is therefore of minimal and acceptable impact resulting from additional height on Building D1.

Figure 15:

Figure 19 from the Gyde Urban Design Report

4.4 Design Excellence Advisory Panel

57. The subject proposal was presented to Council's Design Excellent Advisory Panel on 2 December 2021. The Panel members at this Panel were the same members who were involved in the extensive workshop process that occurred during the original Development Applications for Lot 4 (the subject site) and Lot 5 which were prepared concurrently and subsequently approved. The presentation was undertaken by Turner architects, Gyde (urban design), and Sutherland & Associates Planning.

58. The presentation included a comprehensive discussion in relation to significant strategic planning, transport planning and policy changes in relation to Westmead. Further, the presentation included a detailed architectural and urban design analysis of the site and context and demonstrated how the proposal will achieve urban design benefits including greater diversity of scale, increased variety of architectural expression, and an accentuation of the slenderness of form of the tower. The presentation explained how these benefits are achieved whilst still adhering to the previously established urban design principles for the overall site, including the principle of downward transition from south to the north.

59. In response, the Panel were generally supportive of the proposal and concluded the following in the minutes of the meeting:

    The Panel were generally supportive of the proponent's additional units and revised architectural expression and distribution of program across the lot.

60. In addition, the Panel identified a number of specific and discreet items to be addressed, including:

    - Reduction in car parking
    - Increase in common open space
    - Improvement of the substation presentation

- Shadow analysis upon future light rail station

61. The core issues of bulk, scale, massing and architectural expression were considered satisfactory at the first Panel meeting.

62. The subject proposal was presented to Council's Design Excellent Advisory Panel for a second time on 10 March 2021, with the presentation focused on addressing the specific items identified by the Panel for further work.

63. However, there were two new Panel members at the second Panel meeting who were uniformed of the site, the previous approvals, the proposed application, the content of the first Panel presentation, and the minutes from the first Panel meeting.

64. The Minutes of the second Panel meeting are contradictory. Paragraph 2 reiterates that:

> 2. The December Panel expressed general support for the proposal based on the site location in close proximity to a range of public transport services and subject to;
>
> a. The provision of additional common open space using other podium spaces on levels 3,8, and 20-23
>
> b. Additional shadow analysis relative to the light rail platform area.
>
> c. Reduction in carparking provision with proximity to public transport services.
>
> d. Incorporating the substation into a more unified urban element to minimise its impact on the shared pedestrian space

65. The elements (a) to (b) have been addressed by the amended application.

66. Notwithstanding, Paragraph 10 of the Minutes to the second Panel meeting contains commentary that is fundamentally contradictory:

> In the previous DEAP Report, the Panel recommended that the Council's Urban Design Team consider the impacts on the public domain in reference to the desired future character for the precinct; a substantial increase to height and density clearly impacts on the public domain, so it would typically only be justifiable in terms of improved public benefit, amenity and urban design quality. However, no such argument has been put forward in this case. For a proposal of this scale, this is not only highly unusual but also risky – especially considering the magnitude of the non-compliances already approved.
>
> While perspective views are shown of the approved and proposed massing for example, no improvements to proportion or language are indicated, or any modifications proposed to gracefully integrate the extra bulk. Even the height transition argument previously made is not verified at project scale, with adjoining built context simply not shown on plans, elevations or sections. Without a demonstrable argument, it is very difficult for the Panel - and a consent authority - to understand the proposal's merits, let alone justify further breaches of height and density. It is therefore

> strongly recommended that a clear and substantial argument is provided to justify the proposal, especially in terms of :
>
> - public benefit
>
> - improved urban design quality
>
> - improved relationship with the public domain, including contextual fit, streetscape, landscape, aesthetics, pedestrian comfort etc

67. The content of Paragraph 10 is uninformed and clearly not prepared following a review of all of the documentation submitted with the development application, including the Urban Design Report prepared by Gyde, or the presentation to the first Design Review Panel.

68. In particular, both the Urban Design Report prepared by Gyde and the presentation to the first Design Review Panel specifically discuss and demonstrate:

    - Improvements to proportion and language of Buildings D1 and F (Section 2 of the first DEAP presentation, Section 3 of the second DEAP presentation, and Section 6.2 of the Urban Design Report prepared by Gyde, as quoted in paragraph 42 to this Written Request)
    - Verification of the height transition at a project scale with adjoining built context (Section 2 of the first DEAP presentation, Section 3 of the second DEAP presentation, and Section 6.1 of the Urban Design Report prepared by Gyde, as quoted in paragraph 42 to this Written Request)
    - Improved Urban Design Quality (Section 2 of the first DEAP presentation, Section 3 of the second DEAP presentation, and Section 6.2 of the Urban Design Report prepared by Gyde, as quoted in paragraph 42 to this Written Request)
    - Improved relationship with the public domain (Section 2 of the second DEAP presentation)

69. Paragraph 10 is clearly at odds with Paragraph 2, because it is uninformed. Contrary to the assertion of Paragraph 10, detailed material has been provided which demonstrates the proposal's merits and comprehensively justifies further breaches of height and density. The Council have agreed with this in the assessment report to the Local Planning Panel on 16 August 2022, where it is stated:

> It is noted that the separate meetings were chaired by different Panel members, which accounts for the differing advice.
>
> The additional storeys proposed in this application was looked at favourably by the first Panel, who was supportive of the increased density and Architectural expression. It was on this basis that the applicant proceeded with amended documentation to address the remaining concerns raised by DEAP.
>
> Accordingly, although the second Panel raised additional issues and questioned supporting the increase in density and built form, Council has undertaken the proposed variations on its merits under the Clause 4.6 discussions under the PLEP2011 compliance table.
>
> From Council's perspective, the overall design of the development was assessed and satisfied the Design excellence requirements of SEPP65 when DA/1271/2016 was approved.

70. For completeness, a comprehensive response to Paragraph 10 has been prepared by Gyde to address the content of Paragraph 10 of the second DEAP minutes and is Appendix B to this Clause 4.6 Written Request.

5.0 CLAUSE 4.6

5.1 Clause 4.6 Exceptions to development standards

71. Clause 4.6(2) of the PLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the PLEP, or any other environmental planning instrument.

72. However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

    a. that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

    b. there are sufficient environmental planning grounds to justify contravening the development standard.

73. In accordance with clause 4.6(3) the applicant requests that the Floor Space Ratio development standard be varied.

5.2 Development Standard to be varied

74. Clause 4.4 states:

> (1) The objectives of this clause are as follows:
>
> (2) to regulate density of development and generation of vehicular and pedestrian traffic,
>
> (3) to provide a transition in built form and land use intensity within the area covered by this Plan,
>
> (4) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,
>
> (5) to reinforce and respect the existing character and scale of low density residential areas.
>
> (6) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

75. Floor space ratio is defined under Clause 4.5 of the PLEP as:

> "the ratio of the gross floor area of all buildings within the site to the site area."

76. There are two maximum floor space ratio controls shown for the land on the Map for the site to which the proposed development relates being 4.0:1 in area 'X1' and 1.5:1 in area 'S1' as shown in Figure 16.

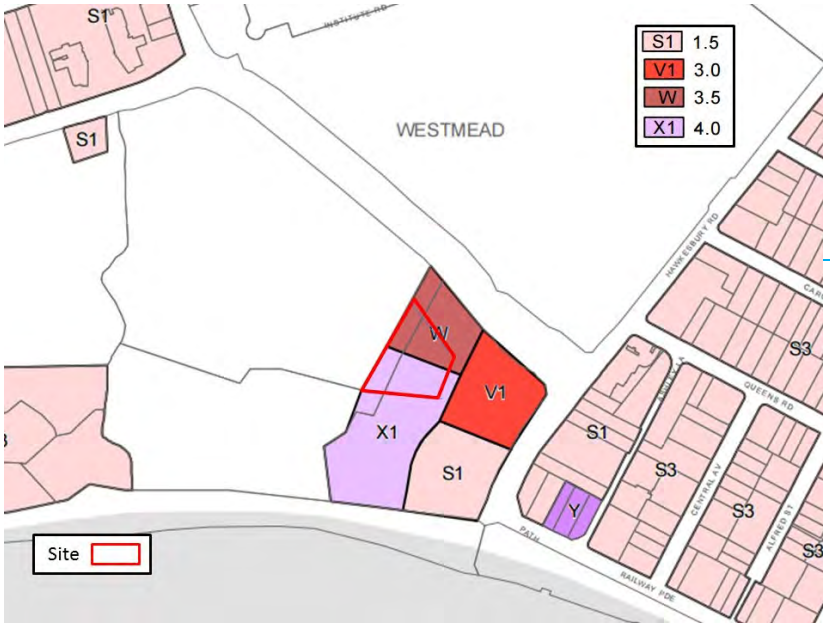

Figure 16:

Extract from the PLEP FSR Map

5.3 Extent of Variation to the Development Standard

77. At the time of approval of DA 1271/2016, it was accepted that where two FSR zones apply to a site, that a combined approach was taken in relation to an FSR figure for the development to arrive at one FSR number.

78. The approved development was identified as having an FSR of 4.34:1 against the standard of 4:1 and 3.5:1 which apply to the various parts of the site.

79. However, subsequently in *Mulpha Norwest Pty Ltd v The Hills Shire Council (No 2)* [2020] NSWLEC 74, the Land and Environment Court has decided that the FSR must be evaluated separately in the two different FSR areas.

80. The table below provides a breakdown of the approved and proposed FSR in the 3.5:1 FSR zone, noting that the proposal is compliant with FSR within the 3.5:1 zone:

3.5:1 zone Site Area	Approved GFA/FSR	Proposed GFA/FSR
3,239 sqm	9,244sqm / 2.85:1 -23% (i.e. no variation)	10,882sqm / 3.36:1 -4% (i.e. no variation)

81. The table below provides a breakdown of the approved and proposed FSR in the 4:1 FSR zone:

4:1 zone area	Approved GFA/FSR	Proposed GFA/FSR	Incremental Exceedance	Cumulative Exceedance
3,349 sqm	19,582sqm / 5.85:1 +46%	22,676sqm / 6.77:1 +69%	**+23%**	+69%

82. The approved development of the site under DA 1271/2016 already departs by 46% from the 4:1 FSR control. As a result, the consideration of whether "strict compliance" is unreasonable and unnecessary has already been determined in the approval of DA 1271/2016.

83. Furthermore, whilst the proposal results in a total cumulative exceedance of the 4:1 FSR control of 69%, the proposed additional 4 storeys to Building D1 is only responsible for an incremental exceedance of 23%.

84. The development to be assessed under Clause 4.6 of the PLEP is the subject application and the contravention of the standard proposed is not the cumulative exceedance of the development standard, rather than the incremental increase of 23%. Nevertheless, the issues of cumulative exceedance of the development standard are also addressed in this Clause 4.6 Written Request so that there can be no doubt that Clause 4.6 is satisfied.

5.4 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

85. Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in Wehbe v Pittwater Council [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

86. This was recently re-affirmed in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

87. Whilst it is only necessary to address the first method of the five part test described in Wehbe v Pittwater Council. [2007] NSWLEC 827, which alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement, this Clause 4.6 Written Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case based on multiple tests, as discussed below:

5.4.1 Test 1: the objectives of the standard are achieved notwithstanding non-compliance with the standard;

88. The specific objectives of the floor space ratio development standard, as specified in clause 4.4(1) of the Parramatta Local Environmental Plan 2011 are identified below. A comment on the proposal's consistency with each objective is also provided.

Objective (a):to regulate density of development and generation of vehicular and pedestrian traffic

89. Clause 4.4(1)(a) in so far as it refers to regulating density of development is explanatory of the central purpose of the floor space ratio standard: Baron Corporation Pty Ltd v Council of the City of Sydney [2019] NSWLEC 61 per Preston CJ at [49]. Accordingly, it is unnecessary to demonstrate that incremental and cumulative exceedance of FSR is consistent with that aspect of cl 4.4(1)(a).

90. In relation to the generation of vehicular traffic, it is noted that the proposed has been amended and provides no additional car parking beyond that which has already been approved for the development. Traffic generation is based on car parking provision, and therefore the zero increase in car parking provisions

means that there will be zero increase in vehicular traffic as a result of the proposed development and 61 additional apartments.

91. Whilst the proposed additional 61 apartments will result in increased pedestrian traffic to and from the site, there is unlikely to be any adverse impact resulting from additional foot traffic associated with the proposal. The site is well served by a new street network established pursuant to development consent DA/571/2014 comprising formed footpaths of 3 metres minimum width. This is the largest of all footpath widths identified in Table 3.1 Footway Width Recommendation under the City Of Parramatta Public Domain Guidelines which is ordinarily only required for the CBD Commercial Core. For 'Town & Neighbourhood Retail' a footpath width of 2.4 metres is required, whilst for 'High-Medium Density Residential' a footpath width of only 1.8 metres is required. The 3 metre wide footpaths are more than sufficient to cater for the increased foot traffic which will result from the proposal and in fact the that increased foot traffic is considered a positive outcome as it will maximise the activation of streets within the precinct. Finally, the local road network is particularly suitable to accommodate an increase in pedestrian traffic as it has been designed to be a low speed environment to enhance pedestrian safety including the provision of traffic calming devices and pedestrian crossings.

92. Objective (b): to provide a transition in built form and land use intensity within the area covered by this Plan

93. The site is located within the Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP). The Desired Future Character of the locality as described in the DCP provides specific commentary in relation to the transition of built form and land use intensity within this Special Area:

> Height will be distributed across the site having regard for orientation, overshadowing, the scale of retained heritage buildings and views/vistas to Parramatta Park to the east. Built form fronting Hawkesbury and Darcy Roads will locate active uses on the ground floor to increase the vibrancy of the Westmead Precinct as a whole.
>
> The built form will include taller, slender "statement" buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD. **Taller buildings are to be located within the south western corner of the site** and should reduce visual bulk, provide architectural modulation, reduce overshadowing and encourage dual aspect apartments for enhanced access to sunlight and breeze.
>
> **The building form to the north and east will be lower in height** to optimise solar access to private and public open space and would allow view corridors to the heritage buildings.
>
> The strategic location of this site in relation to Westmead Station and adjacent to the T-Way lends itself to the creation of a transit oriented development **which allows for greater intensity of uses to optimise the advantage of available transport infrastructure** and minimise the reliance on vehicles.

94. The proposed development seeks for 4 additional storeys to building D1 and 4 additional storeys to Building F. The additional 4 storeys to Building D1 results in an incremental FSR variation to the 4:1 zone. Section 6.1 of the Gyde Urban Design Report (Appendix A and paragraph 42 of this Written Request) specifically addresses the issue of transition in built form and demonstrates that the additional 4 storeys for each

building retains a transition in scale from south to north. The Urban Design Report specifically notes that "While the heights on Lot 4 will increase and will be comparable to the heights on Lot 5, they still achieve an acceptable northwards transition towards the Lot 3 height of 7 storeys in the north across, noting that this transition does not occur along public space and is therefore of minimal impact".

95. Figure 13 in this Written Request clearly illustrates that a transition in scale is retained, and in fact, the proposal improves the actual perception of transition, with a more deliberate and defined "stepping" from south to north.

96. The discussion in Section 6.1 of the Gyde Urban Design Report clearly demonstrates that the proposed distribution of height across the site provides a transition in scale from south to north which sits comfortably within the family of buildings within this precinct. The highest component of the proposed development (the 24 storey tower) is located on the south western portion of the site and is consistent with the intent of the LEP in terms of the distribution of height across the overall site. The proposal incorporates lower building heights on the northern and eastern portions of the site, and accordingly provides an appropriate transition in built form and land use intensity within the area and satisfies Objective (b) of the FSR development standard to provide a transition in built form and land use intensity is satisfied by the proposal.

Objective (c): to require the bulk and scale of future buildings to have regard to heritage sites and their settings

97. The subject site is located in close proximity to two local heritage items, the University of Western Sydney St Vincent's the Building, and the Victorian Residence, which are both located within the former University of Western Sydney precinct that contains the subject site.

98. In consideration of the heritage impacts associated with the proposed development for 4 additional storeys to Buildings D1 and F, it is firstly relevant to note that on page 40 of the Council assessment report for the approved development DA 1271/2016, the following was concluded the following in relation to heritage impacts:

> The departure to the height in this instance does not result in any adverse impacts to the heritage item located on Lot 1 given its location and separation. Council's Heritage Adviser upon review of the proposal, found the development to be satisfactory and did not raise objections to the variation to the height.

99. The grounds identified above, being the location and separation of the subject site relative to the identified heritage items, remain relevant to the subject proposal. That is, the lower levels of the approved building remain unchanged by the proposal which simply seeks 4 additional floors above two buildings, and so the conclusions from Council's earlier assessment are unchanged by this proposal.

100. The subject application was accompanied by a Heritage Impact Statement prepared by Urbis which is Appendix E to this Clause 4.6 Written Request. The Heritage Impact Statement provides the following assessment in relation to the heritage impact of the proposal:

> The proposed changes to the application are primarily contained to a proposed height increase in Buildings D& F, both of which are located in the western portion of the subject site, furthest from the heritage items located to the south-west of the subject site. It is proposed to increase both buildings by four storeys. Minor changes to the facades of these building are also proposed, however, all façade changes are minor and will

still maintain the approved material choices and characteristics of the originally approved design. This includes their well modulated forms and variety of complementary building materials to reduce the visual scale of the proposed development.

The overall height of the building located closest to the heritage items (Building E) is not being changed as part of the proposal.

While the increase of four storeys to both Building D & F will increase the overall scale of the development, given the existing approved height, the addition of four storeys is not considered to result in any further impact to the heritage items primarily due to the distance between these building and the heritage items. The variable building heights of the approved development are still maintained, and still allow for a transition from taller development at the west to lower scale development at the east, as the development approaches the heritage items.

Minor changes are proposed to Building E, however, these changes are limited to changes to the façade comprising minor changes to window and door openings. The proposed changes to Building E will not have any adverse impacts on the heritage items located to the east.

As noted in the NBRS HIS, no potential views and vistas from Parramatta Park will be affected as the development lies outside of the significance view corridors associated with Old Government House and Domain Parramatta Park.

101. The proposal is satisfactory in relation to Objective (c) of the FSR development standard in that the proposed bulk and scale of the proposal has regard to the nearby heritage items and their settings. In particular, the closest building elements to the heritage items remain unchanged and the height increases occur away from the heritage significant buildings. The proposed materials and finishes have been chosen to compliment the heritage significant buildings. The proposed development will have an acceptable impact on views to and from heritage items. Overall the proposal will have an acceptable impact on the heritage significance of nearby heritage items and their settings.

Objective (d): to reinforce and respect the existing character and scale of low density residential areas

102. Figure 16 below identified that the closest R2 Low Density zone to the subject site are approximately 780 metres to the north-west and 945 metres to the north-east.

103. The character of these R2 Low Density zones is that primarily of detached one and two storey dwellings. However, due to the significant distance between the subject site and the nearest R2 Low Density zones, there is no meaningful impact to the character of those zones as a result of the proposed FSR variation.

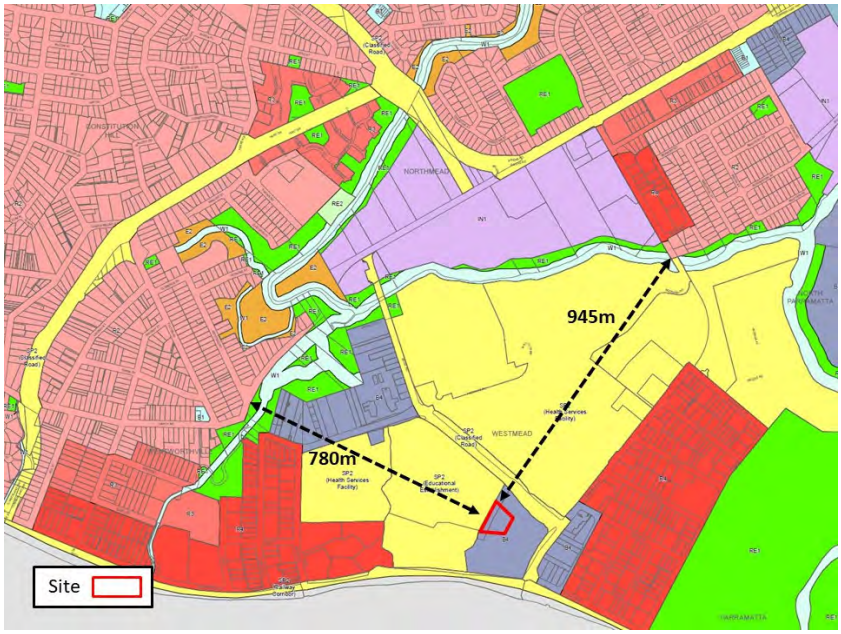

Figure17:

Closest R2 Low Density zones under the PLEP to the subject site

5.4.2 Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

104. The underlying objectives and purpose of the floor space ratio control is relevant to the proposed development. However, the proposed development is consistent with those objectives as discussed above in Section 5.4.1 of this Written Request. The proposed floor space ratio still results in a development which is consistent with the desired future character for the subject site and the Westmead precinct generally, conserves the significance of the existing heritage buildings and sits comfortably within the context of the site with no significant adverse impacts to adjacent properties.

5.4.3 Test 3: the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

105. Compliance is no longer a relevant consideration as the previously approved development on the site has already varied the FSR control which has effectively been abandoned on the subject site. Nonetheless, the proposed development is consistent with those objectives as discussed above in Section 5.4.1 of this Written Request. Due to the design, location and configuration of the proposed development, the proposal successfully achieves these objectives and will provide a considered built form response that will deliver a positive urban design outcome.

5.4.4 Test 4: the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

106. The FSR controls for the site were derived from the ARUP masterplan which informed the Planning Proposal for the site. However, this masterplan has more recently been considered by Council to be “suboptimal” and Council has approved a substantially different site layout and suggested arrangement of buildings under

the infrastructure DA for the entire precinct DA/571/2014 which relied upon a Clause 4.6 request in relation to height.

107. As a result, the FSR controls and boundaries no longer correspond with the approved site arrangement and configuration such that Council has abandoned the FSR control within the Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead as identified in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP).

108. Three of the four development parcels within the precinct have now been approved with substantial FSR variations, as follows:

DA	Site	FSR Control	Approved FSR/Variation	Approval Date
DA/968/2016	160 Hawkesbury Road (Lot 5), Westmead	1.5:1 and 4:1	4.52:1* (13%)	2/8/2017
DA/1271/2016	158-164 Hawkesbury Road and 2A Darcy Road (Lot 4), Westmead	4:1	5.85:1 (46%)	1/11/2017
DA/868/2018	164 Hawkesbury Road, (Lot 2), Westmead	3:1	5.39:1 (79.6%)	4/12/2019

* At the time of approval, the guidance provided by *Mulpha Norwest Pty Ltd v The Hills Shire Council* (No 2) [2020] NSWLEC 74, did not exist and so FSR was calculated on a combined basis.

109. As illustrated in the table above, the approved development of the site under DA 1271/2016, which is proposed to be amended by the subject application, already includes a 46% departure from the FSR control. In fact, the proposed cumulative FSR variation of 69% is less than the extent of FSR variation that has been approved on Lot 2 of 79.6%.

110. Council and the relevant consent authority has taken a consistent approach and position in the assessment of the above Development Applications. Appendix F to this Written Request contains extracts from each assessment report to illustrate this point.

111. The FSR development standard has clearly been abandoned for this precinct by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

112. Strict compliance with the controls for the subject site has already been determined to be unreasonable and unnecessary on the subject site.

5.4.5 Test 5: the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

113. The proposed zoning of the land is considered to be reasonable and appropriate

114. In summary, strict compliance with the 4:1 floor space ratio development standard is unreasonable and unnecessary in the circumstances of the case in that:

- The floor space ratio controls applicable to the site relate to a previous masterplan which has since been abandoned and so the FSR control is no longer relevant to the subject site. Evidence of this is the recent approval on the subject site which departed from the FSR control.
- Since the approval of DA 1271/2016 on the site, two additional rail infrastructure projects have been announced and construction commenced, such that the site is not is now exceptionally well located with immediate proximity to not just a single train station, but a train station, metro station and light rail station. In addition, the site is also within a precinct which is ear marked for significant jobs and student growth immediately around the site. Therefore, it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site.
- The proposed distribution of built form and massing of the building across the site is the result of a further review and considered analysis of the context of the site and the desire to deliver a positive urban design outcome that will provide an appropriate curtilage to the heritage significant buildings located on the site.
- The proposal will deliver a high quality transit orientated development that will increase the vibrancy of the precinct.
- The proposal is consistent with the desired future character outlined within PDCP 2011 for the subject site and the Westmead precinct generally.
- The density proposed does not prevent achievement of the 9 principles of SEPP 65.
- There are no unacceptable adverse impacts in terms of shadow, view, visual and acoustic privacy impacts resulting from the proposed variation to the floor space ratio development standard which would warrant strict compliance, noting that strict compliance is not longer considered a relevant benchmark in any event.
- The proposed density will not result in any increase in traffic as there is no additional parking proposed.
- The proposed variation allows to site to optimise the delivery of housing in an ideal location within the demonstrated environmental capacity of the site and the proposed variation therefore allows for the most efficient and economic use of the land.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

As the proposal is consistent with the objectives of the floor space control, strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

5.5 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

115. The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

116. Preston J further observes at para 23 that the concept of 'environmental planning grounds' are those that relate to the subject matter, scope, and purpose of the *Environmental Planning & Assessment Act 1979*, including its express objects set out in s 1.3 of that Act.

117. The approved development on the site already results in a variation to the 4:1 FSR control which applies to part of the site. The proposed development the subject of this application involves a further variation to the 4:1 FSR zone of an additional 23%, which is as a direct consequence of the additional 4 storeys proposed for Building D1. The following environmental planning grounds are sufficient to justify the proposed variation to the development standard.

118. The additional density and incremental FSR variation has strategic merit. Since approval of D/1271/2016 for the site there has been the following strategic planning changes:

(a) In November 2017, the Department of Planning and Environment announced Westmead as a Planned Precinct with a health and education area north of the rail line.

(b) Parramatta Light Rail – Stage 1 has been announced and construction is currently under way with the Westmead Light Rail stop to be built at corner of Hawkesbury Road and Railway Parade. Parramatta Light Rail Stage 1 will connect Westmead to Carlingford via Parramatta CBD and Camellia.

(c) Sydney Metro West line has been announced and construction is currently underway with the new Metro platform located south of the existing Westmead Station on the eastern side of Hawkesbury Road, Sydney Metro West will connect the Sydney City Centre (CBD) with Westmead.

(d) Sydney University has been chosen by the NSW Government to develop a new world class multi-disciplinary campus within the Westmead Health and Innovation District which will accommodate 25,000 students.

(e) In March 2020, the City of Parramatta Council's Local Strategic Planning Statement (LSPS) City Plan 2036 (LSPS) came into effect and sets out a 20-year land use planning vision for the City of Parramatta. The LSPS identifies that the Westmead Health and Education Precinct provides a major conglomeration of health, research and medical services. The LSPS also identifies target for 28,700 additional jobs and 4,500 dwellings in Westmead by 2036.

(f) The Westmead Place Strategy has been prepared and placed on public exhibition from December 2020 to March 2021. The Westmead Place Strategy identifies a bold vision for Westmead to be Australia's premier health and innovation district with a jobs growth of 50,000 by 2036. The Strategy includes an action to undertake further studies for housing intensification and diversification within 800 metres of Westmead Station.

119. The subject site is located in the heart of Westmead, adjacent to no less than three nodes of rail infrastructure. Clearly, from a strategic planning perspective, the accommodation of additional housing on the subject site is in complete and absolute alignment with the strategic planning direction for this precinct.

120. The additional density and incremental FSR variation also has site specific merit.

121. The site is uniquely located at the south-western corner of the precinct identified as Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead as identified in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP). The DCP specifically identifies that development within this precinct should achieve a height transition from south to north, with the greatest height and density occurring at the south-western corner and decreasing to the north and north-east. The site specific merits of the proposal, including the additional 4 storeys to Building D1 which are responsible for the FSR variation, are well founded for the following reasons:

- The proposal will build on the original development principles of the approved DA as expressed in Section 4.3.4.1 in the Parramatta DCP and will continue to adhere to the urban design principles established throughout the planning process for the site and the wider precinct.
- The additional height will not deleteriously impact the ability for existing and approved built form in the precinct to meet the key precinct urban design principle of transitioning height downwards towards the north, as this will still occur.
- The amending DA will continue to deliver on the urban design principle to achieve modulation of roof height and building form.
- The additional height will enhance the slenderness, elegance of Building D1 and F, while reducing their perceived building bulk.
- Building design for Lot 4 continues to meet the solar access requirements of the ADG for both apartments and communal open space.
- The additional building height has been provided in a manner that also maintains the solar access ADG compliance for Lot 5.
- Shadow impacts caused by the proposed additional height will not cause adverse effects on the surrounding public space with overshadowing mainly impacting the railway reserve. Where additional shadow impact, occurs it has a short dwell time and will be of minimal impact.

122. The incremental and cumulative variation to the FSR development standard promotes the desired future character identified in Section 4.3.4.1 in the DCP. In particular that

> ‘[t]he built form will include taller, slender statement buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD.’

123. The proposed increased scale of Building D1 will not be perceived as jarring or antipathetic in the urban design context of the site, and is in fact entirely compatible with the emerging and anticipated context around the site.

124. The proposed density will not result in any increase in traffic as there is no additional parking proposed.

125. There are no unreasonable impacts in terms of shadow, view, visual and acoustic privacy impacts resulting from the proposed further variation to the floor space ratio development standard.

126. The proposed increase in density for Building D1 does not result in any adverse impact to the nearby heritage items.

127. The proposal will deliver a high quality transit orientated development that will increase the vibrancy of the precinct whilst providing a greater diversity of housing to meet the demand generated by changing

demographics and housing needs in an existing urban area with excellent access to public transport, health services, educational establishments, recreational opportunities and services and facilities.

128. Strict compliance is no longer considered a relevant benchmark or consideration for the subject proposal given that a significant variation to the FSR standard has already been approved on the site. There are sufficient environmental planning grounds to warrant the proposed variation to the current FSR controls as the proposal will achieve a high quality urban design outcome which remains consistent with the key principle for distribution of height within this precinct for a transition of scale from south to north.

129. The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

> 'to encourage:
>
> i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
>
> ii) the promotion and co-ordination of the orderly and economic use and development of land…'

130. The proposed additional variation to the 4:1 FSR development standard directly contributes an additional 24 apartments on the site. The delivery of the additional 24 apartments as a consequence of the incremental variation to the FSR development standard is a particularly orderly and economic development of the subject site as follows:

- The site is within Westmead which is identified in the City of Parramatta Council's Local Strategic Planning Statement (LSPS) City Plan 2036 (LSPS) for an additional 4,500 dwellings by 2036.
- The site is within the centre of the Structure Plan for the Westmead Place Strategy (refer to Figure 18 below), which was placed on public exhibition from December 2020 to March 2021 and identifies a bold vision for Westmead to be Australia's premier health and innovation district with a jobs growth of 50,000 by 2036. The Strategy includes an action to undertake further studies for housing intensification and diversification within 800 metres of Westmead Station
- The site is within a precinct which is specifically ear marked for significant jobs and student growth immediately around the site. The site is also located directly adjacent to Westmead Hospital as well as associated businesses which service the hospital and university. Therefore it is critically important to ensure that this significant landholding optimises the delivery of housing to support this growth, within the previously identified urban design framework for the site.
- The site is particularly well placed to contribute towards the housing target due to its location immediately adjacent to three rail nodes.

131. The proposed variation allows for the most efficient and economic use of the land.

132. On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed FSR non-compliance in this instance.

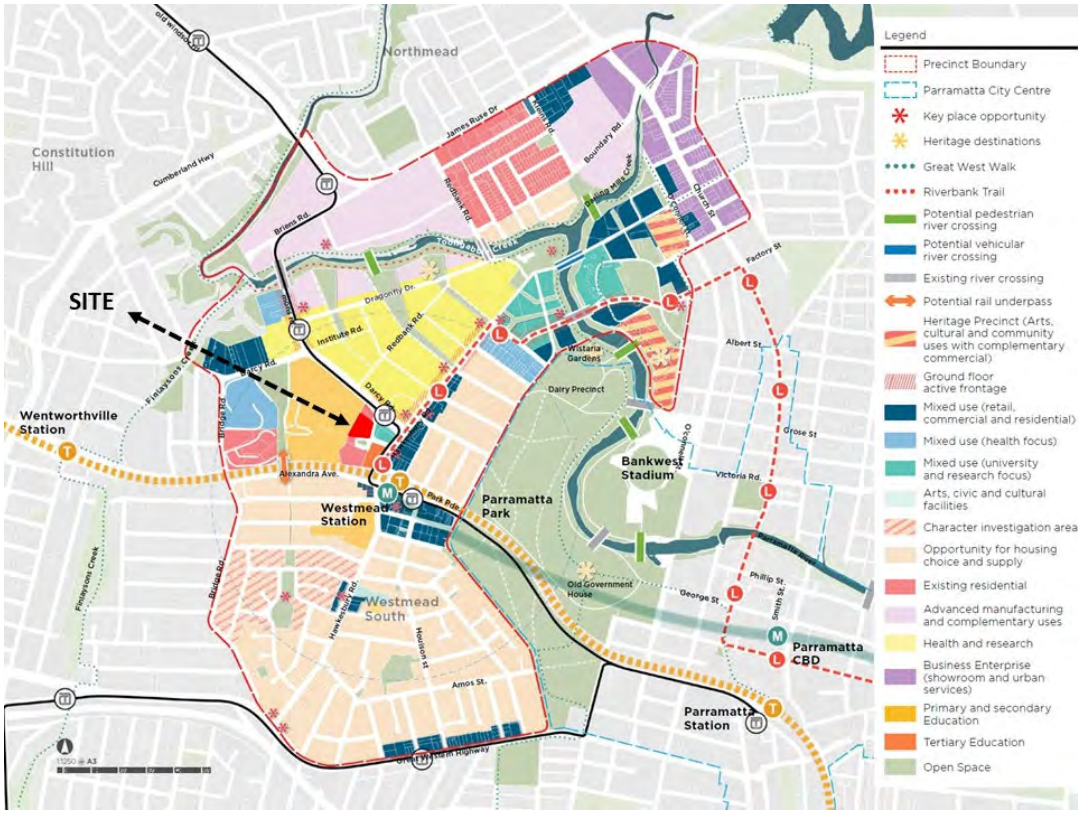

Figure18:

The site is located centrally within the Structure Plan for the Westmead Place Strategy

5.6 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

133. Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

134. These matters are comprehensively addressed above in this written request with reference to the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

5.7 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

135. Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

136. Objective of the Development Standard

137. The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

138. Objectives of the Zone

139. Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B4 Mixed Use zone pursuant to the Parramatta Local Environmental Plan 2011 (PLEP) which has the following objectives:

> To provide a mixture of compatible land uses.

140. The proposed development is defined as a residential flat building which is an innominate permissible use in the zone. Development is already approved on the site for a residential flat development, and the proposal is for 4 additional storeys to Buildings D1 and F of the approved residential flat building.

> To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

141. The proposed development will provide for an additional 61 apartments on the subject site, and an additional 24 apartments as a consequence of the proposed variation to the 4:1 FSR zone, resulting in a total of 405 apartments. The proposal is located immediately adjacent to three nodes of rail which services the Westmead precinct and the proposal enables increased density to be achieved adjacent to and in a short walk of under 400m a major transit interchange and growing employment precinct. The proposal will facilitate higher density residential along Light Rail and T-Way corridors and will support the activation of a commercial/ mixed use hub in walking distance to stops and stations. The need for this approach will be compounded by the introduction of the Sydney Metro which will complement and strengthen standard metropolitan and regional passenger rail, and T-Way services. It is the most logical location to increase density as there has been significant investment that will strengthen public transport accessibility as well as health, education and innovation oriented activities, which has not yet been reflected in existing controls and approved development, yet would certainly be considered as part of future studies for housing intensification in this location.

142. The site location is well serviced by existing pedestrian facilities with footpaths on both sides of the general road network around the site. There are pedestrian signals that directly connect the site to the bus stops and Westmead train station. The site is also linked with a number of existing cycle paths. In the immediate vicinity of the site, there is an on-road bicycle path on Hawkesbury Road and an off-road bicycle path on the northern side of Darcy Road. The Westmead Place Strategy also outlines a future active transport network servicing the Westmead precinct which builds on the existing infrastructure in place.

143. The proposal indeed provides 340 bicycle spaces which substantially exceeds the minimum 203 spaces required by the Parramatta Development Control Plan which maximises the opportunity for the proposal to encourage cycling.

144. Accordingly, the proposal will maximise public transport patronage and encourage walking and cycling.

To encourage development that contributes to an active, vibrant and sustainable neighbourhood.

145. The proposed increase in density and additional 61 dwellings will further contribute to the patronage and economic success of local businesses which will directly assist in the achievement of an active, vibrant and sustainable neighbourhood.
146. The proposal will focus a higher population adjacent to a future major multi-modal transit interchange. This will support the use of public transport infrastructure, vitality and vibrancy of the centre and public space, as well as providing opportunities for community interaction. It will also enhance housing choice and availability close to jobs and education facilities.

To create opportunities to improve the public domain and pedestrian links.

147. The proposal involves a modification to the approved landscaping arrangement for the substations adjacent to the shareway on the northern edge of the site, in order to soften their appearance from the public domain. Accordingly, the proposal improves the public domain outcome of the approved development on the site.

To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.

148. The proposal does not include any commercial component and therefore does not detract from the higher order Zone B3 Commercial Core.

To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

149. The subject site is not located within the Parramatta City Centre and so this zone objective is not relevant to the subject proposal.

150. For the reasons given the amended proposal remains consistent with the objectives of the B4 Mixed Use zone.

151. The proposal has been demonstrated to be consistent with both the objectives of the FSR development standard as well as the objectives of the zone and therefore the consent authority can be satisfied that the proposal is in the public interest. Furthermore, the public interest is appropriately served by providing an improved urban design outcome and additional housing, within the demonstrated environmental capacity of the site.

5.8 Clause 4.6(5) Secretary Considerations

152. The matters for consideration under Clause 4.6(5) are addressed below:

> (5) In deciding whether to grant concurrence, the Secretary must consider:
>
> (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

153. The Parramatta Local Planning Panel may assume concurrence under cl 4.6 in accordance with assumed concurrence notice dated 21 February 2018 (attached to Planning Circular PS 20-002, dated 5 May 2020) made under cl 64 of the EP&A Regulation 2000.

154. The contravention of the standard does not raise any matters of significance for state or regional environmental planning. The development does not impact upon or have implications for any state policies in the locality or impacts which would be considered to be of state or regional significance.

> (5) In deciding whether to grant concurrence, the Secretary must consider:
>
> (b) the public benefit of maintaining the development standard,

155. This Clause 4.6 request has demonstrated there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and in my view, there is no compelling reason or public benefit derived from maintenance of the standard, which has already been abandoned for this site.

5.9 Objectives of Clause 4.6

156. The specific objectives of Clause 4.6 are:

> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
>
> (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

157. As demonstrated above the proposal is consistent with the objectives of the zone and the objectives of Clause 4.3 notwithstanding the proposed variation to the maximum FSR development standard.

158. The architectural package prepared by Turner Architects which accompanies the subject application illustrates the relationship of the proposed development within the context of the site. It demonstrates a high quality outcome for the site which will result in the delivery of a residential development surrounding by landscaping and a built form that will provide for an integrated community set around a central open space area which combined will contribute significantly to the amenity afforded to the general public and future occupants alike.

159. Allowing the flexible application of the maximum FSR development standard in this instance is not only reasonable but also desirable given the context of the site and desire to deliver a positive result for the site which will facilitate an acceptable urban design outcome whilst optimising the delivery of housing in an ideal location.

160. Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the maximum FSR development standard and will achieve an acceptable and better urban design outcome in this instance in accordance with objective 1(b).

6.0 CONCLUSION

161. On 1 November 2017, development consent was granted to DA/1271/2016 for construction of a residential flat building containing 344 units over basement car parking with heights ranging between 6-20 storeys at 3 Farmhouse Road, Westmead (formally known as Lot 4, 158-164 Hawkesbury Road and 2A Darcy Road).

162. In approving Development Application DA/1271/2016 the Joint Regional Planning Panel upheld the applicant's request to vary the development standard contained Clause 4.4 (Floor Space Ratio) of the Parramatta Local Environmental Plan 2011 by 46%.

163. Accordingly, strict compliance with the maximum FSR development standard on the subject site **has already been found to be unreasonable and unnecessary** in the circumstances of the case.

164. The proposed development involves an incremental increase of 23% to the 4:1 FSR development standard.

165. This Clause 4.6 Written Request, including Appendices, demonstrates that there are sufficient environmental planning grounds to support the extent of the proposed FSR variation as:

- The proposal is consistent with the objectives of the FSR development standard
- The FSR standard of 4:1 has been abandoned
- The proposal is consistent with the zone objectives
- The proposal will build on the original development principles of the approved DA as expressed in Section 4.3.4.1 in the Parramatta DCP and will continue to adhere to the urban design principles established throughout the planning process for the site and the wider precinct.
- The additional height and density will not deleteriously impact the ability for existing and approved built form in the precinct to meet the key precinct urban design principle of transitioning height downwards towards the north, as this will still occur.
- The amending DA will continue to deliver on the urban design principle to achieve modulation of roof height and building form.
- The additional height and density will enhance the slenderness, elegance of Building D1 and F, while reducing their perceived building bulk.
- Building design for Lot 4 continues to meet the solar access requirements of the ADG for both apartments and communal open space.
- The additional building height and density has been provided in a manner that also maintains the solar access ADG compliance for Lot 5.
- Shadow impacts caused by the proposed additional height will not cause adverse effects on the surrounding public space with overshadowing mainly impacting the railway reserve. Where additional shadow impact, occurs it has a short dwell time and will be of minimal impact.

166. It is reasonable and appropriate to vary the FSR development standard to the extent proposed in this circumstance. Finally, the proposed development and FSR variation is in the public interest because it facilitates a development which is consistent with the objectives of the standard and the zone and which delivers additional housing within the demonstrated environmental capacity of the site.

APPENDIX A

Gyde

URBAN DESIGN REPORT A

GYDE

Urban Design & Strategy Report

Westmead innovation, education and health precinct

3 Farmhouse Road Westmead

Formerly known as: Lot 4, 158-164 Hawkesbury Road & 1/2A Darcy Road, Westmead

15 September 2021

CONTENTS

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Reviewed by: Stephen Kerr - 15 September 2021

1. INTRODUCTION

This report has been prepared for has been prepared on behalf of Combined Projects (Westmead) Pty Ltd to support an Amending Development Application (Amending DA) for 3 Farmhouse Road Westmead, (formerly known as Lot 4, 158-164 Hawkesbury Road and 1/2A Darcy Road). This report supports proposed increased height and density in addition to that previously approved via previous development application processes as it is strategically aligned with the objectives and directions for Westmead and will have an acceptable impacts.

The discussion that follows highlights the fast-paced nature of change occurring in Westmead, particularly in relation to the burgeoning health, innovation and education precinct in which the site is located. Since the development consent for Lot 4 was granted in 2017, major Government investment has been committed, heralding significant expansion of the Westmead Hospital facility. The new Parramatta Light Rail will extend between Westmead and Camelia, with long-term plans to expand the network to Sydney Olympic Park at the forefront of mind. The new Sydney Metro West will further strengthen Westmead's role as a major transit interchange.

The benefits of this level of Government investment in public infrastructure in Westmead is now beginning to be realised and matched by private sector investment to sustain the growth needed to support employment and growth in precinct in response to the enhanced transit capacity.

This seismic shift in the strategic land use and transport context has occurred after the development consent for Lot 4 was granted, which in itself represents a change in circumstances to a level that warrants the need for additional planned capacity of the precinct and subject site.

The Amending DA builds on the fundamental strategic framework and urban design principles underpinning previous approvals, while responding to major NSW State Government precinct planning, health and transport infrastructure investments not known at the time the current consent was granted.

2. THE SITE

This report relates primarily to the 6,588sqm site at 3 Farmhouse Road Westmead, (formerly known as Lot 4, 158-164 Hawkesbury Road and 1/2A Darcy Road) (subject site). It is legally described as Lot 4 in DP 1227281.

The location of the site in relation to its 400m catchment is illustrated in **Figure 1**.

The site is located within the Parramatta Local Government Area, and is subject to the Parramatta Local Environmental Plan 2011 (PLEP 2011). The site is located in the strategic Westmead Planned Precinct, identified as a pre-eminent world-class transit-oriented innovation, education and health precinct.

The site is located in walking distance to the Westmead Hospital, Western Sydney University and Westmead Railway station.

The site and precinct will also benefit from proximity to the future multi-modal public transport interchange that will culminate the upgrade of Westmead Station to Metro line standards, the future introduction of light rail services, which will terminate on Hawkesbury Road and the T-Way bus services.

The site is strategically positions as a residential hinge, linking transport, health, town centre, innovation and education uses in this major employment precinct.

Figure 1. Future site context - 400m radius (source Nearmap/ Gyde)

3. KEY AMENDMENTS PROPOSED TO THE APPROVED DEVELOPMENT

The proposal is to amend the current approved DA to include four (4) additional floors on both Building D1 and Building F. These changes are in response to a raft of strategic transport and planning initiatives that will significantly change the context of the site in the dress circle of a transit oriented employment, health and innovation precinct of metropolitan significance.

The overarching amendments which have a bearing on strategic planning and urban design outcomes in the precinct are illustrated in **Figures 2 to 6**. Figure 6 also outlines some of the key retained elements included in the original that are important to highlight in the consideration of how the proposal responds to the strategic framework and established urban design principles for the precinct.

It is important to note that the fundamental design principles have not changed. The majority of the development has been supported via the existing approval and does not need to be revisited. This report focuses primarily on the strategic and urban design merits of the additional building height proposed and the key design and planning measures employed to support and uphold the strategic and site specific merits of the proposed development.

Figure 2. Key amendments proposed (Source Turner)

Figure 3. View of Building D1 tower from the south east (Source Turner)

Figure 4. View of Building F from the north east (Source Turner)

Figure 5. View of Building F from the north (Source Turner)

Height of building F increased from 10 to 14 levels

North west orientation of communal open space maintains solar access

10m Landscape buffer to the school retained

6 storey form retained for solar access to public open space

Building D1 increased from 21 to 25 levels

Vehicle access and egress maintained via right of access

Landscape interface to Farmhouse Road retained

Articulated and positive interface to streets and public space

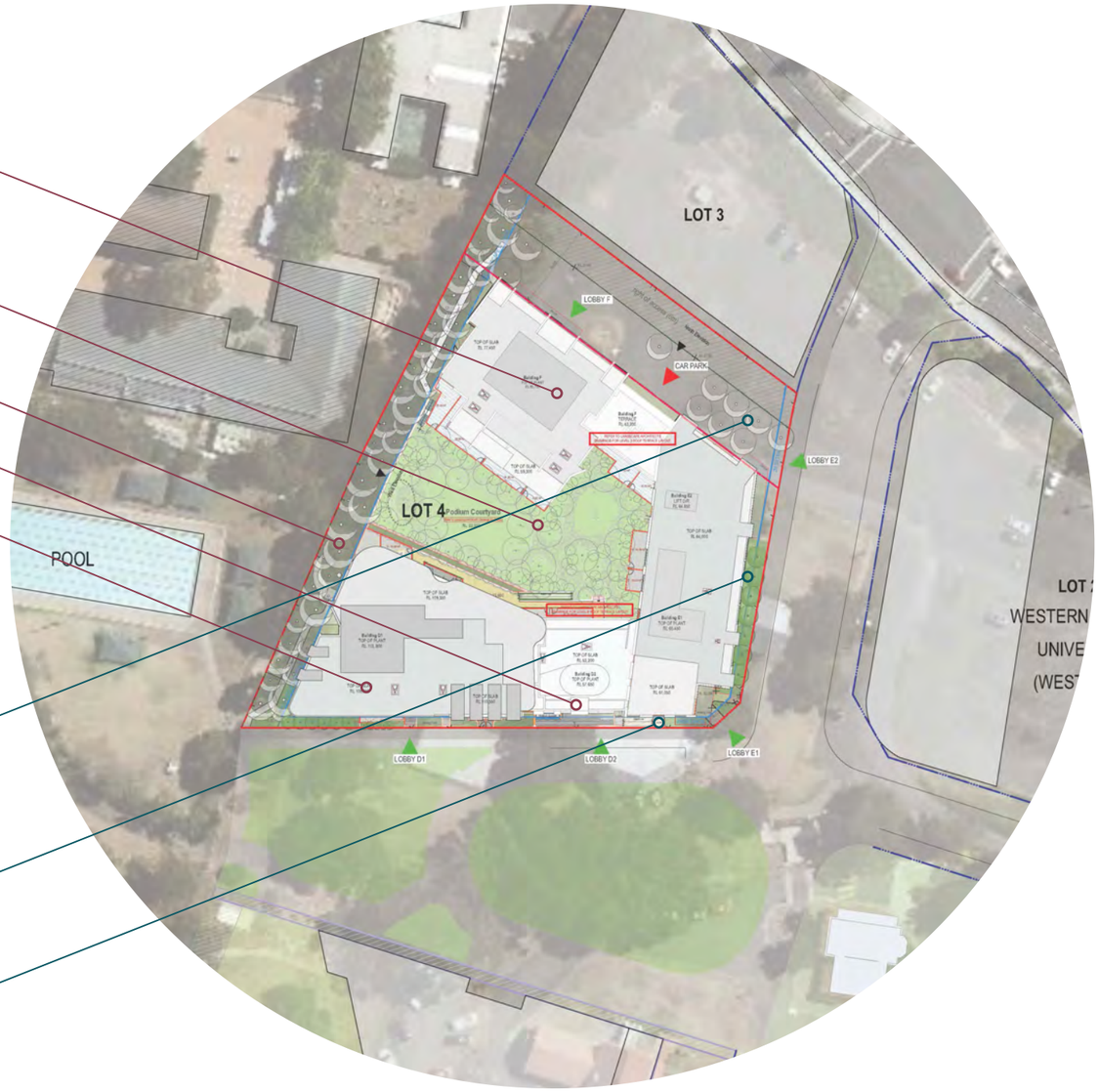

Figure 6. Summary of key site planning and urban design elements and amendments (Source Turner)

4. PLANNING CONSIDERATIONS

4.1 Parramatta Local Environmental Plan 2011

Key development controls applicable to the subject site under the Parramatta Local Environmental Plan 2011 (PLEP 2011) are outlined in Table 1.

Table 1. PLEP 2012 Controls

Control	Zoning
Land use zoning	B4 Mixed Use
Floor space ratio	Part 3.5:1 / Part 4:1
Height of building	Part 31m / Part 40m

The building height and FSR standards under the PLEP 2011 as they apply to the subject site have been previously varied via a number of DA processes. This reflects a common understating between the Parramatta City Council, its Design Review Panel and the landowner, that the legislated developmental controls were suboptimal and were not able to facilitate development outcomes consistent with SEPP 65 and the Apartment Design Guide (ADG).

Current development consents incorporate significant variations to key development standards, which have been approved via rigorous and collaborative design and assessment processes. These consents have effectively resulted in the abandonment of the existing controls applicable to the site.

Further information is provided in relation to the planning and urban design history of the site in **Section 5**.

4.2 Transformative Transport Investment

Since the development consent for Lot 4 was granted, two major transport initiatives have been committed. These will significantly strengthen the existing transit context currently supported by conventional metropolitan rail services and the T-Way system. These are discussed in the following sections.

4.2.1. Sydney Metro West Project

The Sydney Metro West project will deliver a new 24-kilometre metro line underground railway connecting Westmead, Parramatta, Sydney Olympic Park and the Sydney CBD. A new station has been confirmed at Westmead, which will be located at the south eastern corner of Hawkesbury Road and Alexandra Avenue (Refer **Figure 7** and **Figure 8**).

A unique attribute of the project is that the existing above ground network will continue to pass through Westmead. These services will be complemented by the Metro and together with the light rail and T-Way will establish a multitude of connectivity options at the local, district, metropolitan and regional scale.

This major infrastructure investment will support significant employment growth and housing supply particularly in the walkable catchments of new stations.

4.2.2. Parramatta Light Rail

The preferred Parramatta Light Rail was announced on 17 February 2017[1]. It is expected to begin operations in 2023 and will connect the Westmead Health and Innovation Precinct to Carlingford via the Parramatta City Centre and Camellia. The route will link the Westmead Health Precinct to a number of destinations including Cumberland Hospital Precinct, the Bankwest (Parramatta) Stadium, and the three Western Sydney University campuses. The Westmead light tail terminus will be located on Hawkesbury Road in short walking distance to Lot 4. Refer **Figure 9**.

Stage 2 of the project will connect with Sydney Olympic Park via Rydalmere and Wentworth Point.

1 NSW Government Press release 17 February 2017 https://www.parramattalightrail.nsw.gov.au/sites/default/files/2020-01/PARRAMATTA%20LIGHT%20RAIL%20TO%20CONNECT%20COMMUNITIES.pdf

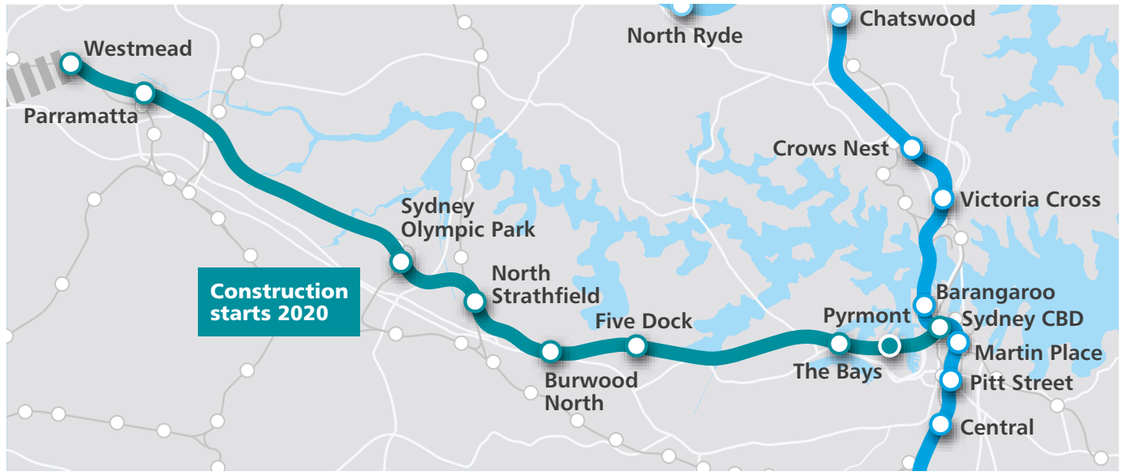

Figure 7. Sydney Metro Rail Route (Source Sydney Metro EIS 2020)

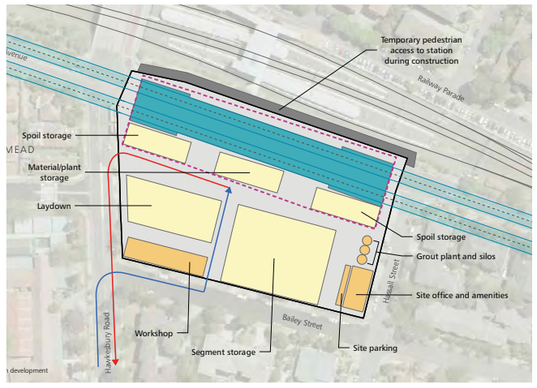

Figure 8. Sydney Metro Westmead Station (Source Sydney Metro EIS 2020)

Figure 9. Parramatta Stage 1 Light Rail Route

4.3 Parramatta Local Strategic Planning Statement

The Parramatta Local Strategic Planning Statement (LSPS) provides strategic direction to guide the growth of the Westmead and Education Precinct as part of Greater Parramatta over the next 20 years. The LSPS acknowledges the importance of the Precinct and its role in the Greater Parramatta to Olympic Peninsula (GPOP) area.

The LSPS notes that the planning of the Precinct will be subject to the preparation of a new precinct strategy for Westmead as a collaboration between the Department of Planning, Industry and Environment's (DPIE) new approach to precincts and Council.

The LSPS envisages employment in Westmead will grow from 19,800 to 48,500 creating 28,700 jobs by 2036. It projects housing to grow from 3,500 to 8,000 dwellings by 2036.

The LSPS identifies Westmead as a key area for housing growth **Figure 10**. Key actions identified by the LSPS relevant to the subject site and the proposal to increase housing density are outlined in Table 2.

4.4 Parramatta Local Housing Strategy

The Parramatta Local Housing Strategy (LHS) directs delivery of future housing growth. The LHS acknowledges that planned precincts such as Westmead offer some of the highest housing growth potential and are subject to state government precinct planning by DPIE.

The LHS acknowledges the importance of aligning housing growth with infrastructure delivery noting that project such as the Parramatta light rail and Sydney Metro will significantly enhance the connectivity in Westmead. It also notes a significant under supply of one-bedroom dwellings to cater for single person households.

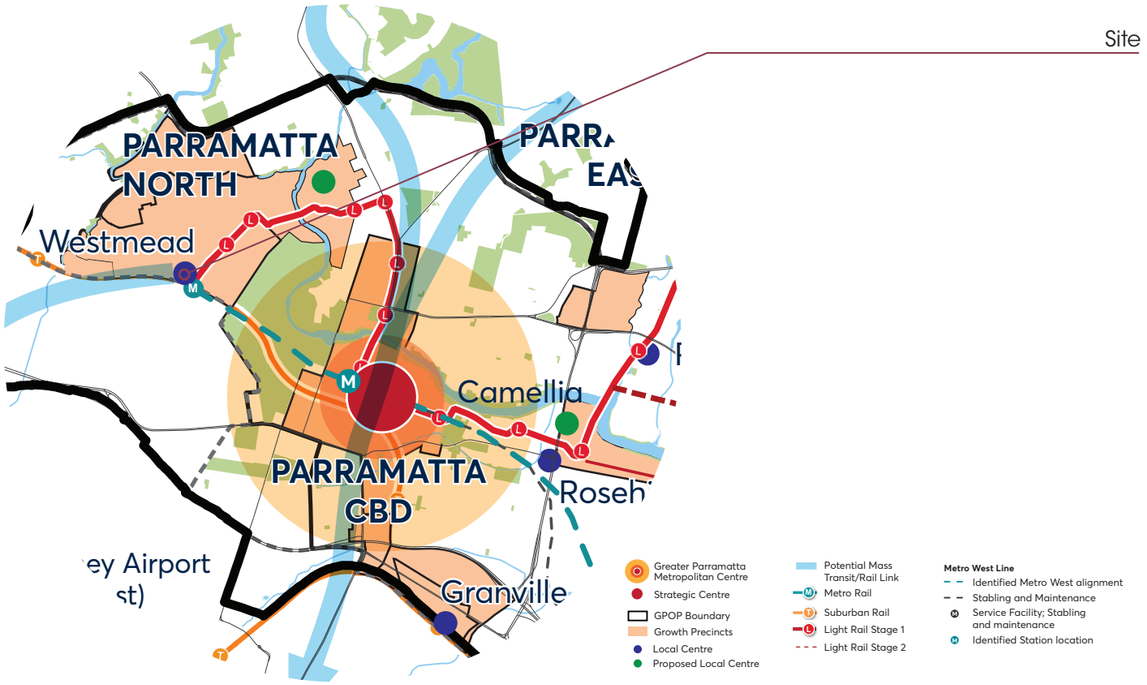

Figure 10. Westmead Growth Precinct (Source DPIE)

Table 2. Parramatta Local Strategic Planning Statement

Priorities/ Actions	Comment
Planning Priority 1 Expand Parramatta's economic role as the Central City of Greater Sydney	
A9 Work with the State Government to support a new major tertiary education facility at Westmead/Parramatta North Precinct to deliver additional jobs.	Increased residential density on Lot 4 will cater for planned increased capacity of the education sector in Westmead.
Planning Priority 3 Advocate for improved public transport connectivity to Parramatta CBD from the surrounding district	
P7 Encourage the design of development in Growth Precincts, Strategic Centres and Local Centres that maximises accessibility to, and safety of, existing and planned public transport services, including heavy rail, light rail, bus and ferry which includes technological innovation and improved liveability, sustainability and place management outcomes.	The proposal to increase residential density on Lot 4 will focus growth in an identified growth precinct which is needed and has not previously been planned for under existing approved development.
P8 Identify and consider opportunities for zoning and land use change in response to committed public transport connections.	Increased residential density on Lot 4 responds to new commitments to expansion of rapid transport services which were not known at the time the existing development consents were granted.
P9 Strengthen opportunities for consideration of character and street typology when planning for buildings and infrastructure.	The proposed amendments are consistent with the architectural character, street and building typologies of the previously approved development.
A14 Collaborate with Transport NSW and DPIE on the planning and delivery of future Sydney Metro West stations proposed at Westmead, Sydney Olympic Park and Parramatta CBD and their surrounding areas, to ensure existing and proposed built form, public domain, transport networks (including heavy rail, light rail, bus and ferry), civic infrastructure and land uses are strongly integrated.	The proposal to increase residential density on Lot 4 will focus a greater population in a well connected residential, innovation, health, education and employment destination which will facilitate greater land use integration.
Planning Priority 7 Provide for a diversity of housing types and sizes to meet community needs into the future	
A42 Investigate new planning provisions to achieve a mix of housing in nominated Growth Precincts.	The proposal will facilitate even greater housing choice in an identified growth precinct.
Planning Priority 8 Incentivise affordable rental housing delivery and provide for permanent affordable housing	
P27 Support affordable housing types such as new age boarding houses, co-housing, communal student housing and small dual-key apartments in appropriate locations with good access to jobs and services.	Increasing density in a well connected innovation in a well connected residential, innovation, health, education and employment precinct will enhance housing choice and rental availability in a location with good access to jobs and services.
Planning Priority 10 Improve active walking and cycling infrastructure and access to public and shared transport	
A65 Identify typical public transport and door to door walk travel times from Planning Proposal sites to Employment Lands and Strategic Centres when assessing the merit of proposed housing densities.	The additional dwellings will be ideally located in a very short walk to T-Way, Light Rail, Train and Metro Rail services.
Planning Priority 11 Build the capacity of the Parramatta CBD, Strategic Centres, Local Centres and Employment Lands to be strong, competitive and productive	
P38 Limit residential development in the core of Parramatta CBD, Sydney Olympic Park and Westmead Health and Education Precinct to encourage commercial, entertainment, health and education development.	Focusing density on a well connected site identified for residential only uses in proximity to a range of strategic employment and innovation related land uses will directly deliver on this planning priority.

4.4.1. Draft Westmead Place Strategy

The Draft Westmead Place Strategy seeks to guide the future planning of the Westmead Planned Precinct to realise its 2036 vision to become a world class innovation, education and health precinct.

As illustrated in **Figure 11**, the Strategy provides a framework to capitalise on opportunities created by new transport infrastructure (Sydney Metro West, Parramatta Light Rail) and major developments (Westmead Health Precinct). In particular, the Strategy:

- Proposes the vision for future land use changes to drive new jobs in health, education and innovation.
- Puts people at the centre of future development, with a focus on pedestrian-friendly streets and provision of community amenities.
- Aims to protect heritage buildings and find ways they can be re-purposed for new community uses, where appropriate.
- Identifies opportunities for increased open space, active transport such as walking and cycling, tree planting and sustainability.
- Aims to ensure a diversity of housing, including social and affordable, is available in the precinct.

The Strategy was exhibited between December 2020 and March 2021, well after the current development consent was granted. As such re-imagining of existing approved development to align with the recommendations of the strategy is warranted.

Objectives, Priorities and Actions relevant to the subject site and the proposal to increase housing density are outlined in Table 2.

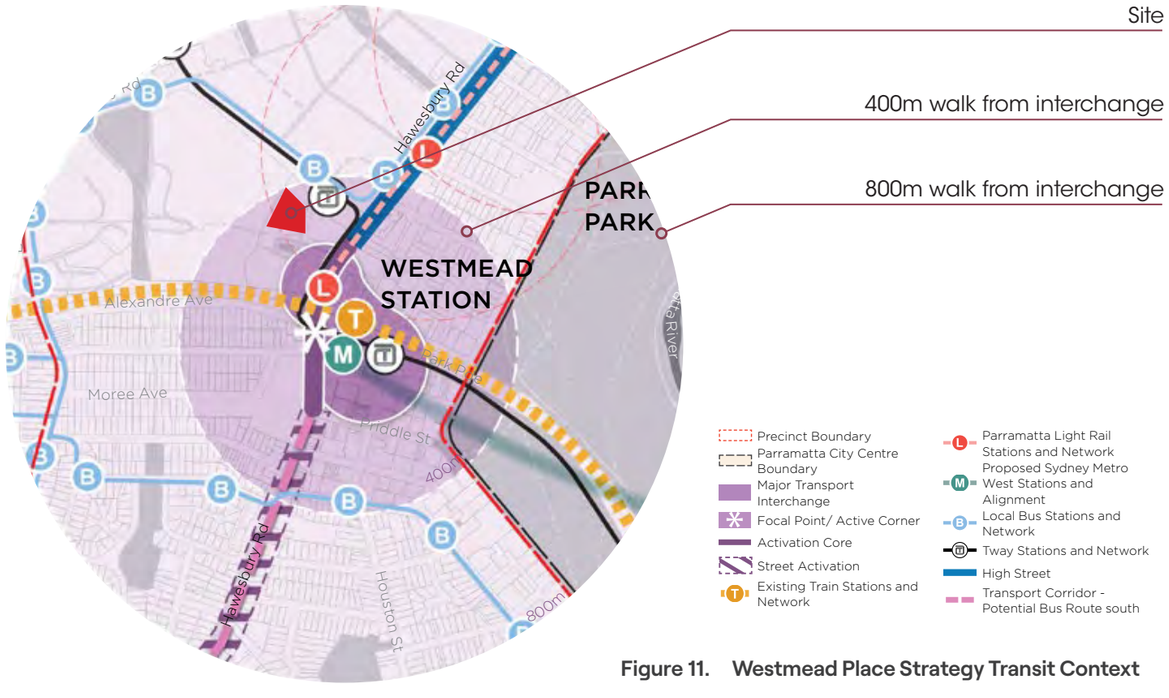

Figure 11. Westmead Place Strategy Transit Context

Table 3. Westmead Place Strategy Response

Objectives	Planning priorities/ Actions	Comment
Direction 1 Evolve Westmead to be a truly connected 30-minute city by leveraging new transport connections and improving existing networks within the Precinct, GPOP and neighbouring centres.		
1. Leverage investment in existing transport for an enhanced and connected system.	D1.P1 Ensure a coordinated vision for the future Sydney Metro West that integrates land use and transport planning to create a new central landmark for Westmead.	Increased residential density adjacent to the future metro station and light rail stop will respond to major transport infrastructure investment, which has not previously occurred under existing controls and via previous planning approvals.
	D1.P2 Encourage higher density employment and/or residential areas along the Light Rail and T-Way corridors focusing on stops and stations to create hubs.	The proposal will facilitate higher density residential along Light Rail and T-Way corridors and will support the activation of a commercial/ mixed use hub in walking distance to stops and stations. The need for this approach will be compounded by the introduction of the Sydney Metro which will complement and strengthen standard metropolitan and regional passenger rail, and T-Way services.
Direction 6 Intensify commercial and retail uses around transport nodes to provide a more productive economy.		
1. Leverage public transport infrastructure to make Westmead accessible to the broader Sydney Metropolitan area, while maintaining local jobs for the community. 2 Create transport-orientated activity nodes which promote vibrant places and community interaction.	D6.P2 Built form intensification around future public transport stations and corridors (Hawkesbury Road, Bridge Street, Great Western Highway).	The additional density that will be realised by this proposal in response to the Sydney Metro and Light Rail was not previously considered or planned for in the current controls or past approvals. The proposal will focus a higher population adjacent to a future major multi-modal transit interchange. This will support the use of public transport infrastructure, vitality and vibrancy of the centre and public space, as well as providing opportunities for community interaction. It will also enhance housing choice and availability close to jobs and education facilities.
Direction 8 Encourage an array of housing choices that includes affordable options to meet the housing needs of the future community.		
1 Promote housing choice and intensification aligned with activity, transport, and open space amenity.	D8.P1 Promote housing renewal of old building stock with a focus on delivering place-based outcomes and high amenity that is inclusive of public spaces.	The proposal will enable the creation of new housing opportunities that will benefit from place advantages such as proximity to transport, public open space and town centre amenities.
	D8.P2 Revitalise existing residential areas by improving streetscapes and public domain.	The proposal will build on the streetscape outcomes of previous approvals to establish a diversely characterised, interactive and fine grained streetscapes.
	D8.P2 Encourage a mix of housing choice in urban renewal, including student accommodation, key worker, social and affordable housing.	Increased residential density will enhance of housing choice in urban renewal, providing opportunities to suit varying demographic needs.
	D8.A2 Undertake further studies for housing intensification and diversification within 800 metres of Westmead Station and in proximity to open space amenity, to provide options for student accommodation, key worker, social and affordable housing.	The proposal enables increased density to be achieved adjacent to and in a short walk of under 400m a major transit interchange and growing employment precinct. It is the most logical location to increase density as there has been significant investment that will strengthen public transport accessibility as well as health, education and innovation oriented activities, which has not yet been reflected in existing controls and approved development, yet would certainly be considered as part of future studies for housing intensification in this location.

5. URBAN DESIGN PRINCIPLES

5.1 Planning and Urban Design Principles established via an evolving planning history

The urban design principles underpinning the development of the site and the immediate precinct have evolved over a complex and unique planning history. Due to issues identified with the existing planning controls applicable to the site, Parramatta Council, along with its design review panel and the landowner have sought to address sub-optimal development controls embedded in the PLEP 2011. This has since occurred via progressive DA approvals, which have facilitated improved urban design outcomes that achieve compliance with SEPP 65 and the ADG, which was not possible under the applicable controls.

The existing development consents and the development that has so far occurred in the precinct have significantly varied the applicable controls under PLEP 2011 via a merit based and peer reviewed assessment processes.

As the applicable controls under PLEP 2011 have been abandoned, this report takes the more relevant and meaningful approach to consider the planning and urban design principles underpinning subsequent development consents applicable to the site and the precinct. As PDCP 2011 controls were developed in conjunction with the applicable controls under the PLEP 2011, departure from the DCP controls is warranted. However, these have been considered throughout the sequential DA processes on a principles basis.

Figure 12 confirms the spatial extents of key steps in the planning process. **Table 5** outlines the chronology of the planning processes and the overarching urban design principles that have evolved and been applied across the sequential stages of the planning process in relation site and its immediate development context.

The principles confirmed in **Table 5** form the basis of Gyde's consideration of the proposed design concept and amending DA. An urban design assessment against these principles is provided in **Appendix A**.

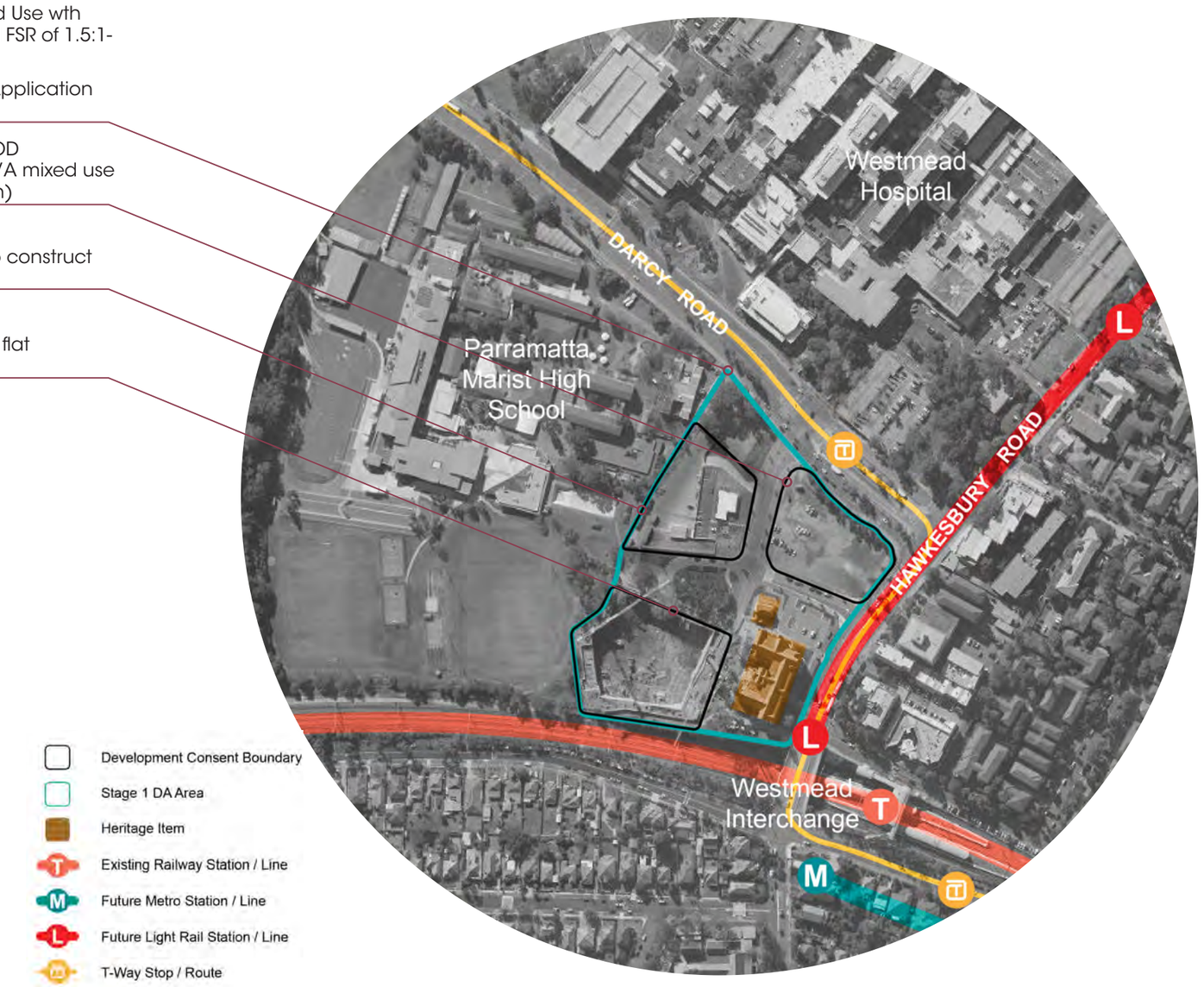

Figure 12. Approvals History

Table 4. Planning History

PLANNING HISTORY

HISTORICAL URBAN DESIGN AND PLANNING PRINCIPLES

TIMELINE	KEY CONTROLS	BUILT FORM	MOVEMENT	PUBLIC SPACE	LAND USE/ INTERFACE
2011 ARUP MASTER PLAN UPDATE REPORT WESTMEAD CAMPUS REDEVELOPMENT INFORMING LEP AND DCP CONTROLS	MAX HEIGHT 28 – 48M MAX FSR 3.5:1 – 4.0:1	• Higher density near public transport • Retain and complement heritage items • Not able to achieve compliance with SEPP 65/ ADG	• Permeability, pedestrians and active transport • Minimise pedestrian vehicle conflict • Intuitive access along desire lines • Connect with transport and key uses • Minimise transport mode conflict • Parking to respond to TOD context	• Retain key site features • Support pedestrian access, amenity and way finding • Facilitate good solar access • Provide access to internal and external views and vistas	• Diverse mix of land uses that combines a range of retail, residential, medical support, commercial, civic and community uses
2015 STAGE 1 DEVELOPMENT APPLICATION (DA 571/2014) AND URBAN DESIGN & MASTER PLAN REPORT	MAX HEIGHT 31 – 48M MAX FSR 4.38:1	• Built form addresses street • Maximise northern solar access • Height varied to improve urban form and comply with SEPP 65/ ADG • Tall buildings to the south, transitining downwards to the north • Retain and complement heritage items • 8-9 storey podium height. RL32.5 to support solar access to retail plaza • Modulated massing.	• Connect street network to station • Open spaces to facilitate public access • Internal and external vehicular access using new internal roads • Views to sky at the end of streets • New internal roads and loop road around Moreton Bay Fig	• Maximise solar access to retail plaza, residential; highest plaza located at south end of the lots for the purpose • Retain significant trees in public space and landscaped areas • Landscape buffer to Marist School	• Optimise distribution of floorspace for best urban outcome • Mixed use on Lot 2 • Commercial uses Lot 3 • Residential uses on Lot 4-5
2016 AUG LOT 5 DEVELOPMENT APPLICATION (DA/968/2016) TO CONSTRUCT RESIDENTIAL FLAT BUILDINGS	MAX HEIGHT 13.5-81.3M MAX FSR 4.52:1	• Taller, slender buildings located along railway line at the lowest part of the site • Tall buildings to the south, transitioning downwards to the north • Modulated massing to create visual interest, reflect retained heritage buildings and reduce overshadowing • Height overrun to achieve ADG compliance balanced with height reductions in other parts of the site. • FSR consistent with Stage 1 Concept Plan	• Generally consistent with Stage 1 DA.	• Open space building heights relate well to the open spaces in the precinct, creating open spaces that are well defined by consistent built form, informed by environmental design principles	• Built form fronting Hawkesbury and Darcy Roads will locate active uses on the ground floor to increase the vibrancy of the Westmead Precinct as a whole.
2016 DEC LOT 4 DEVELOPMENT APPLICATION (DA 1271/2016) TO CONSTRUCT RESIDENTIAL FLAT BUILDINGS	MAX HEIGHT 25.5 - 70M MAX FSR 4.36:1	• 9 storey podium reflects heritage building and neighbouring development sites. • 21 storeys (Lot 4) steps down from 25 storeys (Lot 5) • 1/3 - 2/3 proportions for tower/street frontage • Horizontal proportions visually reduce the perceived height of the tower • Visual articulation of facades and roofline • 16m setback from the boundary of Lot 3 • FSR consistent with Stage 1 Concept Plan	• Generally consistent with Stage 1 DA.	• Open space building heights relate well to the open spaces in the precinct, creating open spaces that are well defined by consistent built form, informed by environmental design principles • 6 storey podium solar access to retail plaza.	• Generally consistent with Stage 1 DA
2019-20 LOT 2 DEVELOPMENT APPLICATIONS DA/868/2018 – DA/868/2018/A MIXED USE BUILDINGS	MAX HEIGHT 8-11 STOREYS MAX FSR 5.39:1	• 8-11 storey scale • Maximise opportunities for street activation and amenity for occupants and visitors • Ensure that pedestrian safety and occupant security is maximised through the use of lighting, materials, activation, passive and active surveillance and access control. • Scale and density appropriate for a site in proximity to the future Sydney Metro and Light Rail stations	• Generally consistent with Stage 1 DA.	• Generally consistent with Stage 1 DA.	• Mixed-use development consistent with transit-oriented development principles • Attracts commercial partners to the Westmead health and education precinct

Table 5. **Summary of urban design and planning principles**

OVERARCHING PRECINCT AND LOT 4 URBAN DESIGN AND PLANNING PRINCIPLES

BUILT FORM

- Development focuses high density near public transport nodes.
- Heritage items are retain and complemented.
- Solar access to residential units and communal open space is optimised and compliant with the ADG.
- Overshadowing of public space is minimised.
- Building massing is modulated for visual interest in urban form.
- Highest built form is located at lowest part of the site (south) with downwards towards the north.
- A street wall height of 9-10 storeys is achieved along Farmhouse Road, to reflect the height of the heritage item.
- A combination of articulated vertical and horizontal elements are provided to facade to counter perceived height of buildings and tower elements.
- Façades and rooflines designed for visual interest.
- Façades positively interface with public space at ground floor and lower levels while ensuring pedestrian safety and occupant security.
- Achieve SEPP 65 compliance.

MOVEMENT

- Site design facilitates pedestrian and vehicular permeability.
- Pedestrian access facilitates intuitive and safe movement along desire lines in proximity to transport nodes.
- Site access design minimises transport mode conflict and facilitates pedestrian safety.
- Site parking responds to transit oriented location.
- Street and movement network facilitates ready access to public transit network.
- New vehicular routes established to enhance vehicular access.

PUBLIC SPACE

- Pedestrian pathways facilitate access, amenity and way finding.
- Solar access to public space is maximised.
- Clear visual access to views and vistas is provided.
- Open spaces designed and oriented to allow maximum solar access and clear visual access.
- Key site features such as significant trees are retained in public space elements and landscaped areas.
- A landscaping buffer zones is provided along the shared boundary with the adjacent school to facilitate privacy and soften the interface.
- Open space design informed by environmental design principles, established through consistent built form that complements open spaces in the precinct.
- 6 storey podium element is provided to the north of the retail plaza space to optimise solar access.

LAND USE/ INTERFACE

- Residential uses are provided on Lot 4 supported by mixed land uses on Lot 5 to cater to diverse needs consisting of retail, residential, medical support, commercial, civic and community uses.
- Floor space optimised to adopt best urban outcome.
- Built form responds to the active street frontage on Hawkesbury and Darcy Roads by providing interactive interfaces at ground floor level.

6. URBAN DESIGN REVIEW

There are few locations in the metropolitan area in such an advantageous transit nexus that connects high frequency underground Metro line trains, frequent metropolitan and regional rail services, light rail and high frequency T-way services. This uniquely positions the site in a major transit oriented health, education and innovation hub with excellent access across the local, district, metropolitan and regional transit reach.

Since development consent for Lot 4 and 5 were was granted in 2016, commitment to the future Parramatta Light Rail, Sydney Metro West and hospital expansion have significantly changed the employment and public transport context for this location.

As consent for development preceded commitment to these key infrastructure items, the current development consent for Lot 4 did not capture opportunities to respond to the future enhanced transit oriented and land use context, when on a strategic level, increased residential capacity on the site would certainly be considered. The same can be said for Lot 5 but as it is now constructed, the opportunity for this to occur has since passed, meaning that increased density on Lot 4 is one of few remaining shovel ready opportunities to respond to key infrastructure investment by providing increased residential density in short walking distance to the interchange.

The development consent for Lot 4 also precedes the adoption of the LSPS and the exhibition of the Draft Westmead Place Strategy. As outlined in **Section 4**, these documents clearly support focusing and intensification of land use adjacent to the future Westmead interchange and the employment, service and knowledge opportunities presented by the expanding health innovation and education precinct. This will facilitate integrated land use and transit, as well as making the most of the government's transport investment.

Increased density will provide greater opportunity for people to live close to jobs, education, health services and transport in a strategic location with a higher level of public domain amenity and connectivity.

The strategic merits of increasing density on one of the last remaining large consolidated development parcels adjacent to this interchange are clear. The focus of the remainder of this report is therefore on the site specific merits of increased density.

To inform our understanding of the site specific merits of the proposal, we consider whether: the additional density can be accommodated with acceptable and manageable impacts; it corresponds to the overarching urban design principles that have evolved to guide and underpin the development and approval outcomes of the precinct outlined in **Section 5 - Table 5**; and any departures (if any) from those underlying principles are justifiable.

As assessment of the amended development in relation to the **Table 5** Urban Design Principles is provided as **Appendix A.** This demonstrates that the amended concept is generally consistent in principle, with already approved outcomes. This is largely because the amendments mainly involve the increase in height on Building D1 and Building F, along with some corresponding internal adjustment and reconfigurations of units to maintain compliance with ADG requirements.

As the fundamentals of proposed built form have not changed, Gyde's **Appendix A** analysis of the proposed development highlights a need to focus on the proposed amendment and how they relate to the following (**Table 5**) urban design principles. Consideration of these matters is provided in the following sections.

Height Transition:

- Highest built form is located at lowest part of the site (south) with downwards towards the north.

Building Modulation:

- Building massing is modulated for visual interest in urban form.

Solar Access ADG Compliance:

- Solar access to residential units and communal open space is optimised and compliant with the ADG.

Solar Access Precinct Impacts:

- Overshadowing of public space is minimised.
- Open spaces designed and oriented to allow maximum solar access and clear visual access.
- Solar access to public space is maximised.

6.1 HEIGHT TRANSITION

The site planning for the proposed development generally adheres to the same urban design principles as previously approved under the current development consent.

The relationship between built form and public space remains unchanged with the building set out in a perimeter block arrangement, promotes positively interfaces and overlooks the public street, access ways and open space while enabling the privacy of the school grounds to be managed sensitively.

This also allows for solar penetration into the building cluster form the north west where is of best advantage to the common open space areas, irrespective of the increased building height to Building D1 and F.

The increase in building height warrants consideration for height modulation at the precinct scale. This is considered in relation to the principle of focusing taller building heights at the southern and of the precinct adjacent to the rail, and transitioning downward towards the north.

We consider the amended design in relation to the principle of transitioning building height downwards towards the north as reflected in the existing development on Lot 5, the current consent on Lot 4 and the intended future development potential of Lot 3. Across these lots a transition from south to north as follows:

- Lot 5 transitions from heights of 8-9-15-25 storeys;
- Lot 4 transitions from height of 6-9-11-20 storeys;
- Lot 3 in the north to 7 storeys.

Based on the amended concept, the transition scenario will occur as follows:

- Lot 5 transitions from heights of 8-9-15-25 storeys;
- Lot 4 transitions from height of 6-9-15-24 storeys;
- Lot 3 in the north to 7 storeys.

While the heights on Lot 4 will increase and will be comparable to the heights on Lot 5, they still achieve an acceptable northwards transition towards the Lot 3 height of 7 storeys in the north across, noting that this transition does not occur along public space and is therefore of minimal impact.

However, the clustering of 14, 9-10 and 7 storeys between the north of Lot 4 and Lot 3 will provide greater visual and streetscape interest and will not result in any deleterious effects in relation to building bulk.

Refer **Figures 13 and 14** for comparative analysis of the approved and proposed transitional massing in the precinct.

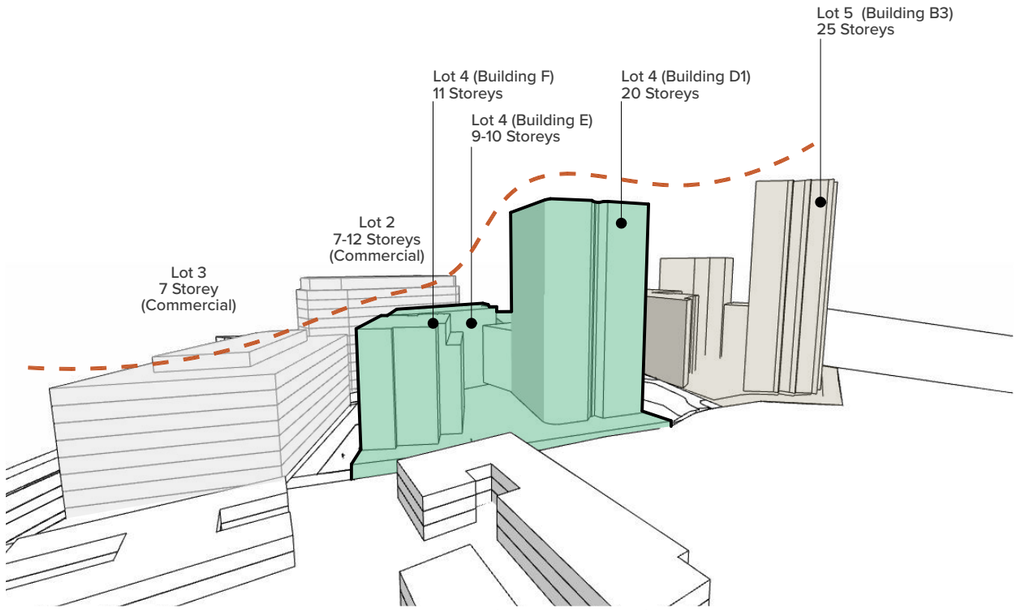

Figure 13. Height transition as approved in 2017 (Source: Turner)

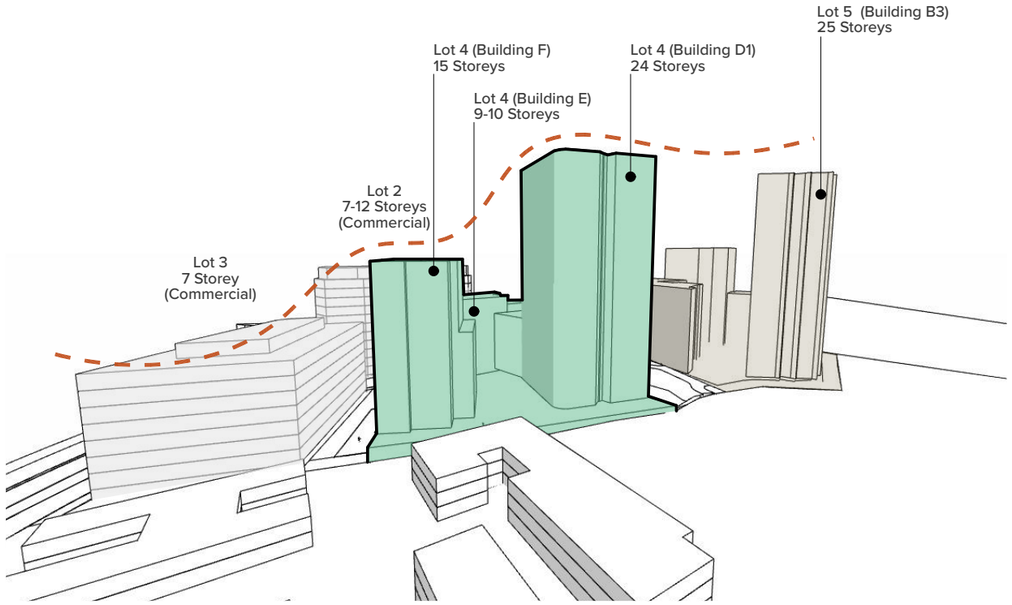

Figure 14. Height transition as proposed (Source: Turner)

6.2 BUILDING MODULATION

The underlying principle of building modulation guides the design and interrelationship between individual buildings at the building, site and precinct scale. This assists in establishing the visual quality and interest of building form, and the balance between the uniqueness and coherency of architectural language. In this regard the principles seek to create streetscapes that tie together with a unifying character, but provide distinctive characterisation to promote visual interest.

Already built into the existing development consents is a set of individually characterised buildings with a with a high level of articulation and modulation. A unifying contemporary character is achieved with the use of bespoke design elements such as bay window boxes on upper levels. A variety of materials and finishes and alternating vertical and horizontal emphasis enhances individual character. This approach will be carried over from the current development consent.

At the site and precinct scale, we consider the arrangement and variances of volumetric form and roof height. The current development consent for Lot 4 provides for a combination of street wall and tower elements of differing shapes and forms to achieve varied roof lines and distinct characterisation between buildings. The same can be said for the development forms on Lot 5.

The amendments proposed will continue to adhere to the principle of modulated height while maintaining the desired 9-10 storey street wall scale on Farmhouse Road and in the immediate vicinity of the heritage item. The additional height on Biulding D1 and Building F will enhance the slenderness of both buildings establishing a more elegant form and reducing perceived building bulk.

The additional height on Building D1 will be comparable to the height of the tallest building on Lot 5 (i.e. Building C1) The additional height on Building F will be comparable to the mid rise building on Lot 5 (Building B1). The amendments to heights on Lot 4 will respond cohesively to the design approach on Lot 5.

As the amended development concept seeks to include additional levels onto the existing approved development and to maintain the visual language that is reflected in those approvals, the elements of visual variance, individual characterisation have not changed. In terms of the modulation of height on Lot 4, the amended development enhances modulation in that it provides a greater sense of distinction an individuality between Buildings E and F, which were originally at a comparable height.

Refer **Figure 15**.

Figure 15. Building Modulation (Source: Turner)

6.3 SOLAR ACCESS - ADG COMPLIANCE

6.3.1. ADG - Solar compliance within Lot 4

The increase in height for Buildings D1 and F as been designed to ensure that living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter as required by the Apartment Design Guide. Refer **Figure 16**.

In order to achieve ADG compliance, all 3 bed apartments have been relocated to the upper floors of Building D1 where they will have maximum outlook and amenity. 1 bed apartments have been relocated to the lower levels of the tower and to Building F. These are generally north facing to provide a high level of amenity and allow the proposal meet minimum ADG solar compliance.

Communal open space areas on Lot 4 meet the minimum 50% ADG requirement for mid winter solar access at 58%, as illustrated in **Figure 17**.

6.3.2. ADG - Solar compliance within Lot 5

The increase in height for Buildings D1 and F has been designed with consideration for impacts on Lot 5 in terms of amenity and the ability for Lot 5 to maintain its level of compliance with the solar access requirements of the ADG. As can be seen in **Figure 19**, the overshadowing effects of the additional building height generally occurs outside of Lot 5.

Based on information provided in Turner's DA package, Lot 5 maintains 70% of all apartments achieving compliance with solar access requirements of the ADG.

Communal open space areas on Lot 5 meet the minimum 50% ADG requirement for mid winter solar access at 62%, as illustrated in **Figure 18**.

Figure 17. Lot 4: Solar access to communal open space 21 June 9am - 3pm (Source: Turner)

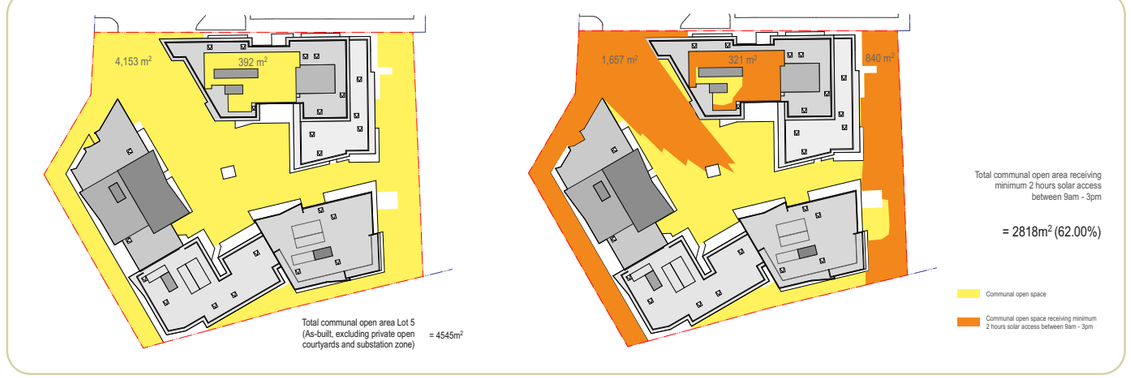

Figure 18. Lot 5: Solar access to communal open space 21 June 9am - 3pm (Source: Turner)

Figure 16. Winter solstice - Sun eye diagrams (Source: Turner)

6.4 SOLAR ACCESS - PRECINCT IMPACTS

6.4.1. Building D1 - Solar impacts of increased building height on the broader precinct

As can be seen in **Figure 19**, the focus on delivering slender tower forms results in fast moving shadows with short dwell times in any particular location. The additional height on Building D1 results in minor increases in overshadowing which largely falls within the railway reserve and is therefore of minimal and acceptable impact. The additional height results in minor increases in overshadowing between 2pm and 3pm affecting part of the commercial centre at the corner of Hawkesbury Road and Railway Parade. There are no impacts of the additional height on the retail plaza.

The solar overshadowing is therefore of minimal and acceptable impact resulting from additional height on Building D1.

6.4.2. Building F - Solar impacts of increased building height on the broader precinct

As can be seen in **Figure 19** there is a minor increase in overshadowing in the peripheral area of the Marist School sports oval, which occurs for a brief period of time in the morning. The sports oval is unaffected by overshadowing for the remainder of the day. Additional overshadowing impacts on the retail plaza and the open space surrounding the heritage item are negligible as affects are generally limited to the at grade car park.

The solar overshadowing is therefore of minimal and acceptable impact resulting from additional height on Building D1.

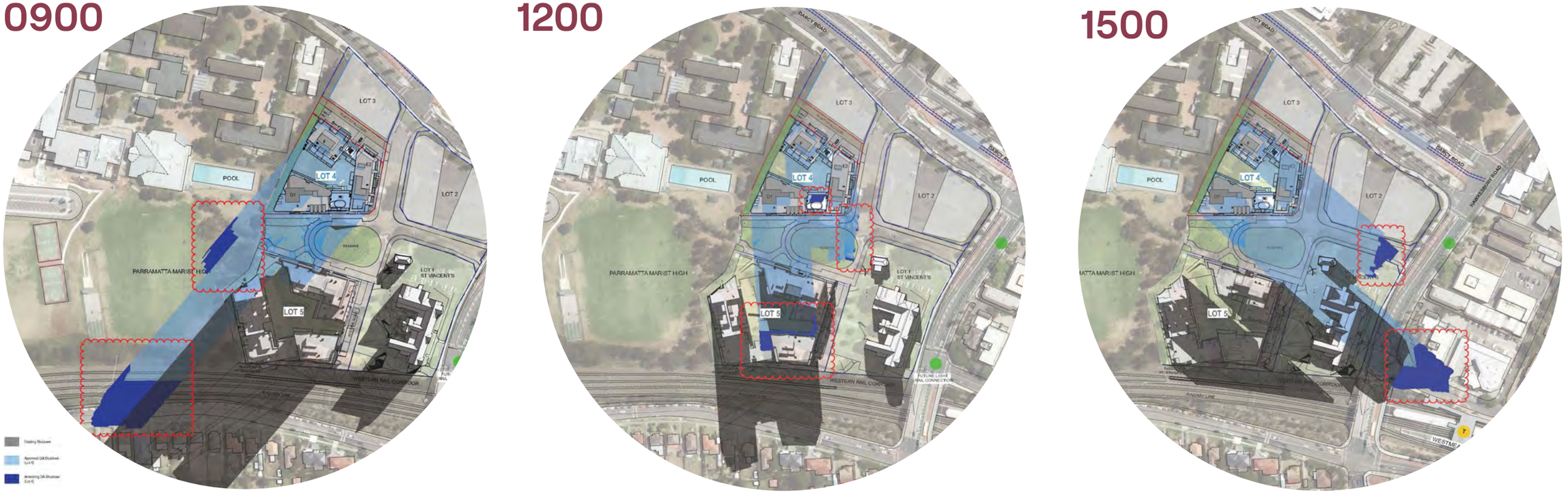

Figure 19. Winter solstice - Precinct overshadowing diagrams (Source: Turner)

7. CONCLUSION

The proposed amended development concept for Lot 4 responds to a major strategic shift in the context of the locality since development consent DA 1271/2016 was granted.

The strategic merits of providing additional density on the site are well supported by the strategic planning framework. In particular:

- It will respond to transformative Government transport and health investment which would in any circumstance warrant the review of land use capacity within 800m walking distance of the Westmead Interchange.
- It is consistent with the Parramatta Local Strategic Planning Statement as it provides for growth in an identified growth precinct that will enhance land use and transport integration.
- It will deliver on the objectives of the draft Westmead Place Strategy as it will enhance housing choice adjacent to a major transit interchange in response to transport investment, which has not previously occurred under existing controls and via previous planning approvals.

The strategic merits of the amending DA are well aligned with local and state government directions, and therefore additional density is warranted, provided it can be accommodated on a site and precinct level with an acceptable level of impact.

The site specific merits of the amending DA are well founded for the following reasons:

- It will build on the original development principles of the approved DA thus adhere to the vast majority of urban design principles established throughout the planning process for Lot for and the wider precinct.
- The additional height will not deleteriously impact the ability for existing and approved built form in the precinct to meet the key precinct urban design principle of transitioning height downwards towards the north, as this will still occur.
- The amending DA will continue to deliver on the urban design principle to achieve modulation of roof height and building form.
- The additional height will enhance the slenderness, elegance of Building D1 and F, while reducing their perceived building bulk.
- Building design for Lot 4 continues to meet the solar access requirements of the ADG for both apartments and communal open space.
- The additional building height has been provided in a manner that also maintains the solar access ADG compliance for Lot 5.
- Shadow impacts caused by the proposed additional height will not cause adverse effects on the surrounding public space with overshadowing mainly impacting the railway reserve. Where additional shadow impact, occurs it has a short dwell time and will be of minimal impact.

Given the above, the amending DA is supportable on in that it will deliver positive urban design outcome that is consistent with strategic direction for the precinct.

APPENDIX A - URBAN DESIGN ASSESSMENT

Key Urban Design and Planning Principles	Comment
Built form	
Development focuses high density near public transport nodes.	**Consistent.** The proposal will continue to achieve this outcome with enhanced capacity that responds to recent infrastructure investment that have occurred since development consent for Lot 4 was granted.
Heritage items are retain and complemented.	**Consistent.** The proposal will have no deleterious effects on the heritage item and maintains the 9-10 storey building height along farmhouse Road as provided in the current development consent.
Solar access to residential units and communal open space is optimised and compliant with the ADG.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access for approved residential units on Lot 4 and existing units on Lot 5. This is considered in detail in **Section 6**, and is acceptable and justifiable in that the development on Lot 4 and Lot 5 will continue to achieve compliance with the ADG.
Overshadowing of public space is minimised.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access to public space. This is considered in detail in **Section 6**, and is acceptable and justifiable in that it will not cause adverse impact on solar access to public space.
Building massing is modulated for visual interest in urban form.	**Requires justification.** The proposed additional building height has potential to cause a changed condition in relation to building modulation. This is considered in detail in **Section 6**, and is acceptable and justifiable in that building modulation will still occur in terms of architectural characterisation and articulation as well as providing an acceptable variances in roof height.
Highest built form is located at lowest part of the site (south) with downwards towards the north.	**Requires justification.** The proposed additional building height has potential to cause a changed condition in relation to building transition. This is considered in detail in **Section 6**, and is acceptable and justifiable in that building transition will still occur and facilitate height reduction towards the north.
A street wall height of 9-10 storeys is achieved along Farmhouse Road, to reflect the height of the heritage item.	**Consistent.** A street wall height of 9-10 storeys has been maintained along Farmhouse Road to complement the height of the heritage item.
A combination of articulated vertical and horizontal elements are provided to facade to counter perceived height of buildings and tower elements.	**Requires justification.** The proposed additional building height has potential to cause a changed condition in relation to perceived height of buildings. This is considered in detail in **Section 6**, and is acceptable and justifiable in that both Buildings D1 and F will be highly articulated with an enhanced sense of slenderness and elegance .
Façades and rooflines designed for visual interest.	**Requires justification.** The proposed additional building height has potential to cause a changed condition in relation to the visual effects of façades and rooflines. This is considered in detail in **Section 6**, and is acceptable and justifiable in that the additional height will enhance the variances between rooflines .
Façades positively interface with public space at ground floor and lower levels while ensuring pedestrian safety and occupant security.	**Consistent.** Façades will continue to positively interface with public space at ground floor and lower levels while ensuring pedestrian safety and occupant security.
Achieve SEPP 65 compliance.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access for approved residential units on Lot 4 and existing units on Lot 5. This is considered in detail in **Section 6**, and is acceptable and justifiable in that the development on Lot 4 and Lot 5 will continue to achieve compliance with the ADG.
Movement	
Site design facilitates pedestrian and vehicular permeability.	**Consistent.** The proposal will have no discernible effects on pedestrian and vehicular permeability.
Pedestrian access facilitates intuitive and safe movement along desire lines in proximity to transport nodes.	**Consistent.** The proposal will enhance the intuitive and safe movement along desire lines by strengthening the landmark qualities and individualisation of Buildings D1 and F.
Site access design minimises transport mode conflict and facilitates pedestrian safety.	**Consistent.** The proposal will have no detrimental effects on transport mode conflict and pedestrian safety. While there will be a slight increase in vehicle movement as a result of the proposal, the vehicle and pedestrian realms continue to be clearly demarcated and sight lines will not be affected.
Site parking responds to transit oriented location.	**Consistent.** Car parking has been adequately addressed as outlined in the statement of environmental effects and traffic impacts statement.
Street and movement network facilitates ready access to public transit network.	**Consistent.** The proposal will have no impacts on pedestrian and vehicular permeability and will focus a greater population in proximity to a major transit interchange.
New vehicular routes established to enhance vehicular access.	**Consistent.** The proposal will have no impacts on the alignment of internal vehicle routes.
Public space	
Pedestrian pathways facilitate access, amenity and way finding.	**Consistent.** The proposal will have no impacts on the alignment of internal pedestrian pathways. It will have a positive effect on the wayfinding qualities of the neighbourhood with enhancement of the individualisation and landmark qualities of Buildings D1 and F.
Solar access to public space is maximised.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access to public space. This is considered in detail in **Section 6**, and is acceptable and justifiable in that it will not cause adverse impact on solar access to public space.
Clear visual access to views and vistas is provided.	**Consistent.** The proposal will have no detrimental impacts on views and vistas and will in fact enhance the individualisation and landmark qualities of Buildings D1 and F, thus improving streetscape amenity.
Open spaces designed and oriented to allow maximum solar access and clear visual access.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access to public space and to communal open space on Lots 4 and 5 as well as open space areas of the heritage item. This is considered in detail in **Section 6**, and is acceptable and justifiable in that it will not cause adverse impact on solar access to public and communal space.

Key Urban Design and Planning Principles	Comment
Key site features such as significant trees are retained in public space elements and landscaped areas.	**Consistent.** The proposal will have on trees already committed for retention. Where the large fig tree has been retained in public space, the proposal will not result in adverse shadowing effects this preserving its current condition.
A landscaping buffer zones is provided along the shared boundary with the adjacent school to facilitate privacy and soften the interface.	**Consistent.** The proposal will provide a 10m landscaping buffer zones along the shared boundary with the adjacent school to facilitate privacy and soften the interface.
Open space design informed by environmental design principles, established through consistent built form that complements open spaces in the precinct.	**Requires justification.** The proposal has potential to cause a changed condition in relation to solar access to the retail plaza space. This is considered in detail in **Section 6**, and is acceptable and justifiable in that it will not cause adverse impact on solar access to the space.
6 storey podium element is provided to the north of the retail plaza space to optimise solar access.	**Consistent.** The proposal continues to provide a 6 storey podium element to the north of the retail plaza space to optimise solar access.
Land use/ interface	
Residential uses are provided on Lot 4 supported by mixed land uses on Lot 5 to cater to diverse needs consisting of retail, residential, medical support, commercial, civic and community uses.	**Consistent.** The proposal is for additional residential units on Lot 4.
Floor space optimised to adopt best urban outcome.	**Consistent.** The proposal is for additional residential units on Lot 4 which as demonstrated in **Section 4** is strategically aligned with the local and state government objectives for Westmead.
Built form responds to the active street frontage on Hawkesbury and Darcy Roads by providing interactive interfaces at ground floor level.	**Consistent.** While Lot 4 does not have frontage to Hawkesbury and Darcy Roads, it will continue to provide a positive and interactive interface will internal streets, public space and access ways as is consistent with the mixed use nature of the precinct.