as Trustee for C & B Unit Trust ABN 27 623 918 759

Our Ref: LBH/7453.2/jj

22 March, 2012



Transport Planning
Town Planning
Retail Studies

The General Manager Strathfield Council PO Box 120 STRATHFIELD NSW 2135

Attention: Mr David Hazeldine, Director Strategic Planning

Dear David,

Re: EXHIBITED DRAFT STRATHFIELD LEP 2011 FORMAL SUBMISSION ON BEHALF OF COLUMBIA PRECINCT CONSORTIUM

A. This Letter

- I refer to our letter dated 23 February 2012 following up our meeting the previous day in your office to discuss the above. My purpose in now writing is to provide a technical appraisal of that exhibited documentation and additional detail regarding the relationship between the exhibited draft LEP provisions and the design elements of the Columbia Precinct Part 3A Major Project Application Concept Plan (MP10-0143) currently with the Department.
- 2. At the time of writing this submission, Strathfield Councils' submission to the statutory exhibition of that Concept Plan had not been received. When that is available for our review it is likely that a further written response will be provided by the Project Design Team.

B. <u>Prefatory Comments</u>

- 3. As you know, MP10-0143 was lodged last year, following more than a year's detailed design analysis of the constraints and opportunities offered by the land in question, with a view to achieving appropriate massing of built form and minimising potential impacts both external and internal to this large 'island' site. That process also involved extended negotiation and formal agreement between the three private landowners to achieve an equitable arrangement between them, as well as create what we believe is a meritorious scheme that is well capable of implementation.
- 4. As a general observation, it is worthy of note that as a matter of law the preserved provisions of the recently-repealed Part 3A (Major Projects) do not require compliance with local statutory planning controls, whether gazetted or draft, for

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Concept Plan Applications such as Columbia Precinct. That notwithstanding, the draft Council LEP controls are considered to be broadly consistent in philosophy (if not in detail) with what is proposed for the Columbia Precinct project.

- 5. Nevertheless, it is clearly the case that the Columbia Precinct lands have specific characteristics relating to its generous site dimensions and the distinct opportunities offered by the nature of its surrounding infrastructure lands, that distinguish it from the balance of the Parramatta Road frontage lands i.e. the Columbia Precinct is not typical 'corridor' land, and a more site-specific design solution is required. That was the task the Project Team set itself in undertaking its planning analysis of real opportunities and constraints with the subject land.
- 6. The following comments on the draft LEP are therefore offered without prejudice to the proponent's statutory entitlements pursuant to a Part 3A Concept Plan Application, and are made in the spirit of engendering continued cooperation between proponent, Department and Council in order to resolve matters of design detail, public land dedication, VPA's and other related matters as the project moves forward toward timely implementation. The comments below firstly address the key differences in design approach between the Application and Council's draft controls, and secondly the less important differences between them. The attached Schedule compares the relevant planning criteria.

C. Key Considerations

- 7. The two key criteria from the draft LEP discussed below, are the building height controls and the B4 Mixed Use/R4 Residential zoning mix across the site. The Project Architects PD Mayoh have produced several additional drawings which provide comparative illustration, at Figures I to 5 attached, of potential building envelopes arising from the draft LEP compared with the Concept Plan application.
- 8. Firstly, on the question of the draft **height controls**, the draft LEP acknowledges that the statutory provisions should encourage opportunities for coordinated design afforded by partial site consolidation, and that approach is supported. Indeed, it would be reasonable that further incentive be offered where greater site consolidation and more generous site dimensions can be achieved, as is the case here with the Columbia Precinct development proposal, due to the design efficiencies, greater amenity and superior design therefore attainable. See above comments in paragraph #5 for elaboration of this point.
- 9. However the draft LEP also includes height controls that have the effect of stipulating the precise defined location and alignment of future new roads (notably the George Street southward extension) and of an internal plaza. This is done notwithstanding that considerable flexibility in locating such facilities actually exists, and dimensioned precision is therefore unnecessary and undesirable for inclusion in any statutory planning controls.

- 10. Furthermore, the draft LEP height controls set a 29 metre building height for 'key sites' over the great majority of this large site. From the Project Team's design analysis, such height controls will (a) not realistically allow reasonable achievement of the applicable Floor Space Ratios, (understanding that a building envelope floor area can be as much as 30% greater than an 'FSR' floor area of a subsequent architectural design which sits within the prescribed envelope), (b) generate an unrelieved uniformity of built form bulk and massing, which (c) will be a poor urban design outcome, (d) will adversely impact on residents both internal and external to the Precinct, (e) will perform poorly against SEPP65 Principles and design criteria, with particular respect to solar access, building separations, visual privacy and outlook, and (f) will minimise the important opportunity to have both high quality and quantity of open space co-existing with useable commercial ground floor premises.
- It is considered that such controls ought more properly be the subject of a Development Control Plan approach, and the LEP and DCP controls should acknowledge that design flexibility ought be available to a whole-of-site masterplanned approach. In essence, the amalgamation of these three sites into a larger development site of over 3 hectares, has made the opportunity for a variety of heights both within and above the Council's intended heights, a better planning outcome. There is no intention of creating a more dense development as a consequence of the variance in height, but of striving for a better development in terms of environmental amenity and strong contemporary design, particularly as exemplified by its good SEPP 65 performance.
- 12. Various Project Team studies have also outlined that there will be no increased environmental impact as a consequence of the variance in height with regard to overlooking, overshadowing and loss of privacy, and in fact, the project design will be a better solution given the relevant orientations of the building. The Council's intentions with respect to height along Parramatta Road have been reinforced, with northern buildings addressing Parramatta Road of 4, 6, 7 and 8 storeys in height above a 2-storey podium to the road alignment. The variance in height from Parramatta Road to the rear of the site, adjacent to the State Rail workshop land, will also offer a more interesting and varied height line with the surrounding development rather than a "sea of buildings" of similar heights clustered more closely together across the Precinct lands. Such a monotonous solution will create an uninteresting and oppressive environment, which will afford residents no outlook, no views, little privacy and poor SEPP65 performance.
- I3. Secondly, it is also noted that the draft **Residential R4 zoning** proposed over the southern half of the Columbia Precinct lands is more restrictive than the B4 Mixed Use provisions applying to the northern half of the Precinct, and covers the future Plaza area. Although 'neighbourhood shops' (up to $80m^2$) and 'shoptop housing' (inter alia) are permissible in the R4 zone, this will be unnecessarily restrictive on the plaza-activating uses envisioned for the vicinity, which should include a wider range of retail and commercial uses, potentially on the first floor as well as at ground level. Furthermore, there is some doubt whether 'shoptop housing', defined as "...one or

more dwellings located above ground floor retail premises or business premises", and noted in the Standard Instrument Order as a "type of residential accommodation", is an accurate definitional description of the residential flat building type of development proposed, or indeed whether the definition can actually make retail business uses permissible where they otherwise would not be, as is the case in the R4 zone.

- 14. Under those circumstances in our opinion it would be more appropriate that the whole of Columbia Precinct be zoned to **B4 Mixed Use**, whose permissible landuses and zone objectives are more appropriate to the land in question, in turn qualified and reinforced in the DCP. Furthermore, this would be consistent with the recommendations of SGS's Economic Land Use and Employment Strategy Study undertaken for Council, that the whole of this area be zoned B4, and would avoid the issues in the draft LEP that would compromise the effective ground level activation of the Plaza and southern buildings. [Alternatively the additional land-uses could be introduced by Clause 2.5 and Schedule I of the LEP].
- 15. Further on the issue of land-use permissibility in Columbia Precinct, it is reiterated that Kennards Self Storage is intended to remain on-site and to change its present building configuration, which will require development approvals in the future. However the proposed B4 zone as currently drafted would prohibit such a use, therefore requiring reliance on Existing Use Rights after the current Concept Plan application has been implemented. It may be worth considering amending the draft LEP now to make self-storage permissible in the B4 zone. Recent Standard Instrument LEP's which have done the same, reflecting the increasing demand for such uses, their modest footprint and their benign planning impacts, include Auburn, Ryde, City of Sydney and Wollongong, to name several, so there are precedents already to this approach, which is supported here.

D. Other Matters

- 16. George Street South The alignment of George Street South in the Columbia Precinct is proposed as a direct southward prolongation of the existing George Street North. Adopting the same alignment will generate the range of advantages outlined in the attached comparison schedule and documented in the EA report, and will avoid a number of built form and amenity disbenefits identified for the 90° orientation shown in the draft LEP. In particular, the Concept Plan design will avoid creating a narrow development area pushed west back onto Powells Creek open space, and will not create a vista focussing on a building 29 metres tall and 70-80 metres long, as the draft LEP will do (see attached Figure 4). The proposed alignment of George Street South has been discussed by the Columbia Project Team on several occasions with the RTA, and more recently with the Roads and Maritime Service, and is acceptable to those bodies.
- 17. <u>Internal Plaza</u> The inclusion of this internal plaza space in the draft LEP is understood to have emanated from early discussions between the Design Team and Council officers, where initial concept plans included such a space. Its location as

proposed by the Columbia Precinct application is to the east of where it is shown on the dLEP plan, and is significantly to be preferred in town planning terms, because (a) it provides more developable land on its western side, thus allowing building envelopes to be sited further east away from the existing 12 storey slab-sided residential building and the intervening public open space to the west of the site (see Mayohs' 3-D illustration at Figure 5) (b) it is shared equitably between landowners (along with the new George Street roadway) rather than burdening only Hai-Phong's land, (which would not re-develop as a consequence), and (c) it links better visually and operationally with the existing and proposed roadways within Columbia Precinct than the draft LEP location.

- 18. Floor Space Ratio Under the draft LEP controls, the Project Application would be entitled to take advantage of the draft Key Site LEP provisions to achieve the 2.95 and 2.7 to one FSR's provided for in that draft Instrument. The resultant FSR/GFA 'entitlement' and the floor space proposed by the Project Application are not greatly dissimilar. Having regard for the facts that (a) the draft controls do not include the whole of the Columbia Precinct land (i.e. the public open space and the roadways are excluded), (b) the 'key site' FSR bonuses do not offer any incentive to undertake a whole-of-site masterplan development, as is proposed, and (c) a significant proportion of the future floorspace will be low intensity self-storage use (Kennards), it is considered that the difference between the proposal and the draft controls ought not be a planning issue.
- 19. Building Height - the same 'key site' draft controls provide for a building height of 22 metres (6 storeys) to the Parramatta Road frontage in the north-western part of the site either side of George Street, and 29 metres (8-9 storeys) elsewhere across the site (excluding future open space and roads/plaza). The results of Mayoh Architects' design analysis of the development potential of these draft LEP height controls for predominantly residential development above mixed use podiums, can be seen at Figures - and - attached. To slavishly comply with those draft LEP height controls would produce built form which would (a) have large building footprints and inadequate separations, (b) have poor solar performance, poor outlooks onto other buildings, and no cross-site views, (c) be unrelieved and monotonous in its urban design outcome, (d) create public and communal open spaces of poor amenity and heavily overshadowed, (e) perform poorly against SEPP65 principles and criteria, and (f) still not be capable of achieving the Floor Space Ratios on offer. These are very significant failings in the draft LEP controls, quite counterproductive to achieving good design outcomes.
- 20. The Columbia Precinct scheme provides for built form toward Parramatta Road that will achieve urban design 'enclosure' to that thoroughfare, albeit not an unrelieved 22 metre high wall built to the road alignment as encouraged by the draft LEP provisions and not supported, but with a modulated composition of 4, 6, 7 and 8 storeys above 2 storey podium. Elsewhere, as explained at length in the Environmental Assessment documentation and briefly discussed earlier in this submission, the arrangement of built form across the site has been carefully designed to have close regard to a

number of key design considerations, fundamentally to minimise possible internal and external impacts, and to achieve high residential and public amenity, as well as create a pleasing and meritorious urban design outcome. Figures 2 to 5 attached, demonstrate the favourable results achieved by the subject Mayoh design in those regards.

E. Closing Comments

- 21. From the foregoing discussion, it is evident that the Project Design Team is of the view informed by close analysis that the draft LEP controls are structured in such a way that they are not capable of achieving an optimum urban design result for this land, for all the reasons discussed above in this submission. It is important that any regime of planning controls that might be devised for this large brownfields site be more performance-oriented and outcome-based, rather than by adopting the prescriptive approach currently reflected in the draft. It is recommended this be achieved by way of a DCP approach.
- 22. If the disparity between the Columbia Precinct scheme and the now-exhibited draft LEP controls were to be an issue for the Department or Council, possible approaches to a solution could include amending the draft controls to better accommodate the more detailed design solution currently proposed, or alternatively to show the Columbia Precinct lands as a deferred matter on the LEP map. That said, it is reiterated that the Department's assessment of a Part 3A Concept Application is not statutorily obliged to have regard for local planning controls (whether existing or in draft), accordingly such an amendment to the draft controls is not obligatory.
- 23. In the interests of furthering the cooperative spirit between proponent and Council and the Department as this project moves forward through its assessment process, we and Mayoh Architects remain available to discuss any aspect of this document or of the proposed development in general, at any time of mutual convenience.

Yours faithfully,

COLS,TON BUDD HUNT & KAFES

L.B. Hunt

Director

Encl: Schedule summary of dLEP issues

SCHEDULE: COMPARISON OF JRAFT STRATHFIELD LEP AND COLUMBIA, RECINCT CONCEPT PLAN ASSESSMENT OF ISSUES – MARCH 2012

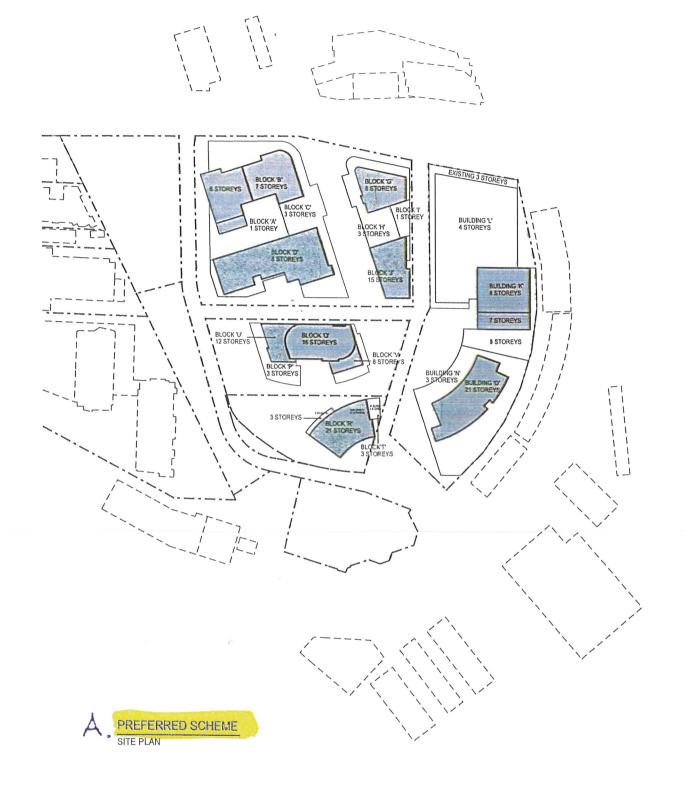
SITE CRITERION		Draft LEP on exhibition		COLUMBIA PRECINCT DESIGN APPROACH
A. Land-Uses	⊜	Isolated R4 High Density zone at rear of site	€	B4 Mixed Use approach across whole site
	(E)	Restricted opportunity to activate internal square or Railway Lane	(E)	Strong activation of all public frontages possible
	(III)	Self-storage only to be permissible under Existing Use Rights	(III)	Kennards guaranteed continued presence on site
B. George Street	Ξ	George Street southern extension aligned at 90° to Parramatta Road to follow Lot 1/523775 rather than existing George Street alignment	()	George Street extension south of Parramatra Road can continue northern alignment for visual connectivity
	(ii)	Vista into site will be severely truncated by a long building façade 29m high, and at awkward angle viewed from George Street north	E	Intersection design agreed in principle with RTA
	(E)	Its westerly alignment inevitably pushes built form back onto Powells Creek open space, with visual and shadow impacts, and separation impacts on RFB's to the west	(ii)	The Columbia Precinct proposal performs much better in those regards opposite
C. Internal Plaza (Columbia Place)	(E)	The great majority of this plaza area burdens one owner, which is inequitable and renders redevelopment unlikely	©	The southern section of the new road and the new plaza as proposed, allow for better footprint locations and burdens owners more equitably, is designed to be feasible, and can proceed
		See also B (iii) above Plaza will not be properly activated – see A(ii) above		(ii) See also B(iii) above
D. Gross Floor Area	(j)	GFA of 72,737m² achievable at the Precinct's FSR's of 2.95 and 2.7 to one	Θ	c.10,000m² more is proposed, with a significant low intensity self-storage component operated by Kennards
	(ii)	However the draft FSR's are not achievable within the draft LEP's height limits and will generate poor SEPP65 performance	(E)	Intersection operations model satisfactory

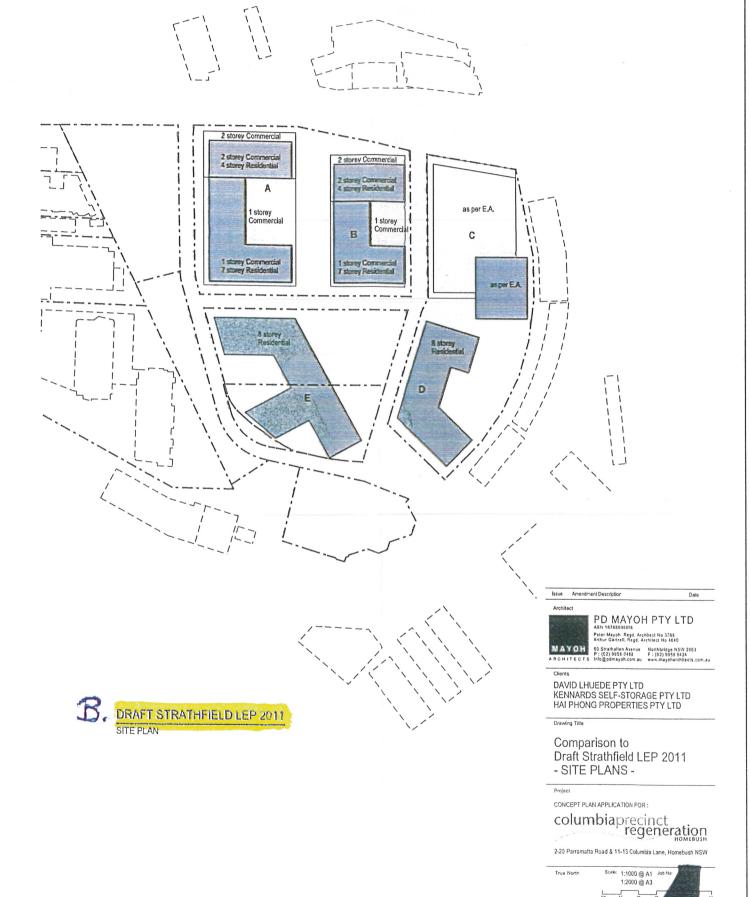
SCHEDULE: COMPARISON OF JRAFT STRATHFIELD LEP AND COLUMBIA RECINCT CONCEPT PLAN ASSESSMENT OF ISSUES – MARCH 2012

		Draft LEP on exhibition		COLUMBIA PRECINCT DESIGN APPROACH
Comparison screet Contract			(ii)	Despite higher FSR, CP provides superior amenity to public space and residential areas, and good performance against SEPP 65 criteria
E. Building Height	Ξ	Almost the whole of the developable land is 29m (9 storeys) as 'key sites'	€	Building heights vary, from nil to 64m, in response to site constraints and opportunities, with taller structures in less sensitive southern parts of site
	(E)	Constant height will lead to a monotony of built form, with significant design implications as discussed at F to L following	(E)	Height gradation from north to south allows greater level of solar access to residential building facades and superior cross-site views
F. Footprints	Ξ	A scheme complying with FSR and height controls from the draft LEP will necessarily entail large bulky buildings with large footprints, close to road and plaza frontages	(i)	The subject proposal has much smaller footprints above podium levels, less bulky/more slender buildings, and much less impact generally than the draft LEP
		and close to Powells Creek public open space and existing RFB's west of the site	(ii)	Smaller footprints allow for better access to daylight, ventilation and outlook, and greater openness.
G. Open Space and Landscaped Area	€	As a direct consequence of 'F' above, the draft LEP controls will generate much less and inferior public and private open spaces than Columbia Precinct	(i)	The proposed landscaping result is able to be much more generous and will provide superior amenity for Columbia Precinct, for adjoining residences and for the proposed Powells Creek public park
H. Building Separation and Privacy	(A scheme complying with the draft FSR and height controls will compromise building separation and resident privacy, ensure that most units are looking directly at other units, and not satisfy SEPP65 principles or rules-ofthumb	(i)	The Columbia Precinct scheme has none of the amenity impacts opposite, that would result from the draft LEP controls
J. Ventilation	(E)	A compliant scheme will create bulky buildings of the same height and marginal separation, compromising free air movement through the Precinct and generating higher ambient temperatures	(i)	The placement and variation of buildings in Columbia Precinct will achieve much superior ventilation to all parts of the site and its built form

SCHEDULE: COMPARISON OF DRAFT STRATHFIELD LEP AND COLUMBIA L'RECINCT CONCEPT PLAN ASSESSMENT OF ISSUES – MARCH 2012

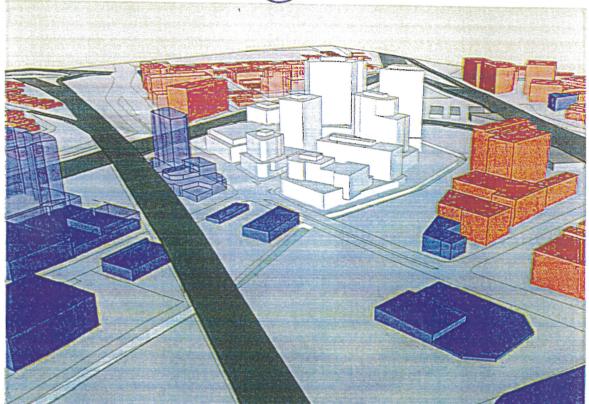
Comparison Sched Cont		Draft LEP on exhibition		COLUMBIA PRECINCT DESIGN APPROACH
K. Solar Access and Overshadowing	€ ·	A scheme complying with the height and FSR controls will achieve inferior solar access to (a) residences (b) public spaces on-site, and (c) Powells Creek open space	(<u>)</u>	Much attention in design was given to ensuring high standard of solar access to private and public spaces, complying with SEPP65 rules-of-thumb, without impacting on nearest residential neighbours.
L. Cross-Site Views	9	A scheme complying with the draft height and FSR controls will as noted at H and J above, create bulky buildings of the same height and marginal separation, restricting or eliminating cross-site views or views out, and maximising visual impacts and overshadowing on pedestrians on-ground	()	Again, the design variation afforded by a range of building heights, smaller footprints and considered placement and orientation of buildings, yields superior results both for residents and pedestrians
M. Powells Creek Open Space Reserve	Ξ	Nominated in the draft LEP for Council acquisition	(j)	This open space reserve will be provided to Council and landscaped at no further cost to the public
·	(ii)	The Powells Creek open space is significantly compromised by the inevitable proximity of the LEP building envelopes which are pushed to the west by the draft controls	(ii)	Powells Creek open space will be much less impacted by Columbia Precinct buildings in the western part of the site, because their footprints will locate notably further east than under the draft LEP, and will visually integrate with the generous open space proposed at ground level within the Precinct.





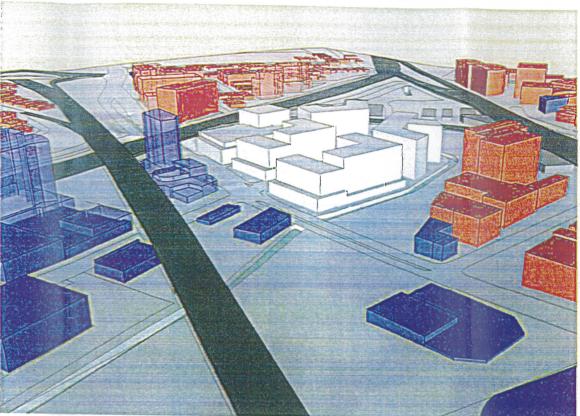
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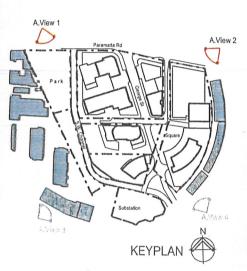
AERIAL VIEW 1 - LOOKING SOUTH EAST (Preferred Scheme)

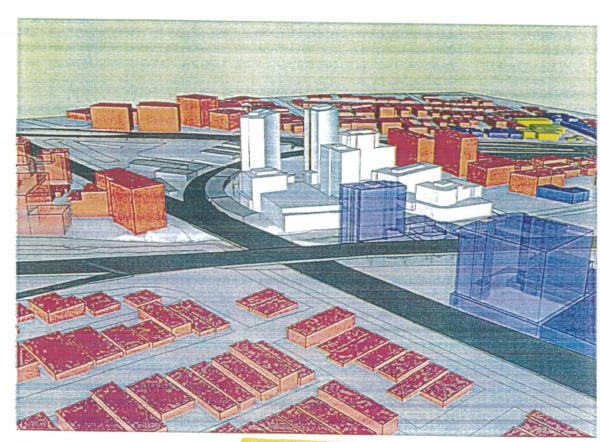




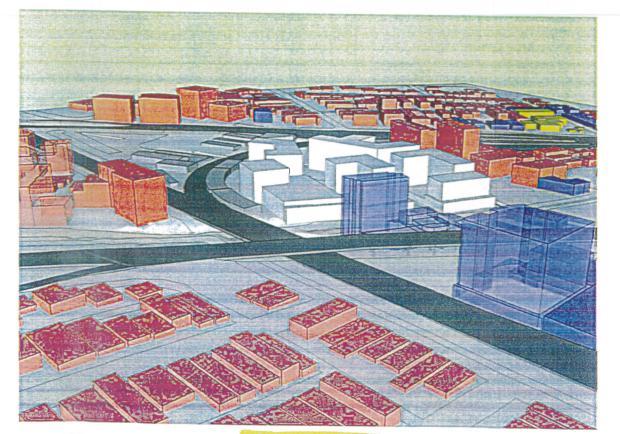
AERIAL VIEW 1 - LOOKING SOUTH EAST (Draft Strathfield LEP 2013)







AERIAL VIEW 2 - LOOKING SOUTH WEST (Preferred Scheme)



AERIAL VIEW 2 - LOOKING SOUTH WEST | Draft Strathfield LEP 2011)

Issue Amendment Description

PD MAYOH PTY LTD

MAYOH

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Arthur Gartrell, Regd. Architect No. 4040

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Clients
DAVID LHUEDE PTY LTD
KENNARDS SELF-STORAGE PTY LTD
HAI PHONG PROPERTIES PTY LTD

Drawing 1

Comparison to Draft Strathfield LEP 2011 - AERIAL VIEWS 1 & 2 -

Danie at

CONCEPT PLAN APPLICATION FOR:

columbia

regeneration

2-20 Parramatta Road & 11-13 Columbia Lane, Homebush NSW

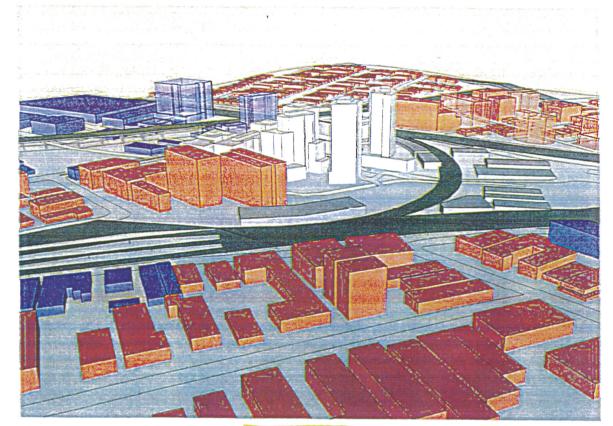
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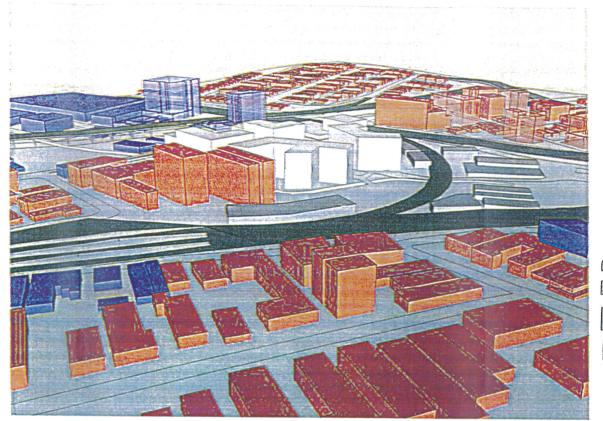
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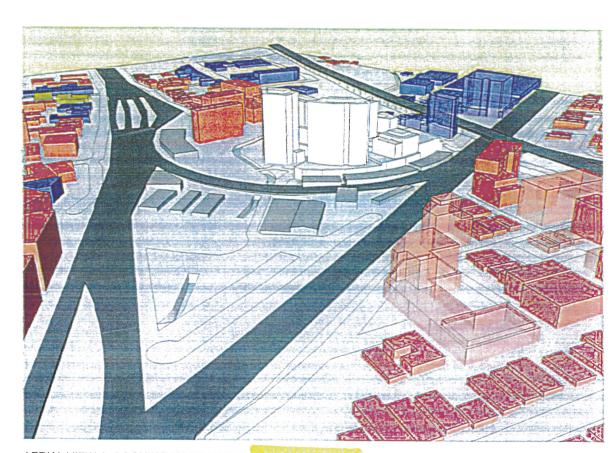




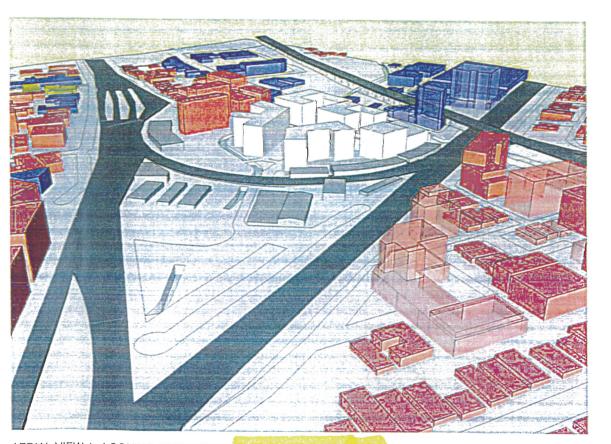
AERIAL VIEW 3 - LOOKING NORTH EAST (Preferred Scheme)



AERIAL VIEW 3 - LOOKING NORTH EAST (Draft Strathfield LEP 2011)

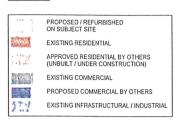


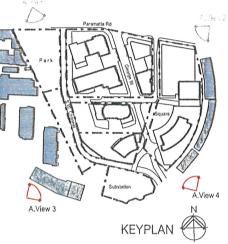
AERIAL VIEW 4 - LOOKING NORTH WEST (Preferred Scheme)



AERIAL VIEW 4 - LOOKING NORTH WEST (Draft Strathfield LEP 2011)

LEGEND:







PD MAYOH PTY LTD

DAVID LHUEDE PTY LTD KENNARDS SELF-STORAGE PTY LTD HAI PHONG PROPERTIES PTY LTD

Comparison to Draft Strathfield LEP 2011 - AERIAL VIEWS 3 & 4 -

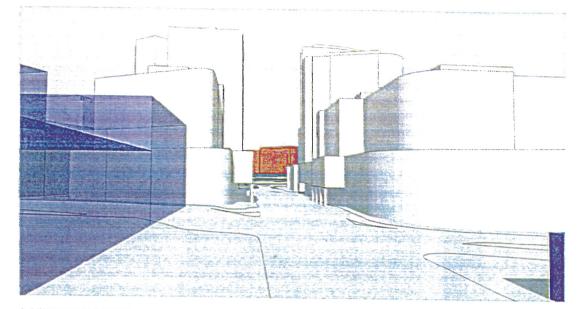
CONCEPT PLAN APPLICATION FOR:

columbia regeneration

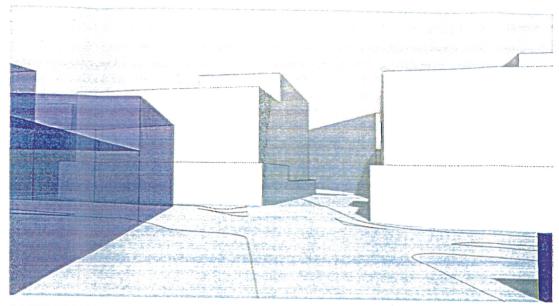




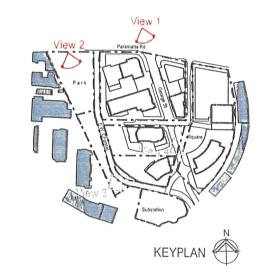


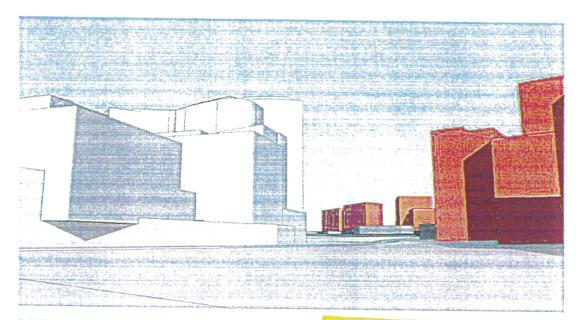


1. VIEW FROM GEORGE ST LOOKING SOUTH ACROSS PARRAMATTA ROAD (Preferred Scheme)

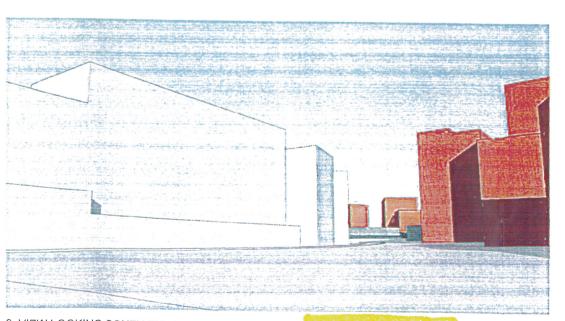


1. VIEW FROM GEORGE ST LOOKING SOUTH ACROSS PARRAMATTA ROAD (Draft Strainfield LEP 2011)





2. VIEW LOOKING SOUTH THROUGH PROPOSED PARK (Preferred Scheme)



2. VIEW LOOKING SOUTH THROUGH INDICATIVE PARK (Draft Stratifical LEP 2011)



PD MAYOH PTY LTD

DAVID LHUEDE PTY LTD KENNARDS SELF-STORAGE PTY LTD HAI PHONG PROPERTIES PTY LTD

Comparison to
Draft Strathfield LEP 2011
- PERSPECTIVE VIEWS 1 & 2 -

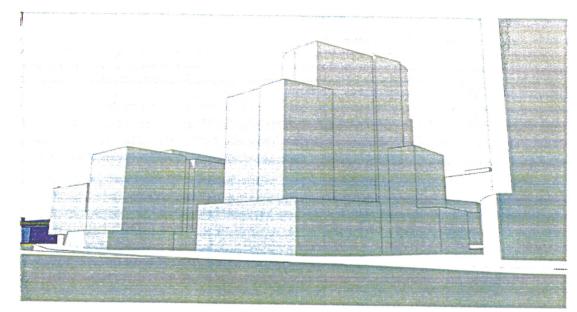
CONCEPT PLAN APPLICATION FOR :

columbia

regeneration

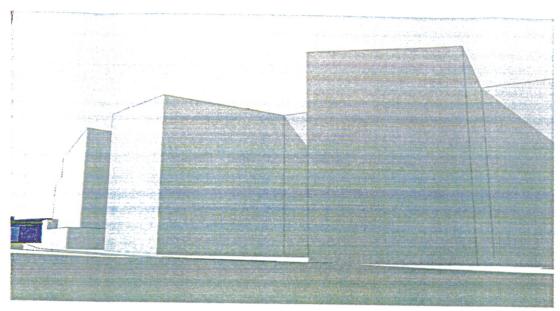




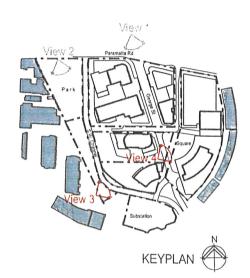


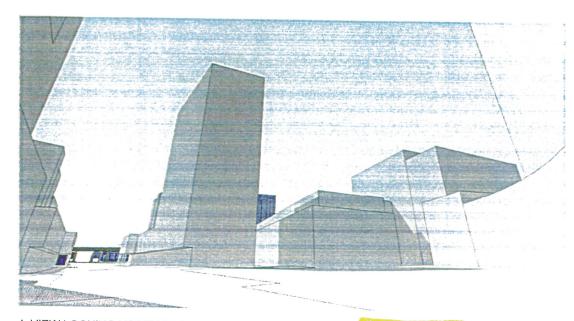
3. VIEW LOOKING NORTH-EAST AT WESTERN EDGE OF PROPOSED BUILDING FROM NEW POWELL CREEK OPEN SPACE (Prefered Scheme)



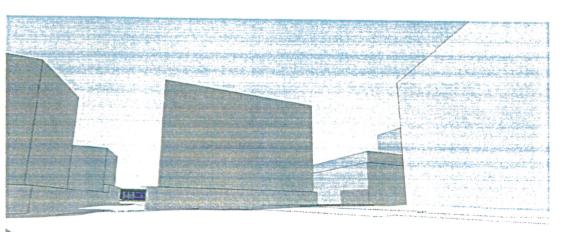


3. VIEW LOOKING NORTH-EAST AT WESTERN EDGE OF INDICATIVE BUILDING FROM NEW POWELL'S CREEK OPEN SPACE (Draft Strathfield LEP 2011)





4. VIEW LOOKING NORTH-EAST ACROSS INTERNAL SQUARE (Prefered Scheme)





4. VIEW LOOKING NORTH-EAST ACROSS INTERNAL SQUARE (Draft Stratbfield LEP 2011)

PD MAYOH PTY LTD

DAVID LHUEDE PTY LTD KENNARDS SELF-STORAGE PTY LTD HAI PHONG PROPERTIES PTY LTD

Comparison to
Draft Strathfield LEP 2011
- PERSPECTIVE VIEWS 3 & 4 -

CONCEPT PLAN APPLICATION FOR:

columbia regeneration

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