

REF.: DA/76/2010 - 171 PARRAMATTA RD., GORANVILLE
ATT.: Mr. MARK LEOTTA

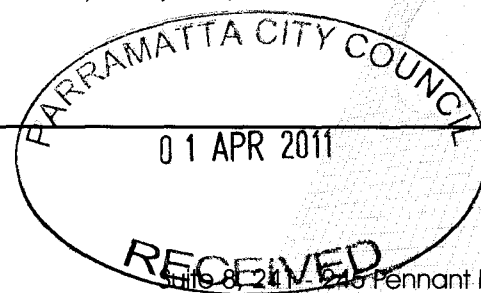


DEAR MARK,

FIND ATTACHED ADDITIONAL INFORMATION
AS REQUESTED DURING OUR LAST MEETING.

REGARDS

With Compliments

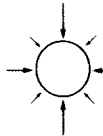


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1 April 2011

The General Manager
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124



Dear Sir,

**Development Application No.DA/76/2010
Proposed Dual Occupancy and Mixed Use Development
Nos.171-189 Parramatta Road and Nos.58 and 60 Victoria Street, Granville**

We refer to the 15 February 2010 letter from Council to the applicant seeking an amended Statement of Environmental Effects addressing the draft Parramatta Local Environmental Plan.

To assist the Council, the following information is provided.

Draft Parramatta Local Environmental Plan 2010 ("**DLEP 2010**") seeks to rezone the subject site to the B6 Enterprise Corridor zone. A review of the Table to DLEP 2010 as it relates to the B6 Enterprise Corridor zone shows that the proposed development would be prohibited upon gazettal of DLEP 2010.

Notwithstanding, DLEP 2010, at is draft **Clause 18A**, states:

"1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced."

DLEP 2010 seeks to provide a variety of land uses on the subject site with the following development standards provided in DLEP 2001 to guide that development:

- Building height 15 m
- Floor Space Ratio 2:1.



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Notwithstanding that DLEP 2010 seeks to prohibit the proposed development, the proposed development should be assessed having regard to the context within which it is proposed to be located and, indeed, within the context of the controls which would operate if DLEP 2010 is gazetted. In this regard, it is noted that DLEP 2010 seeks to not only change the zoning of the subject site but to change the zoning of the existing 2(a) low density residential development in Victoria Street adjacent to the subject site to a higher density zone, that being R3 Medium Density Residential zone with a building height of 11 metres and a floor space ratio of 0.6:1, thus providing for a significantly greater density of development than that which is currently permitted in the 2(a) zone.

Clause 4.3 of DLEP 2010 states that the objectives of the height control are:

- "(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views shown in the Parramatta Development Control Plan, and*
- (e) to reinforce and respect the existing character and scale of low density residential areas."*

Clause 4.5 of DLEP 2010 states that objectives of the floor space ratio control are:

- "(a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) to provide a transition in built form and land use intensity within the area covered by this Plan,*
- (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- (d) to reinforce and respect the existing character and scale of low density residential areas."*

With regard to the above development standards, **Clause 4.6** of DLEP 2010 states, in part:

"Exceptions to development standards [compulsory]

- (1) The objectives of this clause are:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *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 circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *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 Director-General has been obtained."*

The applicant has had considerable consultation with Council Town Planning, Engineering and Urban Design Staff in the design concept stage of the proposed development with the view to conceiving a design form which would meet the requirements of the Council for the redevelopment of such an important site within the Granville area.

During the various discussions with the Council Staff, it has been resolved that a development which does not necessarily meet all of the controls might be appropriate for the site provided a quality urban design solution is reached which not only provides the design quality sought by the Council, but has an acceptable impact on the residential development adjoining the site in Victoria Street.

It has generally be agreed that the following design parameters should apply to the design of the proposed development:

1. Ground level commercial development fronting Parramatta Road would be for the proposes of a new furniture outlet to replace the existing development on the site.
2. Residential development above the ground floor commercial component adjacent to the existing 2(a) residential development fronting Victoria Street which is not part of the site.
3. Additonal levels of residential development above the ground floor commercial development on that part of the site to the west of the existing 2(a) residential development fronting Victoria Street which is not part of the site.
4. A maximum floor space ratio of 2.0:1 for that part of the current Mixed Use 10 zoned land adjoining the 2(a) residential development fronting Victoria Street which is not part of the site.
5. A maximum floor space ratio of 2.5:1 for that part of the current Mixed Use 10 zoned land adjoining the 2(a) residential development fronting Victoria Street which does form part of the site, i.e. adjoining the land where the dual occupancy development is proposed.

The proposed development has been developed having regard to the above design parameters and is considered to provide a quality design to meet the requirements of the Council. This is particularly the case when it is considered that the Council, through its DLEP 2010, seeks to increase the density of development on land currently zoned 2(a) low density residential.

The design now presented to the Council is one which, although not meeting the existing or proposed development controls relating to floor space ratio and height, is one which would revitalise the commercial use of the Parramatta Road frontage of the site with commensurate reactivation of this part of the Granville area. The proposed residential development will also reactivate Victoria Street, increase the residential amenity of this section of Victoria Street, and will provide an increase in the population base of this part of Granville.

As such, we are of the opinion that the controls for both height and floor space ratio are unreasonable and unnecessary in the circumstances of this application.

Yours faithfully,

NEXUS ENVIRONMENTAL PLANNING PTY LTD

per:



Neil Kennan