

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Parramatta City Council** on **Thursday 4 December 2014 at 10.30 am**

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Clr Andrew Wilson and Clr Jean Pierre Abood

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2013SYW045 – Parramatta, DA/241/2013, Demolition, tree removal and construction of a 20 storey mixed use development containing 140 apartments and 7 commercial units over basement car parking. The application includes the retention of the existing heritage items on site for use as commercial premises, 113-117A Wigram Street, Harris Park & 23-29 Hassall Street, Parramatta.

Date of determination: 4 December 2014

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development Standard Variations

The proposed variation to the development standard contained in cl 21 of Parramatta LEP 2007 is considered acceptable in the circumstances of this case as:

- The height of the towers proposed is consistent with that recommended as a maximum by the Design Jury that selected this design as the winning entry in the architectural design competition conducted.
- Guided by the Competition Design Jury's decision the Panel concludes the proposed building will be consistent with the context in which it is placed, that the proposal satisfies the objectives of the development standard and will not compromise the amenity of the area.
Also, as described in the four reasons given below, there are sufficient environmental planning grounds to justify the variation.

The proposed variation to the development standard contained in cl 22D of Parramatta LEP 2007 is considered acceptable in the circumstances of this case as:

- Guided by the Competition Design Jury's decision the Panel concludes the proposed building will be consistent with the context in which it is placed, that the proposal satisfies the objectives of the development standard and will not compromise the amenity of the area.
Also, for the reasons given below, there are sufficient environmental planning grounds to justify the variation.




Reasons for the panel decision:

1. The development will add to the supply of housing and commercial space within a sector of the Parramatta City Centre near to rail transport and a broad range of personal and commercial services.
2. The proposal will secure the preservation of the heritage items located on the site.
3. The proposal's impacts on the built and natural environments, including on the adjacent residential building, will be acceptable.
4. In consideration of the conclusions reached in 1 -3 above the Panel considers approval is in the public interest.

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Conditions: The development application was approved subject to the conditions in the Council Assessment Report.

Panel members:

 Mary-Lynne Taylor (Chair)	 Paul Mitchell	 Bruce McDonald
Jean Pierre Abood	Andrew Wilson	

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SCHEDULE 1

1	JRPP Reference – 2013SYW045, LGA – Parramatta City Council, DA/241/2013
2	Proposed development: Demolition, tree removal and construction of a 22 storey mixed use development containing 156 apartments and 7 commercial units over basement car parking. The application includes the retention of the existing heritage items on site for use as commercial premises.
3	Street address: 113-117A Wigram Street, Harris Park & 23-29 Hassall Street, Parramatta.
4	Applicant/Owner: Applicant: Hassall Street Property Pty Ltd. Owner: GLMC Properties Pty Limited, Mistykal Pty Limited, Mr P Nikoloudis and Mr B Nikoloudis and Mr P Nikoloudis, Ms K A Schulz and Mr M G Schulz, Ms I Lambrousis and Mr V Georgoudis, Mr B J Green, Mr F J B Curran and Mr D J Weston
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy – (BASIX) 2004 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Parramatta City Centre Local Environmental Plan 2007 ○ Parramatta City Centre Development Control Plan 2007 ○ Parramatta Local Environmental Plan 2011 (Amended) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report (21 August 2014), further report (15 October 2014), architectural plans by Architex, landscape drawings by RFA Landscape Architects, engineering plans by Australian Consulting Engineers, details of drawing and documents listed in condition 1 of the recommendation section of the Section 79C report. Submissions: 4 Verbal submissions at the panel meeting: None
8	Meetings and site inspections by the panel: The development application was considered by the Panel on 21 August 2014 when the Panel resolved to defer consideration of the application. The Panel required the Council to promptly refer the proposal in its current form to the Design Jury for its advice. The Design Jury was asked to consider whether the proposal in its current form displays design excellence and provides a satisfactory transition between the City Centre and surrounds. The application was referred to the Design Competition Jury who reviewed the application. It is noted that 2 out of the 3 Jury members did not support the proposed increase in height above the recommended 63m height limit. The development application was considered by the Panel on 30 October 2014 when the Panel resolved to defer consideration of the application. The majority of the Panel (M L Taylor, B McDonald and P Mitchell) considers that the application as now proposed not be approved as:

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	<ol style="list-style-type: none"> 1. The height of the proposed buildings exceeds that permitted under Clause 21(2) of Parramatta City Centre L.E.P. 2. The proposal fails to satisfy the provisions of Clause 22B (6) (a) of Parramatta City Centre L.E.P. as the height of the proposed building is more than 10% greater than that allowed by Clause 21(2) and the design is not in accord with the original height recommendation of the Design Competition Jury. Further on review of this respect of the proposed building design a majority of the Design Review Jury considered the proposed height increase to be not reasonable or justified. 3. To allow the applicant to consider submitting an amended proposal that maintains the same building footprint but reduces the height to no greater than 63m. <p>Councillor J P Abood and Councillor J Chedid support the Council's recommendation for the reasons given in the Council Assessment Report of 21 August 2014. Briefing Meeting – 8 August 2013, Site Inspection – 21 August 2014, Final Briefing meetings on 21 August 2014, 30 October 2014 and 4 December 2014.</p>
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report