

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Sydney West Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Consolidation, remediation works, demolition and construction of a part 11 and part 12 storey mixed use development comprising of 2 level of basement car parking, 2 level base podium containing residential units and a roof top communal area, 3 ground floor retail tenancies and 271 dwellings with associated landscaping and site and foreshore works at 2 - 8 River Road West, Parramatta

JRPP Reference: 2013SYW104 – Council Reference: DA/702/2013

Applicant:

Krikis Tayler Architects/NGP Investments (No 2) Pty Limited and Emin Pty Limited

Type of Regional Development:

The proposal is has a Capital Investment Value of over \$20 million. The application is Integrated Development under the Water Management Act 2000.

A. Background

JRPP meeting

Sydney West Joint Planning Panel was held on 17 April 2014 at Parramatta City Council at 12.30pm.

Panel Members present:

Mary-Lynne Taylor
Stuart McDonald
Bruce McDonald
Lord Mayor John Chedid
Councillor Andrew Wilson

Council staff in attendance:

Brad Delapierre
Denise Fernandez

Declarations of Interest: None

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Parramatta City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the State Environment Planning Policy (State and Regional Development) 2011.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

Procedural background

A briefing meeting was held on 19 December 2013.

A site visit was undertaken by Mary-Lynne Taylor, Stuart McDonald, Bruce McDonald, John Chedid and Andrew Wilson on 17 April 2014.

A final briefing meeting was held with council on 17 April 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act 1979

79C (1) Matters for consideration—general

(a) the provisions of:

- (i) any environmental planning instrument,
 - *State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*
 - *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
 - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)*
 - *State Environmental Planning Policy SEPP 65 - Design Quality of Residential Flat Development*
 - *State Environmental Planning Policy (Urban Renewal) 2010*

- *State Environmental Planning Policy (Infrastructure) 2007*
- *Parramatta City Local Environmental Plan 2011 (LEP)*
- (ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority
- Not applicable
- (iii) any relevant development control plan
- *Parramatta Development Control Plan 2011*
- *Section 94A Plan*
- *Policy for the Handling of Unclear insufficient and amended development applications*
- (iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F
- A Voluntary Planning Agreement endorsed by Council on 23 April 2012 applies to this application and included the following:
 - The dedication of land to Council along the Parramatta River Foreshore generally equal to 15 metres from the northern (river) boundary;
 - The dedication of land to Council through the site between River Road West and the Foreshore, 6 metres in width; and
 - The embellishment of land to be dedicated including the provision of shared pedestrian/cycleway, landscaping, lighting, and public domain improvements along the foreshore and through site links; and
 - The restoration and repair of the river bank and riparian corridor including weed removal, revegetation, repair of erosion and sea walls; and
 - Removal of contamination, including remediation works;
 - The payment of a cash contribution toward local traffic improvements and a shared pedestrian/cycle bridge over Parramatta River.

The LEP and DCP were amended to reflect the changes from the planning proposal. These amendments came to effect on May 2013.

The Panel was provided with three submissions were made in accordance with the Act, which objected to the proposal. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received on 9 April 2014.
2. Alignment Park (Foreshore Park). Project No. 1513. Drawing No. A40. Issue 02 dated 21 February 2014.
3. Alignment Levels Plan. Job No. 130149. Revision A and E. 4 pages, dated 19 February 2014.
4. Site Analysis. Project No. 1513. Drawing No. A02. Issue 06 dated 23 August 2013.
5. Demolition Plan, Location Plan and Site Plan. Project No. 1513. Drawing No. A00. Issue 07 dated 29 August 2013.
6. Erosion and Sediment Control Plan and Details. Drawing No. D01. Revision C dated 18 February 2014.
7. Standard Drawings and Details. Drawing No. C03. Revision A dated 29 August 2013.
8. Basement 2 Stormwater Plan and Drainage Details. Drawing No. D02. Revision D dated 17 February 2014.
9. Basement 1 Stormwater Plan and Drainage Details. Drawing No. D03. Revision C dated 2 October 2013.
10. Ground Floor Stormwater Plan and Drainage Details. Drawing No. D04. Revision E dated 17 February 2014.
11. Basement Level 2. Project No. 1513. Drawing No. A03. Issue 10 dated 1 October 2013.
12. Basement Level 1. Project No. 1513. Drawing No. A04. Issue 12 dated 24 January 2014.
13. Level 1 Ground Plan. Project No. 1513. Drawing No. A05. Issue 13 dated 24 January 2014.
14. Level 2 Plan. Project No. 1513. Drawing No. A06. Issue 12 dated 10 January 2014.
15. Level 3 Plan. Project No. 1513. Drawing No. A07. Issue 09 dated 18 September 2013.
16. Level 4, 6, 7 and 9 Plan. Project No. 1513. Drawing No. A08. Issue 10 dated 1 October 2013.
17. Level 5 and 8 Plan. Project No. 1513. Drawing No. A09. Issue 8 dated 13 September 2013.
18. Level 10 Plan. Project No. 1513. Drawing No. A10. Issue 10 dated 1 October 2013.
19. Level 11 Plan. Project No. 1513. Drawing No. A11. Issue 8 dated 13 September 2013.
20. Level 12 Plan. Project No. 1513. Drawing No. A12. Issue 9 dated 3 April 2014
21. Roof Plan. Project No. 1513. Drawing No. A13. Issue 9 dated 3 April 2014.
22. Elevations 1. Project No. 1513. Drawing No. A20. Issue 8 dated 3 April 2014.

23. Elevations 2. Project No. 1513. Drawing No. A21. Issue 8 dated 3 April 2014.
24. Cross Section. Project No. 1513. Drawing No. A22. Issue 8 dated 13 September 2013.
25. Longitudinal Section. Project No. 1513. Drawing No. A23. Issue 8 dated 13 September 2013
26. Access Report dated 2 October 2013.
27. SEPP 65 Verification Statement dated 24 September 2013.
28. Arts Plan dated September 2013.
29. BASIX Certificate No. 505208M dated 4 October 2013.
30. Construction Noise Management Plan dated 23 October 2013.
31. ESD Report dated 10 October 2013.
32. External Finishes. Project No. 1513. Drawing No. A50. Issue 06 dated 18 September 2013.
33. Remediation Action Plan dated 10 September 2013.
34. Security Design and Management Report dated October 2013.
35. Solar Light Reflectivity Analysis dated 23 September 2013.
36. Stage 2 Environmental Site Assessment dated 31 July 2013.
37. Stormwater Management and WSUD Report dated 25 October 2013.
38. Traffic Report dated October 2013.
39. Flood Impact Report dated 27 October 2013.
40. Geotechnical Investigation Report dated 3 August 2013.
41. Preliminary Acid Sulphate Soil Assessment and Management Plan dated 5 August 2013.
42. Flora and Fauna Assessment Report dated 19 February 2014.
43. Waste Management Plan dated 22 October 2013.
44. General Terms of Approval issued by NSW Office of Water (10 ERM 2013/0941) dated 17 January 2014.

The Panel was provided with three submissions made in accordance with the Act, all of which objected to the proposal. In making the decision, the Panel considered the submissions. The submissions related to loss of sightlines from Elizabeth Farm and other iconic sites, adverse visual impact generally, adverse impacts on the river banks, overlooking to adjoining sites, traffic and vehicle safety. In addition concern was expressed for the short fall in on site parking. The height control of 12 storeys and 38 metres is generally compliant but residents believed property values would be reduced.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 17 April 2014:

1. Submissions addressing the Panel in favour of the application:
Nick Krikis – architect of Krikis Taylor Architects on behalf of the applicant.
2. There were no other submissions made at the meeting.

The Panel has carefully considered all of the material referred to in Section B.

C. Findings on material questions of fact

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B above.

(b) Development control plan. The Panel has considered the Parramatta DCP 2011 referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Planning agreement. The Panel notes the Council has endorsed the planning agreement made in relation to this development which included the following:

- The dedication of land to Council along the Parramatta River Foreshore generally equal to 15 metres from the northern (river) boundary;
- The dedication of land to Council through the site between River Road West and the Foreshore, 6 metres in width; and
- The embellishment of land to be dedicated including the provision of shared pedestrian/cycleway, landscaping, lighting, and public domain improvements along the foreshore and through site links; and
- The restoration and repair of the river bank and riparian corridor including weed removal, revegetation, repair of erosion and sea walls; and
- Removal of contamination, including remediation works;
- The payment of a cash contribution toward local traffic improvements and a shared pedestrian/cycle bridge over Parramatta River.

The LEP and DCP were amended to reflect the changes from the planning proposal. These amendments came to effect on May 2013.

(d) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the **natural** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **natural** environment in Council's Assessment Report.

(e) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the **built** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **built** environment in Council's Assessment Report.

(f) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

(g) Suitability of site. Based on a consideration of the material set out in Section B and given the Panel's findings in this Section C and the Panels visit to the site, the Panel agrees that the site is suitable for the proposed development.

(h) Public Interest. Based on a consideration of the material set out in Section B and given the Panel's findings in this Section C and the visit to the site, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made

The Panel unanimously approve the application noting that the provision of the car parking on the site is satisfactory to the Council's traffic engineer despite a short fall because the site is located within the walking distance of the CBD and to public transport; conditions has been imposed requiring parking for bicycles and shared car spaces and application is for a proposal that will allow the activation of this precinct in accordance with Council's stated intentions.

From its visit to the site the panel agreed with the Council's assessment that sightlines from Elizabeth farm and other iconic sites have been accommodated in the buildings setbacks; and the proposed treatment, with landscaping, of the river banks and setback areas will improve the visual quality in this area.

Relationship between proposed development and existing residences provides sufficient building separation to reduce any significant overlooking. Traffic assessment has found that existing road network can support increased in vehicle trips and has sufficient capacity in peak hours. Council traffic engineers are satisfied for safety aspects for pedestrian and vehicles.

The generally compliant height with the variation of FSR has nevertheless brought about a building considered to respond and contribute to its context and to be in scale with its location against the foreshore. In this context, the panel does not consider there would be inappropriate impact on neighbouring residential properties. The planning assessment, correctly, does not consider possible losses of property values, and the panel unanimously finds the application suitable to the site and its riverside context.



JRPP member (chair)
Mary-Lynne Taylor



JRPP member
John Chedid



JRPP member
Bruce McDonald



JRPP member
Andrew Wilson



JRPP member
Stuart McDonald