

<b>DATE OF DETERMINATION</b>	Wednesday, 9 August 2017
<b>PANEL MEMBERS</b>	Edward Blakely (Chair), Mary-Lynne Taylor, Lindsay Fletcher and Richard Thorp
<b>APOLOGIES</b>	Paul Mitchell and David Ryan
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Mantra Parramatta on Wednesday, 9 August 2017, opened at 2:00 pm and closed at 2:20 pm.

#### **MATTER DETERMINED**

2016SYW168 – Parramatta – DA/738/2016 AT 57, 63 and 83 Church Street & 44 Early Street, PARRAMATTA (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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.

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*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The development will add to the supply and choice of commercial and residential premises within the Central West District and the Parramatta CBD in an area with excellent access to facilities, services and public transport.
2. The proposed development, as presently designed, will provide significant buildings exhibiting design excellence on gateway sites to Parramatta CBD.
3. The Panel has considered the applicant's Clause 4.6 variation written request to vary the percentage of non-residential gross floor area required under Clause 7.7 of Parramatta Local Environmental Plan 2011, which standard requires 40% per site but has been reduced to 35% on site number 1. However, as the standard is met across the combined sites 1 and 2, the Panel finds that compliance on site 1 is unreasonable and unnecessary as the manner in which the standard is met for this development meets the underlying intent of the objective and the Panel finds the development has sufficient environmental planning grounds to allow the variation.
4. The Panel particularly notes that the application is consistent with the concept plan approval and that the design competition jury considers that the application exhibits design excellence. Further, the Panel notes that the competition jury requires a condition of consent (Condition 18) to ensure that the design architects must continue to have involvement in all aspects of the development and they cannot be changed without prior notice and approval of the Council. This is one of the main reasons that the Panel has approved this application.
5. The proposed development, subject to the conditions, adequately satisfies the relevant State legislation and State environmental planning policies and Council's adopted CBD planning policy, and the provisions and objectives of Parramatta LEP and DCP of 2011.
6. In consideration of the above conclusions the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

Condition 3 to be amended so that it reads:

The terms and conditions of this consent shall be met for each stage, unless otherwise stated.

Note: It is acknowledged that separate construction certificates may be issued for separate components within each stage. All relevant terms and conditions are to be met for those development consents.

Reason: to confirm the proposed separate stages of construction.

Condition 17 is to be amended so that it reads:





All vehicular and pedestrian entry points and other openings to the basement levels are to be protected by inundation by floodwaters with automatic, self operating, non powered, fail-safe systems up to the PMF (which is 14.0m AHD for site 1 and 14.2m AHD for site 2).

This includes provision of crests and floodgates to driveways, bunding, flood doors or other barriers to protect stairways (including fire stairs) and lifts.

Details of these are to be submitted to Council's Team Leader Technical Specialists for approval prior to release of a Construction Certificate for each relevant stage. The operation and maintenance of these systems must be addressed in the Flood Emergency Response Plan.

Designs must include adequate ventilation of the basement carpark during sever floods up to the PMF event. For example, the inlet/outlet vents of ventilation shafts are to be located well above the PMF level.

Reason: To mitigate the impacts of flooding.

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Lindsay Fletcher	 Richard Thorp OAM

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW168 – Parramatta – DA/738/2016
2	PROPOSED DEVELOPMENT	Mixed use development
3	STREET ADDRESS	57, 63 and 83 Church Street & 44 Early Street, PARRAMATTA
4	APPLICANT OWNER	Gateway Parramatta One Pty Ltd 83 Church St and 44 Early St – Boyded Industries Pty Ltd 63 Church St – Gateway Parramatta Two Pty Ltd and Gateway Parramatta Two Commercial Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 27 July 2017</li> <li>• Written submissions during public exhibition: five (5)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Nathaniel Murray, Brian Mariotti, Stephen Cox and Chemaine Shehodeh</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting on 26 October 2016</li> <li>• Site inspection by Lindsay Fletcher on 9 August 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 9 August 2017. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Edward Blakely (Chair), Mary-Lynne Taylor, Lindsay Fletcher and Richard Thorp</li> <li>○ <u>Council assessment staff</u>: Brad Roeleven, Myfanwy McNally, Mark Leotta and Kim Crestani</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report