

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 December 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Paul Mitchell (OAM), Peter Brennan, Richard Thorp (OAM) and Jane Fielding
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Cr Sameer Pandey and Cr Steven Issa declared conflicts of interest as Council is the landowner.</p> <p>Jane Fielding advised that she prepared a current Planning Proposal for adjacent land (St John, Cathedral Parramatta) as a consultant with Architectus. Her firm, Architectus, also prepared a built form study informing planning controls for the Parramatta CBD Planning Proposal.</p>

Public meeting held at City of Parramatta Council on 17 December 2018, opened at 10.20am and closed at 10.53am.

#### MATTER DETERMINED

Panel Ref – 2018CCI007 –LGA – City of Parramatta – DA/47/2018 at 6 & 8 Parramatta Square, Parramatta (The subject site was previously known as 6 & 7 Parramatta Square (Now known as 6 & 8 Parramatta Square), Parramatta and comprises Lots 2, 3 and 4 in DP 1234735 (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The majority of Panel (M Taylor, P Brennan, R Thorp and J Fielding) determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. Paul Mitchell would not approve the application.

The decision was 4:1

#### REASONS FOR THE DECISION

1. The proposal will provide very large commercial floor plates at the lower levels of the building which will satisfy the demand from potential corporate tenants; such large floor plates are not available presently in the Parramatta CBD. By obtaining this the proposal will attract larger employer organisations thus building Parramatta CBD's role as one of Sydney's major regional centres. This outcome accords with well established strategic planning goals and will be socially beneficial.

2. The Panel has considered the relevant provisions of Clause 55 of the Infrastructure SEPP and believes the site has good accessibility potential by way of public transport. As such the Panel concludes that the proposal will promote the use of public transport and that minimal traffic safety or congestion impacts will arise and that proposed parking arrangements are satisfactory.
3. The proposed development satisfies relevant State Environmental Planning Policies including;
  - State Environmental Planning Policy No 55 – Remediation of Land.
  - Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005
  - State Environmental Planning Policy (Infrastructure) 2007.
4. This proposal adequately addresses the objectives and provisions of Parramatta LEP 2011 and Parramatta DCP 2011 and is consistent with relevant objectives of the B4 mixed use zone, complies with most applicable standards and demonstrates design excellence as awarded by a Design Excellence Jury.
5. The proposal will activate important adjoining pedestrian areas and links and will provide high quality ground level amenity.
6. The Panel has considered the Applicant's written requests to vary the development standards contained in Clause 7.4(2) of Parramatta LEP 2011 relating to additional overshadowing of Parramatta Square and Clause 7.8 (2)(a) & (b) of Parramatta LEP 2011 relating to the provision of residential common areas and private open space and considers the written requests have adequately addressed those matters required under Clause 4.6(3) of Parramatta LEP. The Panel considered the proposed development remains consistent with the objectives of the standard and the objectives of the zone and there are sufficient environmental planning grounds to justify the variations and compliance with the standards are unreasonable and unnecessary in the circumstances of the case.
7. The Panel was satisfied that subject to the recommended conditions of consent, the proposed development has adequately addressed potential impact on the natural and built environment including the items of environment heritage in the vicinity.
8. Having regard to the matters outlined above, 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 presented at the meeting on 17 December 2018 with the following amendments:

- Conditions amended 10, 42, 49, 59, 160 and 161
- Conditions 60 and 79 deleted
- 181 (now 180 and amended report details)

- New conditions added at 199 and 200.
- Conditions renumbered following these conditions.
- Terms of advice altered


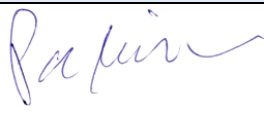
Mr Paul Mitchell disagreed with the majority decision, he was concerned about fundamental aspects of this development application and voted to defer the application for the following reasons:




1. The justification for the difference in height between the proposal (at 56 storeys) and neighbouring buildings (at 36-14 storeys) is not evident. In this regard he noted that the proposal's higher levels (above 36) will not provide large footprint campus style commercial space and their contribution to "design excellence" is questioned.
2. There are numerous non-compliances with the carefully devised setback provisions for Parramatta Square and Church Street. These breaches illustrate the building's substantial bulk and this bulk contributes to its overbearing presence particularly on nearby heritage items.
3. There would be unacceptably poor pedestrian outcomes between the new building and Parramatta Station. In key locations these are forecast to be LOS D which is poor. In his opinion such an outcome should not occur following the opening of key new development in and around Parramatta Square.
4. The proposal has a poor relationship with nearby heritage items due to its excessive bulk and height and non-compliance with DCP setback provisions.
5. The applicant has not demonstrated that compliance with the overshadowing standard in the PLEP is unnecessary or unreasonable, nor has sufficient justification for the variation been provided. The standard is specific, there must be no ("any") increase in shadowing. The applicant's primary rationale for compliance being unnecessary or unreasonable is that the increase in overshadowing will be "marginal". In his opinion this rationale is unsatisfactory. Further, the written request answers the wrong question in relation to justification for the variation- there will be no material adverse impacts (see applicant's request- Clause 3.7). In his opinion an absence of negative impacts is not sufficient justification.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions (2) made during public exhibition.

The Panel considers that concerns raised by the public have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed on the consent.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell (OAM)

	
Peter Brennan	Jane Fielding
	
Richard Thorp (AM)	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018CCI007 –LGA – City of Parramatta – DA/47/2018
2	PROPOSED DEVELOPMENT	56 Storey commercial tower including plant and function centre
3	STREET ADDRESS	6 & 8 Parramatta Square, Parramatta (The subject site was previously known as 6 & 7 Parramatta Square (Now known as 6 & 8 Parramatta Square), Parramatta and comprises Lots 2, 3 and 4 in DP 1234735
4	APPLICANT/OWNER	Walker PS2 Developments Pty Ltd Lot 2 in DP 1234735 – Parramatta Square Property No. 6 Pty Ltd Lot 3 and 4 in DP 1234735 – City of Parramatta Council
5	TYPE OF REGIONAL DEVELOPMENT	Pursuant to Clause 4 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$5million and Council is the landowner of part of the land (Lots 3 and 4 DP 1234735)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ Parramatta Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Parramatta Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment Regulation 2000</li> <li>• Coastal zone management plan: Nil</li> </ul>

		<ul style="list-style-type: none"> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 04 December 2018</li> <li>• Final Plans (Rev 4)</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ Council assessment officer Helena Miller, MG Planning (Independent Planning Consultant), Myfanwy McNally</li> <li>○ On behalf of the applicant – Sylvia Hrovatin</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing – 7 November 2018</li> <li>• Site inspection – 17 December 2018</li> <li>• Final briefing to discuss council's recommendation, 17 December 2018, 9.30 am to 10.00 am.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Richard Thorp and Jane Fielding</li> <li>○ <u>Council assessment staff</u>: Helena Miller, MG Planning (Independent Planning Consultant), Myfanwy McNally</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report