

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 4 December 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Peter Brennan, Mark Grayson, Sameer Pandey and Martin Zaiter
APOLOGIES	None
DECLARATIONS OF INTEREST	May-Lynne Taylor declared a conflict and did not participate in the determination; Western Sydney University is a client of the firm she works for.

Public meeting held at Rydalmere Operations Centre, City of Parramatta, 316 Victoria Road, Rydalmere on 4 December 2019, opened at 1:30pm and closed at 3.40pm.

MATTER DETERMINED

2018CCIO30 – Parramatta – DA/868/2018 at 164 Hawkesbury Road, Westmead – Mixed use development (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.

Application to vary development standards

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP), which demonstrated that:

- compliance with cl. 4.6 would be unreasonable or unnecessary in the circumstances of both variation requests; and
- there are sufficient environmental planning grounds to justify contravening both development standards,

the Panel is satisfied that:

- the applicant's written requests adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the LEP and the objectives for development in the B2 zone; and
- the concurrence of the Secretary has been assumed.

Accordingly, the applicant's requests to vary both the height of buildings standard and the FSR standard are upheld.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:2 in favour, against the decision were Martin Zaiter and Sameer Pandey.

REASONS FOR THE DECISION

- The proposal is permissible in the B2 zone and is consistent with the zone objectives.
- The proposal will provide valuable commercial, education and community facilities that will enhance the medical and educational functions of the precinct.
- The proposal will not adversely impact neighbouring and nearby properties, nor local infrastructure including roads and other transport facilities.
- Notwithstanding the variations to the previously approved masterplan, the Panel believes that the proposal as now presented results in a superior urban design outcome.
- For the reasons given above approval of the application is in the public interest.

The Panel also noted certain shortcomings in the Council's assessment report particularly that incorrect objectives for the height of buildings standard were quoted and the absence of written assessment details by the Council's traffic engineer. Notwithstanding, the majority of the Panel believes that the oral briefing provided by the officers at the meeting adequately addressed the above shortcomings. The Panel also notes that the correct height of building objectives were given in the applicant's written request which formed part of the briefing materials provided.

Sameer Pandey and Martin Zaiter disagreed with the majority decision for the following reasons:

- Sameer Pandey voted to defer the decision to enable a supplementary report to be provided by Council that would detail Council's traffic engineer's opinion in respect to the application; and for council to provide an assessment against the correct objectives of Clause 4.3 (1) of the Parramatta Local Environmental Plan 2011 (LEP)
- Martin Zaiter voted against the decision, because Council's assessment report is not complete. Councillor Zaiter could not support upholding the variation to the building height request, specifically he believes it is inconsistent with clause 4.3, paragraph 1 (e) "to reinforce and respect the existing character and scale of low density residential areas".

The Panel makes two recommendations to Council:

- Given the substantial development that is or will occur in Westmead, and the uncertainty about the area's desired future character, the Panel strongly encourages Council to prepare a clear statement about the area's desired future character.
- The Panel notes certain shortcomings in the Council report for this application, specifically that the incorrect height of building standard objectives were quoted, and the absence of the traffic engineer's full written assessment. Consequently, in future reports the Panel seeks better quality assurance to ensure complete and accurate reports are provided.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendment.

- **Condition 40, 'The Public Domain Construction Drawings must reflect the following changes'** deletion of the wording:
"q) The mid-block stairs and tiered concrete retaining walls with mass planting should be more generous in width and depth offering gradual accent, more rest points, open up the visual connection, and is more inviting and supports 24/7 public access between Darcy Road, the central space and Farmhouse Road South "

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition and therefore no written community submissions were considered.

PANEL MEMBERS



Paul Mitchell (Acting Chair)



Peter Brennan



Mark Grayson



Sameer Pandey



Martin Zaiter

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCIO30 – Parramatta – DA/868/2018 at 164
2	PROPOSED DEVELOPMENT	Construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement. The proposal also seeks approval for site preparation and tree removal. The proposal is integrated development under the Water Management Act 2000. The proposal will be determined by the Sydney Central City Planning Panel.
3	STREET ADDRESS	164 Hawkesbury Road, Westmead
4	APPLICANT/OWNER	Applicant/Owner: Western Sydney University
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act and Regulations ○ State Environmental Planning Policy No. 55 ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Infrastructure SEEP (ISEPP) ○ Parramatta Local Environmental Plan 2011 (PLEP 2011) ○ Parramatta S94A Contributions Plan • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 (PDCP 2011) • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 1 November 2019 • Clause 4.6 variation – height, floor space ratio • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer - Amit Choudry, Deepa Randhawa, Mark Leotta ○ On behalf of the applicant – Chris Ferreira, James Harrison, Colin Odbert,
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Wednesday, 6 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Peter Brennan, Sameer Pandey and Martin Zaiter

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Denise Fernandez, Mark Leotta and Liam Frayne • Site inspection: Wednesday, 6 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Peter Brennan, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Denise Fernandez, Mark Leotta and Liam Frayne • Final briefing to discuss council's recommendation, Wednesday, 4 December 2019, 11:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Peter Brennan, Mark Grayson, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Amit Choudry, Deepa Randhawa, Steven Chong
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report