

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	12 September 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Sameer Pandey and Steven Issa
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Mantra, Parramatta on Wednesday 12 September 2018 opened at 5.00pm and closed at 9.12pm.

**MATTER DETERMINED**

Panel Ref – 2018SWC003 - LGA – City of Parramatta, DA/1008/2017, Address – 65-69 George 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 the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

**REASONS FOR THE DECISION**

1. The application does not satisfy the relevant provisions of the Environmental Planning and Assessment Regulation 2000.
2. The application does not satisfy the provisions of Section 4.47(4) of the Environmental Planning and Assessment Act 1979.
3. The application is inconsistent with Aims (c) and (d) of clause 1.2 of Parramatta Local Environmental Plan 2011.
4. The application is inconsistent with the Objectives of the B3 Commercial Core zone of Parramatta Local Environmental Plan 2011.
5. The application does not meet the provisions of Parramatta Local Environmental Plan 2011 clause 7.10 Design Excellence – Parramatta City Centre as the proposed development does not exhibit design excellence.
6. The application is inconsistent with the heritage provisions contained within clause 5.10 of Parramatta Local Environmental Plan 2011.

7. The application does not satisfy the flooding provisions contained in section 2.4.2.1 of Parramatta Development Control Plan 2011 and requires an overland flood study in order to establish flood levels for the development.

8. The application does not satisfy the objectives and design principles for the public domain contained in section 2.4.8 of Parramatta Development Control Plan 2011.




9. The application does not satisfy the objectives and design principles of sections 3.6.2 and 3.6.3 of Parramatta Development Control Plan 2011 regarding parking and vehicular access and accessibility and connectivity. The development will not improve pedestrian access and connectivity and will not encourage the desired future pedestrian network as represented by the Council's adopted Civic Link Framework Plan. The development will result in vehicle access points that will be disruptive to pedestrian flow and safety.

10. The application does not satisfy the Parramatta City Centre objectives contained in section 4.3.3 of Parramatta Development Control Plan 2011 as the development will not ensure the high quality design of buildings and public areas and does not adequately provide for the conservation and interpretation of Parramatta's heritage.

11. The application does not satisfy the Building Form objectives and design principles contained in section 4.3.3.1 of Parramatta Development Control Plan 2011.

12. The application will result in the isolation of the adjoining property at 71-73 George Street. The applicant has failed to address the issue of the isolation of 71-73 George Street by **DA/1008/2017 Page 53 of 53** providing information sufficient to respond to the relevant planning principle established by the NSW Land and Environment Court, including a preliminary scheme showing the future development potential of that land in the event that consolidation is not achieved.

The decision was unanimous.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Peter Brennan
Paul Mitchell	Steven Issa
 Sameer Pandey	

1	PANEL REF – LGA – DA NO.	Panel Ref – 2018SWC003 - LGA – City of Parramatta
2	PROPOSED DEVELOPMENT	<p>Concept Development Application in accordance with Section 4.22 of the Environmental Planning and Assessment Act 1979 (EPA Act) for the restoration and refurbishment of the Roxy Theatre and associated forecourt, including part demolition at the rear section of the site and a 33 storey building envelope for a commercial building.</p> <p>The part demolition and restoration of the Roxy Theatre is for the purpose of accommodating a range of uses including an entertainment facility, a function centre and commercial premises.</p> <p>The proposal is Integrated Development requiring approval under the Heritage Act 1977 and the Water Management Act 2000.</p>
3	STREET ADDRESS	65-69 George Street, Parramatta
4	APPLICANT/OWNER	K Capital Group c/- Urbis Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act (EPA Act) and regulation (EPA Reg) including provisions relating to Integrated Development</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Regional Environmental Plan (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 <ul style="list-style-type: none"> <li><i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> </ul> </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 – August 2018</li> </ul>

		<ul style="list-style-type: none"> <li>• Written submissions during public exhibition: 41</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Mr Brian Powyer on behalf – President of National Trust)</li> <li>○ On behalf of the applicant – Nil</li> <li>○ On behalf of Council –</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing – 4 April 2018</li> <li>• Site Inspection and Final Briefing Meeting – 12 September 2018 from 3.30pm to 4.15pm.</li> <li>• Public Meeting – 12 September 2018</li> </ul> Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Sameer Pandey and Steven Issa</li> <li>○ <u>Council assessment staff</u>: Mark Leotta, Alex McDougall and Myfanwy McNally</li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A