

DATE OF DETERMINATION	31 July 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Stuart McDonald, David Ryan and Martin Zaiter
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Sameer Pandey participated in on-site visit with objectors.

Public meeting held at Rydalmere Operations Centre on 31 July 2019, opened at 2.24pm and closed at 6.05pm.

MATTER DETERMINED

2018SWC065 - City of Parramatta – DA/381/20218 at 24-26 Railway Parade, Westmead (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 applicant has submitted a written request to vary the height of buildings standard in the PLEP. The request demonstrates that compliance with the standard is unnecessary in this instance and demonstrates that there are sufficient environmental planning grounds to justify the variation, thus satisfying the provisions of clauses 4.6(3)(a) and 4.6(3)(b)(ii) of the PLEP respectively. Further, the Panel considers that approval of the proposed development is in the public interest meaning the provisions of clause 4.6(4)(a)(ii) are also satisfied. Overall, the Panel finds that the applicant's written request is satisfactory and upholds the request.

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

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is a permissible use consistent with the objectives given in the site specific LEP.
2. The proposal is generally consistent with the site-specific development standards and guidelines with the notable exception of building height notwithstanding, the proposed height variation is considered to be acceptable.

3. The proposal has been reviewed by the Council's Design Excellence Advisory Panel who concluded that it is a well-considered scheme demonstrating a high standard of design.
4. The site of the proposed development is suitable for the intended use. In particular it is close an existing train station and a future light rail station.
5. The proposed development is consistent with the planned future character of the locality and will have no unacceptable impacts on neighbours or the surrounding locality, including the road network.
6. The Panel has carefully considered the issues raised in the 16 submissions received during the second notification. The Panel believes most issues have been resolved either by design amendments and/or conditions to be imposed. The remaining concerns are considered to be ill-founded or are not of sufficient magnitude to warrant refusal of the application.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following new conditions –






- Prior to the lodgement of a construction certificate, amended architectural plans shall be submitted and approved by Council amending the design of the rooftop screening to be a design feature of the building rather than an extension of the façade. The amended designs shall be reviewed and agreed to by the Parramatta City Architect.
- In accordance with the Voluntary Planning Agreement, an easement over the publicly accessible through-site link shall be created. The terms of the easement shall be to Council's agreed wording.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submissions made during public exhibition. The following issues were raised:

- The metro station is ideally located near the subject site;
- The proposed height is out of character;
- Cumulative impacts of PLR and the development on local traffic;
- Loss of parking;
- Need more commuter parking;
- Hotel use will increase nuisance in residential location;
- Increase traffic accidents;
- The proposed retail portion of the development is too small for the community;
- Development will result in increased light spill;
- The proposal infringes on human rights;
- Relocation of shops should be assisted if the application were to be approved;
- Development will cause financial hardship for shop owners.

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 believes that the issues raised are either not well-founded or inconsequential or have been addressed by appropriate conditions imposed on the consent.

PANEL MEMBERS	
 Mary-Lynne Taylor	 Paul Mitchell
 Stuart McDonald	 David Ryan
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC065 - City of Parramatta – DA/381/20218
2	PROPOSED DEVELOPMENT	Demolition of existing structures, tree removal and construction of a part 4, part 16 storey mixed use development comprising retail, licensed bar/restaurant and medical centre, 5 storeys for use as a hotel containing 97 rooms, 6 storeys for use as residential apartments containing 33 units over 4 levels of basement carparking for 130 vehicles. The proposal also includes site preparation works, an accessible through site link and public domain upgrades along Railway Parade and Ashley Lane.
3	STREET ADDRESS	24-26 Railway Parade, Westmead Lot 1 DP 952720 and Lot 1 972068 and Lot 10 DP 605684
4	APPLICANT/OWNER	Applicant – Hovey Urbis Pty Ltd Owner – Drill Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – (Design Quality of Residential Apartment Development) State Environmental Planning Policy (Sydney Harbour Catchment) 2005 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional

		<p>Development) 2011</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Parramatta Local Environmental Plan 2011 ● Draft environmental planning instruments: Parramatta S94A Contributions Plan ● Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 ● Planning agreements: Nil ● Provisions of the Environmental Planning and Assessment Regulation 2000: 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: July 2019 ● Written submissions during public exhibition: 31 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Peter Mendes-Sheinberg, Xian Wu Ma, Written submission by Jinit Joshi and Manjari Joshi – read by Mrs Taylor – Acting Chair). ○ Council assessment officer – Denise Fernandez and Jonathan Cleary ○ On behalf of the applicant – Mark Hovey, Murray Donaldson, Mark Kuhne, Jessica Ford, Tian Sheng, Nick Sissons, Nemesio Biason Jr and Kedar Ballurkar
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection & Briefing – 7 November 2018 ● Final briefing to discuss council's recommendation, 31 July 2019, 1.00pm. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Stuart McDonald, David Ryan and Martin Zaiter. ○ <u>Council assessment staff</u>: Denise Fernandez and Jonathan

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9	COUNCIL RECOMMENDATION	Deferred Commencement Approval
10	DRAFT CONDITIONS	Attached to the council assessment report