

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 12 June 2019 |
| PANEL MEMBERS | Paul Mitchell (OAM) (Acting Chair), Peter Brennan and David Ryan |
| APOLOGIES | Richard Thorp and Mary-Lynne Taylor |
| DECLARATIONS OF INTEREST | <p>Cr Sameer Pandey and Cr Steven Issa declared conflicts of interest as Council is the landowner.</p> <p>Mr David Ryan advised that he does not have a conflict of interest but notes for the record that Mr Michael Watson (speaking on behalf of the applicant for this matter) was a former employee of the company he owned and operate, City Plan Strategy and Development. He is no longer an employee. This will not affect his decision on this matter item.</p> <p>Mr Paul Mitchell advised that he worked with the applicant's representative, Mr Michael Watson, for a period of approximately two years. He does not believe this will influence his opinions on this application.</p> |

Public meeting held at Rydalmere Operations Centre on 12 June 2019, opened at 2.08pm and closed at 2.24 pm

MATTER DETERMINED

Panel Ref – 2018SWC102 – LGA – City of Parramatta – DA/872/2018 at Lot 42 and Part Lot 43 DP 1238612, Parramatta Square, 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel upholds the applicant's request to vary clause 7.4 Sun Access in PLEP 2011 finding that the written request is satisfactory because it adequately addresses the matters required to be demonstrated by clause 4.6(3).

The Panel considers that approval of the variation request is in the public interest because the proposed development is consistent with the objectives of the sun access standard and relevant objectives of the B3 zone.

The Panel approved the application for the following reasons:

1. The proposal is well designed and consistent with the masterplan for the entire Parramatta Square. The proposal is also consistent with nearly all applicable standards and guidelines.
2. The proposal will provide valuable amenity and considerably enhance Parramatta's CBD.
3. The proposal will have no adverse environmental or social impacts.
4. The Panel notes that no design competition was held but also notes advice from Council's Lawyers that the relevant LEP provisions should be interpreted as not applying to this type of public domain project.
5. Approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the revised conditions presented at the panel meeting to the changes to Condition 45:

Condition 45 to read as follows –

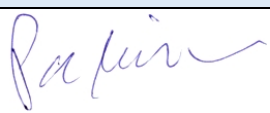


A wind tunnel test is to be undertaken for the entire public domain (Stage 1,2 and 3) to identify and incorporate the final wind treatment recommendations are appropriate for all sensitive spaces (outdoor dining, seating and public areas etc) to the satisfaction of Council's Group Manager Development and Traffic Services prior to the issue of any Construction certificate. The wind tunnel test is to use either the globally-used "Standard" Lawson GEM Criteria for Comfort and Safety or the "Standard" Lawson GEM Criteria for Comfort and the Melbourne (1978) Maximum Gust Speed Criteria for Safety to ensure consistency across the square.

CONSIDERATION OF COMMUNITY VIEWS

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

- Cluttering of the square by too many structures;
- Obstruction of outlooks; and
- Design issues including concerns about the quality of paving and absence of water features.

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 these issues raised are either not relevant or inconsequential or have been addressed by appropriate conditions imposed on the consent.

| PANEL MEMBERS | |
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|  Paul Mitchell (OAM) (Acting Chair) |  David Ryan |
|  Peter Brennan | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | Panel Ref – 2018SWC102 – LGA – City of Parramatta – DA/872/2018 |
| 2 | PROPOSED DEVELOPMENT | Public domain works within proposed Stage 1 & 2 of Parramatta Square including realignment of levels across the site, hard landscaping, paving, street furniture, temporary shade structures, lighting and deep soil planter zone, soft landscaping including tree planting, services infrastructure augmentation, diversions and re-instatement as required and stormwater drainage. |
| 3 | STREET ADDRESS | Lot 42 and Part Lot 43 DP 1238612, Parramatta Square, Parramatta |
| 4 | APPLICANT/OWNER | Walker Parramatta Square Developments Pty Ltd/City of Parramatta Council |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Pursuant to Clause 4 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development), the development is Council related development with a capital investment value of more than \$5million. |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 64 – Advertising and signage ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Parramatta Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • 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 • 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 |

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| | | sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> • Council assessment report: 03 June 2019 • Addendum report dated 12 June 2019 prepared to address – <ul style="list-style-type: none"> - The submission of an amended Clause 4.6 variation request; - Proposed conditions of consent agreement with the applicant - Receipt of further advice in relation to wind as foreshadowed in Section 11.4 of the assessment report. • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ Council assessment officer - Helena Miller, MG Planning (Independent Planning Consultant), Myfanwy McNally ○ On behalf of the applicant – Michael Watson (Senior Town Planner), Nathan Campbell, Alexis Bell, Madeline Lloyd and Ingrid Mather. |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site Inspection and Briefing – 7 November 2018 • Final briefing to discuss council's recommendation, 12 June 2019, 1.30pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (OAM) (Acting Chair), Peter Brennan and David Ryan ○ <u>Council assessment staff</u>: Helena Miller, MG Planning (Independent Planning Consultant), Myfanwy McNally |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |