

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	25 November 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Noni Ruker, Martin Zaiter and Sameer Pandey
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Gabrielle Morrish advised her company had prepared a concept master plan for the site, for a different client, in 2015. As such she did not participate in this Panel.

Papers circulated electronically on 18 November 2020.

MATTER DETERMINED

PPSSCC-103 – City of Parramatta - DA/295/2020, 659 Victoria Road, Melrose Park (Lot 11 DP1238936), Construction of 4 x 6-11 storey residential flat buildings and 2 x 10-12 storey mixed use buildings containing 412 residential units, supermarket, retail shop; 3 basement levels providing 521 car parking spaces; earthworks; landscaping; tree removal; signage zones; strata, stratum and Torrens title subdivision. The proposal constitutes stage 4 of concept plan approval DA/1157/2016 (as described in Schedule 1).

Application to vary a development standard

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

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses 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. 4.3 of the LEP and the objectives for development in the B4 mixed used zone; and
- the concurrence of the Secretary has been assumed.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1. The Panel noted that the application is a detailed DA for Stage 4 of an approved concept plan. The Panel was advised that the DA had been reviewed by Council's Design Excellence Advisory Panel, and that the applicant had been largely responsive to the advice of the Panel.

The Panel considered non-compliances with heights and setbacks. The Panel noted that its previous comments had been addressed and that access for people with disabilities was now acceptable overall, and that street address to Victoria Road has been provided.

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the Council Assessment Report.

The Panel agreed to the minor typographical correction to condition 1 requested by the applicant, but declined the reference to the applicant's acoustic report for the reasons outlined in the Council response to the applicant's contested conditions, dated 23 November 2020.

The Panel declined to support the applicant's request for changes to conditions 53, 58 and 59 for the reasons outlined in the Council response to the applicant's contested conditions, dated 23 November 2020.

The decision was **unanimous**.

CONDITIONS

The development application was approved subject to the conditions attached to the Council Assessment Report, with typographical corrections to Condition 1 as stated below:



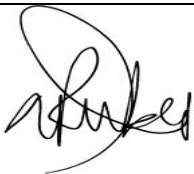


Statement of Environmental Effects and further information submitted 24/9/20- and 23/10/20		-	Keylan Consulting	May 2020
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CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern in written submissions included:

- View loss / loss of outlook
- Height non-compliance
- Visual impact / bulk
- Loss of privacy
- Out of character with area
- Traffic impact
- Loss of green space
- Loss of ventilation
- Loss of solar access
- Construction amenity impacts (noise, vermin)

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Noni Ruker	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-103 – City of Parramatta - DA/295/2020
2	PROPOSED DEVELOPMENT	Construction of 4 x 6-11 storey residential flat buildings and 2 x 10-12 storey mixed use buildings containing 412 residential units, supermarket, retail shop; 3 basement levels providing 521 car parking spaces; earthworks; landscaping; tree removal; signage zones; strata, stratum and Torrens title subdivision. The proposal constitutes stage 4 of concept plan approval DA/1157/2016
3	STREET ADDRESS	659 Victoria Road, Melrose Park (Lot 11 DP1238936
4	APPLICANT/OWNER	Applicant - M Projects Pty Ltd (on behalf of Payce) Owner - Tyriel Developments 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 (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 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 (Building Sustainability Index: BASIX) 2004 State Regional Environmental Plan (Sydney Harbour Catchment) 2005 State Regional Environmental Plan No. 64 – Advertising and Signage Parramatta Local Environmental Plan 2011 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Consolidated Parramatta Local Environmental Plan 2020 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 sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 13 November 2020

		<ul style="list-style-type: none"> • Written submissions during the public exhibition: 3 • Correspondence contesting conditions, including attachments, received from Keylan on behalf of the applicant, dated 19 November 2020 • Council response to applicant's contested conditions, including attachments, dated 23 November 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Briefings – 1 July 2020 and 24 November 2020 • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers circulated electronically on 18 November 2020.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report.