

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	22 July 2021
PANEL MEMBERS	Abigail Goldberg – Chair, Noni Ruker, Stuart McDonald, Richard Thorp and Jane Fielding
APOLOGIES	Nil
DECLARATIONS OF INTEREST	<p>David Ryan declared a conflict as he is currently acting for Council against the Applicant on another matter.</p> <p>Sameer Pandey and Martin Zaiter declared a conflict of interest as Council is currently involved in a number of legal challenges relating to the Applicant.</p>

Papers circulated electronically on 15 July 2021.

MATTER DETERMINED

PPSSCC-170 – DA/716/2020 - City of Parramatta – 38-42 East Street, Granville, lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 86 car spaces and 114 residential units above (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, 7 and 8 in Schedule 1.

The Panel determined to **refuse** 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 determined to **refuse** the development application for the reasons outlined in Council's assessment report with the Panel placing particular emphasis on the following matters –






1. Land title remains unresolved in relation to the adjoining Sydney Trains property, and survey information is still to be confirmed.
2. Concurrence has not been received from Sydney Trains in relation to a number of matters including potential electro-magnetic interference and pile loading.
3. Consistency with the following provisions prescribed within the Parramatta LEP 2011 has not been satisfactorily demonstrated:
 - Height
 - FSR
 - Design excellence
4. The Panel considers that the proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliance with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there was one written submission received during the public exhibition. The submission raised issues of:

- Variation to Height.
- Variation to FSR.
- Encroachment on Sydney Trains/railway land.

The Panel considers that concerns raised by the submitter has been adequately addressed in the assessment report and Panel determination.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Stuart McDonald	 Jane Fielding
 Richard Thorp	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-170 – DA/716/2020 - City of Parramatta
2	PROPOSED DEVELOPMENT	Lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 86 car spaces and 114 residential units above. The application is Nominated Integrated Development under the provisions of the Water Management Act 2000.
3	STREET ADDRESS	38-42 East Street, Granville
4	APPLICANT/OWNER	Toplace Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none">○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005○ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development○ State Environmental Planning Policy (BASIX) 2004○ Parramatta Local Environmental Plan 2011○ Draft environmental planning instruments: Nil

		<ul style="list-style-type: none"> ○ Development control plans: ○ Parramatta Development Control Plan 2011 ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ○ 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: 23 June 2021 ● Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> ● Briefing – 3 March 2021. ● Papers circulated electronically on 15 July 2021. ● Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. ● Final Briefing from Council – 21 July 2021 <u>Panel members:</u> Abigail Goldberg – Chair, Noni Ruker, Stuart McDonald, Richard Thorp and Jane Fielding <u>Council assessment staff:</u> Denise Fernandez – Senior Development Assessment Officer and Claire Stephens – Acting Group Manager <ul style="list-style-type: none"> ○ Matters discussed – <ul style="list-style-type: none"> ▪ Boundary issue with Sydney Trains not resolved ▪ Concurrence with Sydney Trains not achieved ▪ Compliance with LEP requirements not satisfactorily addressed in relation to Height, FSR and Design Excellence. ● Briefing from Applicant – 21 July 2021 <u>Panel members:</u> Abigail Goldberg – Chair, Noni Ruker, Stuart McDonald, Richard Thorp and Jane Fielding <u>Applicant Representatives:</u> Schandel Fortu – Director, Think Planners Nick Krikis – Principal, Krikis Tayler Architects and David Krepp – Development Manager, Toplace <ul style="list-style-type: none"> ○ Matters discussed – <ul style="list-style-type: none"> ▪ Applicant was advised late regarding Council's recommendation to refuse the application ▪ A number of documents submitted by the Applicant appear to not have been received by Council ▪ The Applicant was deceived during the site purchase process regarding the site boundaries ▪ The proposed architectural height feature does not constitute habitable space. ▪ FSR is able to be addressed should a level of the building be deleted ▪ The Applicant conceded that the design excellence process

		<p>has not yet been followed for the DA.</p> <ul style="list-style-type: none"> ▪ The Applicant provided a late submission to the Panel just prior to the briefing. The material was discussed in summary at the briefing but there was insufficient time for it to be reviewed and assessed by Council prior to the Panel meeting.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A