

DATE OF DETERMINATION	19 July 2022
DATE OF PANEL DECISION	14 July 2022
PANEL MEMBERS	Roberta Ryan (Acting Chair), Brian Kirk, Julie Savet Ward
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 July 2022.

MATTER DETERMINED

PPSSCC-298 – City of Parramatta – DA/716/2020/REVIEW - 42 East Street, Granville - Section 8.3 review of determination for DA/716/2020 for 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.

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 listed at item 8 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:

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

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 Height of Buildings of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

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 determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additions:

- **Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

- **Residential Apartment Noise Attenuation**

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.

(Reason: To comply with best practice standards for residential acoustic amenity)

- **Acoustic Attenuation**

An AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Occupation Certificate.


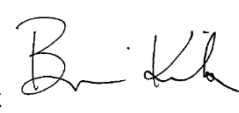

(Reason: To comply with best practice standards for residential acoustic amenity)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. There was one (1) submission received. The Panel notes that issues of concern included:

- Adverse impact on quality of life of existing residents as a result of population density.
- Adverse impact on property owners as a result of rental returns.

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

PANEL MEMBERS	
 Roberta Ryan (Acting Chair)	 Brian Kirk
 Julie Savet Ward	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-298 – City of Parramatta – DA/716/2020/REVIEW
2	PROPOSED DEVELOPMENT	Section 8.3 review of determination for DA/716/2020 for 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	42 East Street, Granville
4	APPLICANT/OWNER	Toplace Pty Ltd/G Station Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Transport and Infrastructure) • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Parramatta Local Environmental Plan 2011
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 22 June 2022 • Clause 4.6 variation request – Building Height • Written submissions during public exhibition: One • Total number of unique submissions received by way of objection: One
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 24 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Roberta Ryan (Acting Chair), Julie Savet Ward, Brian Kirk ○ <u>Council assessment staff</u>: Sohini Sen
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended