

DATE OF DEFERRAL	11 December 2024
DATE OF PANEL BRIEFING	28 November 2024
PANEL MEMBERS	Abigail Goldberg (Chair), Christopher Hallam, Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan a declared a conflict of interest as the applicant is a client of his company. Steve Murray declared a conflict having previously been involved in a revised Planning Proposal for the site.

Papers circulated electronically on 26 September 2024.

MATTER DEFERRED

PPSSCC-329 – City of Parramatta – DA/16/2022 – 197 and 207 Church Street and 89 Marsden Street Parramatta – Construction of a mixed-use development comprising 5 basement levels, a 23-storey commercial office tower set above a 2-storey retail podium and a 33 storey hotel.

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and observed at site inspections listed at item 8 in Schedule 1.

The Panel met with the Council and the Applicant on 10 October 2024 and deferred determination of this application to allow time for the Applicant to obtain written confirmation from Sydney Metro that it was satisfied that all required outstanding information had been submitted. Additionally, the Panel required the Applicant to provide confirmation that a timeline had been agreed upon with Sydney Metro to achieve its concurrence.

In response to the Panel's requirements, the Applicant provided the Panel's Secretariat and Council with a package of information on 14 November 2024, which included a letter from Sydney Metro of the same date. Sydney Metro's letter invited the Panel to meet and discuss the status of this application in detail.

The Panel met with representatives of Sydney Metro on 5 December 2024 and the Panel found the discussion informative. In summary:

- This project requires a large number of piles in the Sydney Metro property substratum protection zone, which is unprecedented and requires major evaluation to ensure there will be no adverse impacts on Sydney Metro's infrastructure and safety of the system in general.
- The degree of difficulty to marry the project design with Sydney Metro's tunnel design has resulted in various design changes by both parties, and these changes have needed considerable time for detailed review and assessment.
- To advance this application in a reasoned manner, Sydney Metro has met with the Applicant frequently since January 2022.
- These meetings have involved expert technical and senior executive participation and represent a significant input from both parties to resolve issues and to determine an appropriate construction sequence and methodological approach between the two projects.

- The Applicant will be required to undertake some early works to accommodate its construction needs and to accommodate Sydney Metro’s tunnelling and infrastructure works. The approval pathway and timeline of these early works is currently being determined by both parties, with input from Council.
- As of November 2024, Sydney Metro commenced work to verify geotechnical investigations for an adjoining development application for 213 Church Street, Parramatta. Once this work is completed Sydney Metro anticipates being able to confirm the vertical location of its tunnels.
- The Applicant will then be required to undertake an updated assessment, if required, on the design of their project having regard to its relationship with the tunnel location. Sydney Metro will review any updated inputs as necessary.
- Sydney Metro is aiming to issue its concurrence for this application in May 2025.
- Sydney Metro has invested considerable effort to resolve the design issues with this project, which have now been incorporated into the Sydney Metro tunnel design and stated that they remain committed to the development process, although the form of the development must of necessity and for public safety be approved by them.

The Panel resolved to defer the determination of this application until May 2025 to allow Sydney Metro time to review inputs as needed and to issue its concurrence, having regard to the significant endeavours that all parties have undertaken to achieve a satisfactory outcome for this project and the final design of the Sydney Metro tunnels. The Panel notes that the application is far in excess of the 250 days targeted for panel determinations, however in this case the Panel considers that abbreviating the process would be contrary to the public interest and the safe construction and delivery of the Sydney Metro public transport system, which is critical infrastructure of state significance.

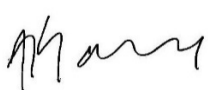

The decision to defer was unanimous.

ACTIONS

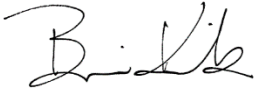
To allow for the progression of the Development Application to determination, the Panel directs that:

- 1) At the end of each month (commencing January 2025), the Applicant is to provide the Panel and Council with a written update (preferably by email) detailing outcomes of any meetings or discussions with Sydney Metro; with particular regard to any matter that may impact on the achievement of Sydney Metro issuing its concurrence by May 2025.
- 2) The Applicant is to discuss with Council any necessary or proposed design changes as soon as possible once the Applicant determines what those changes will be. The Council or the Applicant are to inform the Panel’s Secretariat as soon as possible if any design changes are likely to impact on the issue of Sydney Metro’s concurrence by May 2025.
- 3) Once Sydney Metro has issued its concurrence, Council is requested to provide an addendum assessment report, which is to be uploaded to the Planning Portal within two (2) weeks of Council receiving that concurrence.
- 4) When the updated assessment report is received the Panel will, within two (2) weeks, hold a Final Determination Meeting, whether that will involve the Council and the Applicant by videoconference or by the Panel only by way of electronic determination.

If the outstanding information is not provided by the end of May 2025 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Christopher Hallam

Brian Kirk

A handwritten signature in black ink, appearing to read "B. Kirk", is positioned in the upper left quadrant of the page. The signature is fluid and cursive, with a large initial "B" and a stylized "Kirk".

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-329 – City of Parramatta – DA/16/2022
2	PROPOSED DEVELOPMENT	Construction of a mixed-use development comprising 5 basement levels, a 23-storey commercial office tower set above a 2-storey retail podium and 33 storey hotel.
3	STREET ADDRESS	197 Church Street, Parramatta
4	APPLICANT/OWNER	Applicant: Holdmark/Think Planners Owner: 197 MCM Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity & Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazard) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 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 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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 September 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Council Briefing: 26 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Jane Fielding <u>Council assessment staff</u>: Brad Roeleven Council/Applicant Briefing: 9 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Christopher Hallam, Cinnamon Dunsford, Jane Fielding <u>Council assessment staff</u>: Brad Roeleven, Myfanwy McNally <u>Applicant representatives</u>: Adam Byrnes, Kevin Nassif, Paul Youssef Final briefing to discuss council's recommendation: 10 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Christopher Hallam <u>Council assessment staff</u>: Brad Roeleven, Myfanwy McNally <u>Applicant representatives</u>: Adam Byrnes, Kevin Nassif, Paul

		<p>Youssef</p> <ul style="list-style-type: none">• Panel Only Briefing: 28 November 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Christopher Hallam, Brian Kirk• Panel and Transport Briefing: 5 December 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Christopher Hallam, Brian Kirk○ <u>Transport (Sydney Metro)</u>: Peter Bourke, Gary Taylor• Panel members undertook site visits individually.
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	Not applicable