

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	14 December 2022
DATE OF PANEL DECISION	12 December 2022
DATE OF PANEL MEETING	9 December 2022
PANEL MEMBERS	Graham Brown (Acting Chair), Brian Kirk, Julie Savet Ward
APOLOGIES	Richard Thorp
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 December 2022.

MATTER DETERMINED

PPSSCC-361 – City of Parramatta – DA/493/2020-Review - 189 Macquarie Street, Parramatta - Section 8.3

Review of the decision to refuse DA/493/2020 which sought approval for the construction of two residential towers comprising 708 apartments above the existing seven storey podium (total of 54 storeys and 45 storeys), the use of existing basement levels 1-5 for residential parking and various adjustments to the existing building to allow for the integration of those towers.

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.

Development application

The panel determined to confirm the previous decision of the panel to refuse the development application pursuant to section 8.4 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to confirm the previous decision of the panel to refuse the development application development application for the reasons outlined in the council assessment report.

The panel, after hearing from representatives of the applicant and council was satisfied that confirmation of the previous decision of the panel to refuse the development application was the appropriate decision. In coming to this decision, the panel took into consideration a number of matters. Of some significance in the panel's determination was the matter of design excellence. The undisputed history is that the applicant received an uplift in zoning that provided a height and floor space bonus, but this uplift was based on achieving design excellence. The panel accepted that the design excellence has not been achieved for the reasons clearly set out in the council officers report. The panel acknowledged that the Jury for the Design Competition has also not agreed that design excellence has been achieved.

There appeared to be some dispute between the applicant and the council over the guiding principles for the design with the applicant relying on the Masterplan and the council relying on the *Parramatta Development Control Plan*. The panel noted that cl 6.12(4) of *Parramatta local Environmental Plan 2011* (LEP 2011) identifies the matters that the panel must have regard to in establishing design excellence. Clause 6.12(4)(e) identifies "the requirements of the Parramatta Development Control Plan". The disagreement between the applicant and the council centres on the maximum floor plate area and maximum floor plate width in cl 6.3.3.3 with the proposed design exceeding both requirements.



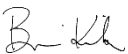
The panel also noted other issues that do not support a change to the previous decision of the panel. These include the poor performance against the requirements in *State Environmental Planning Policy No 65* and the Apartment Design Guide for solar access and daylight, natural ventilation, and common circulation. The issue over Gross Floor Area (GFA) also appears to be unresolved with the potential for a greater GFA if the applicant's method of calculating GFA is not adopted. The issues relating to treatment of the blank wall on Tower B and façade detailing were also absent from the review application and are needed to consider the overall appearance of the proposed building and whether it achieves design excellence.

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 included:

- Overshadowing,
- Over supply of residential accommodation,
- Loss of privacy
- Additional traffic,
- Noise,
- Additional rubbish,
- Wind impacts,
- Construction impact on existing buildings, and
- Development will look out of place.

The panel considered that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel noted that the council report adequately addresses the issues raised in the written submissions. The panel also noted most issues raised in the written submissions did not support the refusal of the application however the issues relating to wind and appearance were not seen as being acceptable and were reasons for the refusal of the application.

PANEL MEMBERS	
Graham Brown (Chair) 	Julie Savet Ward 
Brian Kirk 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-361 – City of Parramatta – DA/493/2020-Review
2	PROPOSED DEVELOPMENT	Section 8.3 Review of the decision to refuse DA/493/2020 which sought approval for the construction of two residential towers comprising 708 apartments above the existing seven storey podium (total of 54 storeys and 45 storeys), the use of existing basement levels 1-5 for residential parking and various adjustments to the existing building to allow for the integration of those towers.
3	STREET ADDRESS	189 Macquarie Street, Parramatta
4	APPLICANT/OWNER	Applicant: Toplace Pty Ltd Owner: JKN Parra 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"> Environmental Planning and Assessment Act and Regulations State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No. 65 State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Transport and Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2011 Parramatta Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Parramatta Development Control Plan Planning agreements: One for DA 852/2013 for the base building, and another for the site-specific PP for significant uplift, finalised in September 2020 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 6 December 2022 Written submissions during public exhibition: 8 Total number of unique submissions received by way of objection: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 23 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Graham Brown (Acting Chair), Brian Kirk, Julie Savet Ward <u>Council assessment staff</u>: Myfanwy McNally, Brad Roeleven <u>Applicant representatives</u>: David Krepp, Larissa Brennan, Ziad Chanine Final briefing to discuss council's recommendation: 9 December 2022

		<ul style="list-style-type: none">○ <u>Panel members</u>: Graham Brown (Acting Chair), Brian Kirk, Julie Savet Ward○ <u>Council assessment staff</u>: Myfanwy McNally○ <u>Applicant representatives</u>: Larissa Brennan, Ziad Chanine, Jeff Egan, Rudy Jasin
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable