

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 December 2023
<b>DATE OF PANEL DECISION</b>	12 December 2023
<b>DATE OF PANEL MEETING</b>	12 December 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray Brian Kirk, Jane Fielding
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Clr Sameer Pandey declared a conflict of interest as he voted on the VPA

Public meeting held videoconference on 12 December 2023, opened at 12:30pm and closed at 1:02pm.

#### MATTER DETERMINED

PPSSCC-397 – City of Parramatta – DA/764/2022 – 33 Hope Street, Melrose Park – Lot 200 in DP1265603 - Mixed-use ‘town centre’ development comprising 5 storey commercial podium and 6 x 6-24 storey shop-top housing towers, consisting of approximately 30,000sqm non-residential floor space (retail, business, office, medical centre, centre-based child care centre, and an indoor recreation facility), 494 residential apartments, 1,412 commercial and residential car parking spaces; 2 basement levels; business identification signage zones; to be constructed in 2 stages; 6 lot stratum subdivision, strata subdivision; and public domain works.

#### PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the public meeting and briefings and the matters 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 2023 (LEP), that has demonstrated that:

- compliance with cl. 4.4 (FSR) 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. 4.4 (FSR) of the LEP and the objectives for development in the mixed use zone; and
- the concurrence of the Secretary has been assumed.

#### Development application

The panel determined to approve the development application pursuant to section 4.15 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 FSR; 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 amendments.

### **Condition 1**

Amended to include the Operational Waste Management Plan, Ref No. 3988 Issue C prepared by Elephants Foot Company dated 12/09/2022

### **Amendment of Condition 15**

All contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

### **Amendment of Condition 20**

All garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments (2019). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

### **Amendment of Condition 26**

Prior to the issue of the relevant construction certificate, the PCA is to ensure that the recommendations of the Crime Prevention Through Environmental Design report submitted as part of the development application are incorporated into the construction plans;

Reason: To comply with CPTED requirements.

### **Amendment of Condition 31**

All basement or car park storage compartments provided for residents of the development must be secure, with opaque screening and door and fitted with an individualised key lock. Such storage areas must not be in the form of a cage.

Reason: To comply with CPTED requirements.

### **Additional new Condition 42**

#### **SERVICES AND FIRE HYDRANT ENCLOSURE**

Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & 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

### **Amendment of Condition 71**

All dwellings and communal open spaces must be 'visitable' by people with a disability. There must be a continuous accessible path of travel (AS 1428.1:2001) from the street and all visitor parking to and through the entrance door of all dwellings. A continuous accessible path of travel shall be 1000 mm and the following shall not intrude into the minimum unobstructed width of a continuous accessible path of travel: - fixtures and fittings such as lights; awnings; windows that, when open, intrude into the circulation space; telephones; skirtings and similar objects.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to issue of the relevant Construction Certificate(s).

Reason: To maximise the accessibility of the proposal.

#### **Amendment of Condition 86**

All garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate(s).

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

#### **Amendment of Condition 87**

Noise attenuation measures shall be incorporated into the development to comply with the design requirements of Department of Environment and Climate Change Road and Rail Noise Intrusion Guidelines and these measures must minimise the noise intrusion from any internal or external noise source so that when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Of particular note, noise attenuation measures must address the construction of intertenancy walls where a bedroom of one tenancy and a living room or kitchen of another tenancy share a common wall.

A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the principal certifying authority before the issue of the relevant construction certificate.

After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.

Reason: To reduce noise levels and to comply with the best practice standards for residential acoustic amenity

#### **Amendment of Condition 148**

All contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

#### **Amendment of Condition 149**

All contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

#### **Additional new Condition 186**

Prior to the issue of the final occupation certificate, the PCA is to ensure that the recommendations of the Crime Prevention Through Environmental Design report submitted as part of the development application are adopted and implemented in the development;





Reason: To comply with CPTED requirements.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic impacts
- Intersection impacts
- Insufficient infrastructure to support additional density
- Visual impact
- Loss of views
- Overshadowing
- Out of character
- Reduced air circulation
- Overlooking
- Loss of on-street parking
- Hospital use not clearly defined
- Public art inappropriate
- Landscaping inappropriate
- Car parking inadequate.

The panel considers 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.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
Brian Kirk 	Jane Fielding 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-397 – City of Parramatta – DA/764/2022
2	PROPOSED DEVELOPMENT	Mixed-use 'town centre' development comprising 5 storey commercial podium and 6 x 6-24 storey shop-top housing towers, consisting of approximately 30,000sqm non-residential floor space (retail, business, office, medical centre, centre-based child care centre, and an indoor recreation facility), 494 residential apartments, 1,412 commercial and residential car parking spaces; 2 basement levels; business identification signage zones; to be constructed in 2 stages; 6 lot stratum subdivision, strata subdivision; and public domain works.
3	STREET ADDRESS	33 Hope Street, Melrose Park NSW, Lot 200 in DP1265603
4	APPLICANT/OWNER	Applicant: Deicorp Projects (MPTC) Pty Ltd Owner: Melrose Park Hope Street Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>Parramatta Local Environmental Plan 2023</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Parramatta Development Control Plan 2011</li> <li>Parramatta Development Control Plan 2023</li> </ul> </li> <li>Planning agreements: <ul style="list-style-type: none"> <li>Council Voluntary Planning Agreement</li> <li>State Voluntary Planning Agreement</li> </ul> </li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 21 November 2023</li> <li>Clause 4.6 variation: Floor Space Ratio</li> <li>Written submissions during public exhibition: 12</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Vince Cusumano, Peter Wotton (Melrose Park Resident Action Group)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Council assessment officer – Alex McDougall, Myfanwy McNally, Darren Wan</li> <li>○ On behalf of the applicant –Aaron Sutherland, Robert Furolo</li> <li>• Total number of unique submissions received by way of objection: 12</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick Off Briefing: 10 November 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Jane Fielding, Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Myfanwy McNally</li> <li>○ <u>Applicant representatives</u>: Aaron Sutherland, Greg Colbran, Chris Ryan, Dan Szwaj, Madeline McCarthy, Theo Krallis</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 12 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Steve Murray, Jane Fielding</li> <li>○ <u>Council assessment staff</u>: Myfanwy McNally, Alex McDougall, Darren Wan</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report