

## DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	30 July 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg – Chair, Stuart McDonald, Susan Budd, Martin Zaiter and Sameer Pandey
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	David Ryan advised that his company prepared the SEE for this DA and this would be a direct conflict.

Public meeting held by public teleconference on 30 July 2020, opened at 11.00am and closed at 11.17am.

### MATTER DETERMINED

**PPSSCC- 42 – City of Parramatta – DA/638/2019 - 85-97 Macquarie Street, Parramatta**, Construction of a 13 storey commercial building with ground floor retail premises, basement car parking and associated landscaping (as described in Schedule 1).

### 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

#### 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 generally agreed with the recommendations and balance of considerations in Council's report, noting:

- The proposed development will provide additional commercial floor space and employment opportunities on a site very well serviced by transport and other service infrastructure within the Parramatta commercial business district (CBD), consistent with the Metropolitan Centre role of the Parramatta CBD within Central City District Plan.
- The application has received General Terms of Approval under the Water Management Act 2000, as well as the granting of concurrence from Transport for NSW.
- The application is consistent with the statutory requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land; SEPP (Harbour Catchment) 2005; SEPP (Infrastructure) 2007 and Parramatta Local Environmental Plan 2011 (PLEP 2011).
- The application satisfies the Design Excellence provisions of PLEP 2011 affording the development a floor space ratio (FSR) bonus, pursuant to Clause 7.10 of the LEP. The design of the building satisfactorily balances the city centre location with the heritage considerations related to the scale of the adjoining buildings.

- The application is consistent with the relevant provisions of the Parramatta Development Control Plan 2011.
- The application is unlikely to have any unacceptable impacts on adjoining and nearby heritage items or the locality generally, noting that the proposal meets the public domain sun access provisions of PLEP 2011.
- The Panel has considered the matters raised in written and verbal submissions in response to the application and has determined that there are no matters raised that warrant the refusal of the application.
- Given the 7 reasons above, approval of the application is in the public interest.

## CONDITIONS

The development application was approved subject to conditions listed in Council assessment report with the following changes made by the Panel (amendments in bold) –

**Condition 6 is amended** in response to community concerns, as follows:

### Separate approval required

6. Notwithstanding the approved drawings, no approval is granted for the following:

- a) The installation of any rocks anchors.

**Where such anchors are proposed in order to meet obligations elsewhere in this Notice, the prior consent of all relevant adjoining land owners must be obtained prior to the installation of those anchors, and a copy of the consent(s) provided to Council for its records.**

- b) Advertising signage

- c) Occupation of any of the commercial or retail tenancies

A separate development application is required for ~~such works~~ **(b) and (c) above.**

**Reason:** To ensure the development is in accordance with the terms of the application.

**Condition 172 is deleted** as the condition is superfluous to this application.

**Condition 187** is amended in response to the importance of the landscaping to the design of the building to read as follows – **Landscape maintenance:**

**All landscape works** shall be maintained **in perpetuity** following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

**Reason:** To ensure environmental amenity.

## ADVICE

- A. To implement a shared driveway access with adjoining 97-119A Macquarie Street it will be necessary to:
  - a. Lodge a fresh development application for works on that adjacent site, supported by full details of all proposed easements or Rights of Way; and
  - b. Seek approval to modify DA 638/2019 to implement changes to the approved building to accommodate the revised access arrangements






## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and verbal submissions at the meeting. The Panel notes that community issues of concern included:

- Rock anchors to adjoining properties;

- Access for building maintenance required across adjoining properties;
- Lack of 3m setback off common boundary;
- Falling objects;
- Impacts on future development;
- Design competition brief;
- Revised design of western façade;
- BCA compliance;
- Impacts during construction;
- Noise and vibration;
- Through site link green wall.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and subsequent considerations by Council and application of conditions of consent, and are not sufficient to warrant refusal of this application.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Susan Budd
 Stuart McDonald	 Martin Zaiter
 Sameer Pandey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC- 42 – City of Parramatta – DA/638/2019
2	PROPOSED DEVELOPMENT	Construction of a 13 storey commercial building with ground floor retail premises, basement car parking and associated landscaping
3	STREET ADDRESS	85-97 Macquarie Street, Parramatta
4	APPLICANT/OWNER	Applicant - MGC Developments Pty Ltd Owner - 41 George Street Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value of more than \$30 million. (Schedule 4A of the Environmental Planning and Assessment Act)
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 No. 55- Remediation of Land</li> <li>○ State Environmental Planning Policy (Harbour Catchment) 2005</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Parramatta Local Environmental Plan 2011</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> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment Regulation 2000.</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: July 2020</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Pascal Bobillier</li> <li>○ Council assessment officer – Brad Roeleven and Myfanwy McNally</li> <li>○ On behalf of the applicant – David Furlong</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>• Stuart McDonald undertook a site inspection on 30 July.</li> <li>• Briefing – 1 April 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u> Abigail Goldberg – Chair, Martin Zaiter and Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Brad Roeleven and Myfanwy McNally</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation, 30 July 2020, 10.30am (teleconference) Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u> Abigail Goldberg – Chair, Stuart McDonald, Susan Budd, Martin Zaiter and Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Brad Roeleven and Myfanwy McNally</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
10	<b>DRAFT CONDITIONS</b>	Submitted with council assessment report