

DATE OF PANEL DECISION	11 September 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	None
DECLARATIONS OF INTEREST	None

DELEGATION REQUEST – DETERMINATION OF 4.55(2) MODIFICATION APPLICATION PPSSCC-603

Modification Application/Development Application

PPSSCC-603 - City of Parramatta - DA10662016M - 8 Phillip Street, Parramatta - Section 4.55(2) modification to the approved mixed-use tower development, specifically 6 additional residential storeys (56 additional units, inclusive of 6 units used for affordable housing), 7 additional residential parking spaces, and revised roof enclosures. The original application was Nominated Integrated Development under the Water Management Act 2000 and the National Parks and Wildlife Act 1974.

BACKGROUND

The Minister for Planning and Public Spaces provided approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for any Sydney district or regional planning panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

With respect to PPSSCC-603 DA/1066/2016/M, City of Parramatta Council have made a request of the Sydney Central City Planning Panel that delegation to determine DA/1066/2016/M be granted. The panel have been advised by Council:

...The modification application seeks to modify an approved mixed-use tower, specifically to create an additional 6 residential storeys (60 additional units – 6 of which will be used for affordable housing), infill approved winter gardens to create studio apartments, reconfiguration of basement levels to create an additional 7 car parking spaces, and changes to the roof.

The development application has been referred to the Panel as the modified proposal seeks to amend a condition that was specifically mentioned in the Panel decision. The condition in question is Condition 28 which relates to car parking allocation.

The panel requested additional information on this application, regarding which council responded:

- *CASA has reviewed the application and responded with in-principle support to the modified proposal, but have deferred the final controlled activity approval to Aeria Management Group. Council's understanding is that Aeria Management Group are in discussions with the applicant to confirm the final crane height during the construction phase, and the controlled activity approval is imminent.*
- *In regard to compliance with Council's LEP development standard, there is a maximum permitted height of 220.8m (including bonuses) and the modified proposal will result in a total height of 218.31m.*

- *A total of two submissions were received. The issues raised include the following:*
 - *Development is too large and too high*
 - *Not the same development as originally approved*
 - *Lack of parking for the additional units**A merit assessment has been undertaken on each of the issues raised and the modified proposal is considered to be satisfactory in all regards.*
- *Given the existing approved scale of the building, the additional 6 storeys are not considered to create any unacceptable impacts. Council's Urban Design team have raised no objections to the additional height as the building will generally retain the same appearance as approved. The modified proposal will also continue to comply with the requirements of the ADG as it generally replicates the approved floor plates, and impacts such as solar access, traffic generation have been assessed.*
- *The assessment has been made under s4.55(2)(a) to determine that the modified proposal satisfies the requirements to be substantially the same development as originally approved. In the context of Parramatta CBD, the additional 6 storeys will not substantially alter the appearance or functionality of the approved building. In that regard, the modified proposal is a minor change.*



PANEL RESOLUTION

This is a resolution of the Panel made on 11 September 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to the General Manager or similar of City of Parramatta Council the power to make a determination as consent authority under section 4.55(2) of the EP&A Act on:

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Council is advised that delegated matters continue to be classified as regionally significant development applications and should be uploaded to the NSW Planning Portal accordingly. Council shall continue to keep the Panel updated on the progress of delegated matters and should provide notice of determination to the Planning Panels team as soon as practicable.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 