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SECTION 8.2 REVIEW OF DETERMINATION FOR DA/802/2021 197 AND 207 CHURCH STREET PARRAMATTA

This letter serves as a Statement of Environmental Effects for a Section 8.2 Review of DA/802/2021 that was refused at the Local Planning Panel on 17 May 2022. This request seeks support to approve the development proposal.

It is critical to note, the refusal of the proposal was contrary to both the recommendations of Council's Executive Planner, Mr Brad Roeleven and Council's Heritage Officer. The refusal was issued based on the following key issues:

- The Objects of the Act with reference to the orderly and economic development of the land.
- Conservation of Parramatta's cultural heritage.
- The public interest.

This review is not accompanied by revised plans and relies upon the previously submitted plans and documents for the general merits of the application. To assist with this review of determination this letter is supported by an additional letter from Heritage 21, the proponent's heritage consultant, and an additional letter of commitment from Holdmark (the Developer).

It is concluded that following a review of the relevant planning controls, the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.

SECTION 8.3 OF THE ACT: RELEVANT PROVISIONS

Section 8.3 of the Environment Planning and Assessment Act provides a mechanism to enable an application to request that a consent authority review its original decision, which in this case was a decision to refuse to grant consent to the development proposal. The relevant provisions of Section 8.3 provide:

> *(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*
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> *(2) A determination or decision cannot be reviewed under this Division:*
> *(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
> *(b) after the Court has disposed of an appeal against the determination or decision.*
>
> *(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*
>
> *(4) The review of a determination or decision made by a delegate of a council is to be conducted:*
> *(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
> *(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*

In this case the development proposal is not excluded based on the type of development outlined in section 8.2(2), and the request has been made within six months in accordance with Section 8.5 of the Act.

This review requests that the review of determination and endorsement of the recommendations of Council's Executive Planner, Mr Brad Roeleven and Council's Heritage Officer. The recommendation is to approve the proposal specific conditions of consent and the merits of this is discussed below.

Reason for refusal	Reply
The proposal does not meet the objectives of Section 1.3(c) of the Environmental Planning and Assessment Act 1979 as the proposal does not promote the orderly and economic use and development of the site.	**Environmental Planning and Assessment Act Section 4.15 - Evaluation** Section 1.3 (c) states the objects of the Act are: to promote the orderly and economic use and development of land. This is an object of the Act and not a statutory consideration when assessing a development application (DA) under Section 4.15 Evaluation of the Act. Nonetheless, this DA for demolition is a precursor to the extensive archaeological investigation works (and application) that is needed to ensure all preliminary site works are conducted thoroughly on this site to facilitate the conservation of both heritage and archaeology within the site. This DA for demolition has been submitted in parallel to the overall building DA which was lodged in December 2021. The DA for the building work is likely to be finalised in the coming three months. There is a commercial reality that must be taken into consideration in that Holdmark would not risk vacating tenants to embark on the costly exercise of demolishing the buildings without full intention to develop the site in the future. **Existing Tenancies** This site was previously fully tenanted by the Developer (Holdmark) for combination of commercial and retail units. Holdmark is unquestionably committed to delivering the proposed hotel and commercial development they have commenced vacating tenancies, including Peter Wynns Store, to allow the development to proceed on this site. It must be noted the vacating of tenancies means there are higher holding costs borne by Holdmark which demonstrate their commitment to delivering the hotel and commercial development at this site. **Separation of the Preliminary Site Work Development Application and the Building Work Development Application** There are sound reasons as to why the DA for demolition has been separated from the overall building DA. The reason is that this allows Holdmark to commence work on the site, to minimised the holding costs while the larger DA that has been the subject of a design competition is being finalised. We anticipate the DA for the hotel and commercial tower will be reported to the Sydney Central City Planning Panel within the coming six months. Due to the complexity of this DA, it is more efficient to separate out the demolition work so that preliminary site preparation can commence. As the planners and Planning Panel will be aware there are some circumstances where the demolition work is combined with building and development within a single DA. The fact that this DA for demolition has been separated from the hotel and commercial tower DA demonstrates the Developer's commitment to get on with the development. It is critical to note, the development proposal incorporates retention of the heritage façade, retention of the awning and full integration of these important heritage features of the development within the proposal. An extract from the CGI for the DA for the proposed commercial tower is provided below.

The fact that we have split them up doesn't negate the certainty. In reality, the fact the DAs have been split demonstrates the developer is moving ahead and getting the site prepared for the development.

Archaeological Investigation Work
The Archaeological Report submitted to Council identifies that the site as potentially containing huts and remains of the St John's Parish School which is Australia's first public school. The archaeological investigations work that will take place on this site are comprehensive and will take more than a year to complete. With the DA for the buildings running in parallel this allows for additional time to ensure that all archaeological work is completed. In this case it is again demonstrates the proposed method of separating the preliminary works DA and the building DA facilitate the conservation of heritage coupled with the appropriate and detailed archaeological investigations of the site.

Developer Commitment
As detailed in the letter from Holdmark that accompanies this submission, the developer is wholly committed to ensuring the site does not sit stagnant and development of the site, which includes the celebration and preservation of the important heritage features remain part of the building.

By way of background, Holdmark has been working on this site for more than five years through investment in the Planning Proposal, Site Specific Development Control Plan, Design Competition and now through to the lodgement of the DA for the hotel and commercial building last year in December. This represents more than half a million dollars in just the consultancy costs alone. There are also land purchase costs and ongoing holding costs to consider. There is absolutely no intention to leave the site dormant after demolition works are complete. There is every intention to complete demolition work and then archaeological investigations (once the necessary approvals are in place).

	The ability to demolish the buildings now means that preliminary site works can be conducted in parallel to the finalisation of the building DA which in fact results in the orderly and economic use and development of the site.
The proposal does not meet the objectives of Clause 1.2(2)(c) of the Parramatta Local Environment Plan 2011, as the proposal does not propose to conserve and promote Parramatta's cultural heritage as the framework for its identity, prosperity, liveability, and social development.	Clause 1.2(2)(c) of the LEP states: to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability, and social development. The proposal has been reviewed by Council's Heritage Advisor who confirmed the proposal is acceptable and raised no objection to the extent of demolition proposed. As confirmed in the Heritage Impact Statement (HIS), the former Murray Brothers department store has undergone multiple additions and alterations over time which has resulted in a significant loss of the internal heritage fabric. The HIS and the additional letter provided which this submission demonstrates the only remnant heritage fabric of the item is the heritage facades along Church and Macquarie Streets along with the pressed metal awning. As stated previously, the proposal facilitates early works on the site while at the same time retaining the heritage features of the item. It has been demonstrated that the proposal facilitates the conservation of Parramatta's cultural heritage.
In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is considered to not be in the public interest, as the proposal intends the demolition of a local heritage item, which has a significant contribution to the streetscape, in circumstances where the timing and the final form of the replacement development is unknown.	The proposal is demonstrably in the public interest due to the following key considerations: 1. The proposal retains the heritage facades along Church Street and Macquarie Street as these are the only features of remnant heritage fabric of significance on site. 2. The separation of preliminary works under a separate DA while the DA for building works is being finalised is a deliberate strategy to run processes in parallel to ensure the retention of the heritage fabric of the building, adequate time for archaeological investigation work while the finer details of the development proposal is being resolved. Keeping in mind the site has complex constraints that need to be managed including the Light Rail, Sydney Metro as well as flooding matters. 3. The Developer has invested a significant number of resources to deliver a city significant project and has no intention to leave the site dormant without completing the development. 4. If the DA for preliminary works and building works were coordinated within a single DA, there is simply no provision within the relevant planning controls to force development completion within a specified timeframe. The separation of the DAs is in place to make the process more efficient which demonstrates the developers commitment to delivering the project.

Attachments:

1. Additional heritage letter by Heritage 21
2. Letter from the Developer.
3. Letter of Commitment from IHG Hotels and Resorts.

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Think Planners Pty Ltd