

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment

SUBJECT: MP 09 0128 MOD 1 COMMERCIAL AND RETAIL DEVELOPMENT 89 GEORGE STREET, PARRAMATTA

PURPOSE

To determine a modification request from Ingham Planning on behalf of Webb Property Investments Pty Ltd (the proponent), seeking approval to extend the time period for the proponent to satisfy the deferred commencement conditions contained in Part A of the Instrument of Approval for MP 09_0128 from 12 months from the date of the project approval to 24 months.

BACKGROUND

On 21 November 2011, the Deputy Director-General, Development Assessment and Systems Performance approved MP 09_0128. The application included the following works:

- Construction of a 13-storey commercial building comprised of 11,567 m² of commercial floor space, a 399 m² ground floor café and reception area, four levels of basement car parking to accommodate a 63 vehicles and bicycle parking, and roof top plant.

During the assessment of the application the Council identified a number of deficiencies in the proponent's Flood Impact Report and architectural drawings. In order to facilitate approval of the project, a number of deferred commencement conditions (Conditions A1 to A8) were imposed to ensure that outstanding flood management and design issues were resolved prior to the approval becoming operational.

The proposed modification seeks to amend the conditions in Part A of Schedule 2 to alter the timing for the submission of documents related to the deferred commencement conditions.

PROPOSED MODIFICATION

The application seeks approval to alter the wording of the statement provided at the end of Part A – Deferred Commencement Conditions to extend the timing for the submission of additional information to the Council from 12 months from the date of the project approval to 24 months. The approved wording is as follows:

"Evidence of the above matters must be produced to Parramatta City Council within twelve (12) months of the date of this determination otherwise the consent will not operate".

The proponent's preferred wording is provided below:

"Evidence of the above matters must be produced to Parramatta City Council within 24 months of the date of this determination otherwise the consent will not operate".

CONSULTATION

In accordance with section 75X of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and clause 8G of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification request was made available on the department's website.

Due to the minor nature of the proposed modification, the application was not exhibited by any other means. Notwithstanding, the department referred the application to Parramatta Council for comment. The Council raised no objection to the proposed modification. At the time of writing this report no other submissions were received.

DELEGATED AUTHORITY

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As no public submissions were received, the A/Director, Metropolitan and Regional Projects North may determine the modification request under delegated authority.

KEY ISSUES

Extension of Timing for the Satisfaction of Deferred Commencement Conditions

The proponent has advised the department that it has been unable to secure funding for the project. As such it has not had sufficient funds available to prepare the documentation required under the deferred commencement conditions. Notwithstanding, the proponent anticipates that funding will be available within the next six to 12 months, and as such is seeking to have the deferred commencement conditions modified to permit the submission of the requisite documents once funding is secured.

The department considers that extending the time period to enable compliance with the deferred commencement conditions is appropriate, as it will facilitate the construction of 13,000 m² of GFA within the Parramatta CBD and will assist in providing 250 construction jobs over the next three to five years.

RECOMMENDATION

It is **RECOMMENDED** that the A/Director, Metropolitan and Regional Projects North:

- Note the information provided in this briefing.
- Approve the modification request, subject to conditions.
- Sign the attached modifying instrument (Tag A).


23.10.12

Prepared By:
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Metropolitan and Regional Projects North


23/10/12

Approved By:
David Gibson
A/Director
Metropolitan and Regional Projects North