

INNOVATIVE

ITEM NUMBER	18.7
SUBJECT	FOR APPROVAL: Gateway Request: Planning Proposal for land at 22 Noller Parade, Parramatta
REFERENCE	RZ/15/2018 - D07020517
REPORT OF	Project Officer Land Use
LANDOWNER APPLICANT	Jimstam Holdings Pty Ltd PTI Architecture

PURPOSE:

To seek Council's endorsement of a Planning Proposal for land at 22 Noller Parade, Parramatta to be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.

RECOMMENDATION

- (a) **That** Council endorse the Planning Proposal for land at 22 Noller Parade, Parramatta which seeks to amend the Parramatta Local Environmental Plan 2011 in relation to the subject site by:
 - 1. Rezoning the land from R2 Low Density Residential to R4 High Density Residential
 - 2. Increasing the Maximum Height of Building control from RL14.00 to 17m
 - 3. Including a Maximum Floor Space Ratio control of 1.5:1
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.
- (c) **That** the CEO be authorised to negotiate a Voluntary Planning Agreement on behalf of Council to the land value of 50% of the value uplift as per Council's Planning Agreements Policy 2018 in addition to any development contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent exhibition with the Planning Proposal.
- (d) **That** Council advises the Department of Planning, Industry & Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- (e) **That** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **Further, that** Council note the advice of the Local Planning Panel (provided at **Attachment 3**) is consistent with Council officer's recommendation.

Planning Proposal Timeline



THE SITE

1. The subject site is a single lot at 22 Noller Parade, Parramatta. It has an approximate site area of 908m² and has a legal description of Lot 1 DP 35895. The site is bound by Noller Parade to the south, Alfred Street to the east and the Parramatta River to the north.



Figure 1: Locational Map

2. A single storey dwelling and detached garage exist on the site. The land surrounding the subject site comprise a mixture of low density residential to the south east, medium density residential to the west and south, and high density residential to the east.

3. It is noted that the adjoining properties to the west and south of the site in the R3 Medium Density Residential zone have existing 3 and 4-storey residential flat buildings. 'Residential flat buildings' are not permissible in this zone, however these buildings existed prior to the implementation of the Parramatta LEP 2011 and are therefore subject to existing use rights under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

BACKGROUND

4. In December 2018, the applicant lodged a Planning Proposal for the land at 22 Noller Parade, Parramatta providing for two options for amending the Parramatta LEP 2011:

Option 1

- Rezoning the land from R2 Low Density Residential to R4 High Density Residential;
- Increasing the Maximum Height of Building control from RL14.00 to 21m;
- Including a Maximum Floor Space Ratio control of 1.9:1.

Option 2

- Amend Schedule 1 of the PLEP to allow 'residential flat building' (RFB) as an additional permitted use on the site.
5. The original scheme presented a 6-storey RFB comprising 20 dwellings, however, Council officers did not support this and recommended that it be amended by the applicant to provide a more modest scheme.
 6. The Planning Proposal has since been revised by the applicant to be in accordance with Council officers' assessment and recommendations. As such, the Planning Proposal seeks the following amendments to the Parramatta LEP 2011:
 - Rezoning the land from R2 Low Density Residential to R4 High Density Residential;
 - Increasing the Maximum Height of Building control from RL14.00 to 17m;
 - Including a Maximum Floor Space Ratio control of 1.5:1.
 7. The intent of the Planning Proposal is to enable a 5-storey RFB to be developed on the site comprising 16 dwellings in a manner compatible with the surrounding context.
 8. The adjoining properties to the west and south of the site currently contain 3-4 storey RFBs whilst the property to the east contains a 13-storey mixed use development. The site's location on a corner and the adjoining and surrounding development has resulted in it becoming isolated.
 9. Given the relatively minor nature of this Planning Proposal, the preparation of a site specific Development Control Plan (DCP) is not proposed and any future development will be assessed under the existing provisions of the Parramatta DCP 2011.

LOCAL PLANNING PANEL ADVICE

10. On 17 September 2019, the Planning Proposal was reported to the Local Planning Panel (LPP) with Council officer's recommending to support the Planning Proposal (refer to **Attachment 2**).
11. The LPP provided advice in support of the Council officer recommendation (refer to **Attachment 3**).

CONSULTATION

12. Should Council resolve to proceed with the Planning Proposal for the site, it will be forwarded to the Department of Planning, Industry & Environment requesting a Gateway Determination.
13. If a Gateway Determination is issued, the Planning Proposal will be placed on public exhibition.

FINANCIAL IMPLICATION FOR COUNCIL

14. A letter of offer accompanies the Planning Proposal which conveys the applicant's intent to enter into a Voluntary Planning Agreement (VPA) with Council.
15. The applicant intends to enter into a VPA to provide a monetary contribution to the value of 50% of the land value uplift between the existing FSR and the proposed FSR, however, this is proposed to be in lieu of future 7.11 or 7.12 developer contributions applying at the DA stage. Whilst the proposed 50% value uplift monetary contribution is consistent with Clause 2.5.3 of Council's adopted VPA policy, the foregoing of developer contributions is inconsistent under clause 2.9.
16. Should the Planning Proposal be endorsed by Council for Gateway Determination, Council will progress with VPA negotiations and a separate report will be provided to Council advising the outcome of these negotiations and seeking a resolution to exhibit any draft VPA concurrently with the Planning Proposal.

CONCLUSION AND NEXT STEPS

17. The Planning Proposal seeks to rezone the land, increase the maximum height of building control and include a maximum FSR control for the site at 22 Noller Parade, Parramatta. It is recommended that Council endorse the Planning Proposal provided at **Attachment 1** and for it to be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.
18. Should a Gateway Determination be issued, the Planning Proposal will be placed on public exhibition and the outcomes will be reported to the Local Planning Panel if any objections are received. If no objections are received, the matter will be reported directly to Council post-exhibition.

Darren Caballero

Project Officer Land Use Planning

Michael Rogers

Land Use Planning Manager

Jennifer Concato

Executive Director Strategic Outcomes & Development

ATTACHMENTS:

- | | | |
|---|----------------------------------------------------|----------|
| 1 | Planning Proposal for 22 Noller Parade, Parramatta | 63 Pages |
| 2 | LPP Report - 17 September 2019 | 18 Pages |
| 3 | LPP Advice - 17 September 2019 | 2 Pages |