

DATE OF DECISION	7 May 2021
PANEL MEMBERS	Abigail Goldberg (Chair), Noni Ruker, David Ryan and Richard Thorp
APOLOGIES	Nil
DECLARATIONS OF INTEREST	<p>Councillors Martin Zaiter and Sameer Pandey advised that they have conflicts of interest in respect of this proposal as the project has previously been discussed at a Council workshop and they have participated in a vote in the Council chamber regarding a planning proposal for this site.</p> <p>Jane Fielding advised that she has a conflict regarding this proposal as her company has undertaken work for the Applicant.</p> <p>Gabrielle Morrish declared that she has done work on the site opposite less than 5 years previously.</p>

PLANNING PROPOSAL

2020CCI004 – Parramatta City Council – PGR_2016_SYW_002_00 241-245 Pennant Hills Road, Carlingford. The proposal seeks to facilitate a mixed use residential and commercial development on land zoned B2 Local Centre by increasing the maximum building height for the site from 9 m to a range of 14m to 49 m; and increasing the maximum floor space ratio (FSR) from 1.0:1 to 2.4:1

Key issues related to the planning proposal include density, height and urban design.

BACKGROUND

The Parramatta Local Planning Panel (LPP) considered a planning proposal report provided by the City of Parramatta Council staff in May 2019, which recommended a maximum height of part 14m and part 49m, and an FSR of 2.1:1 across the site.

The LPP recommended that the proposal be submitted to the Department for a Gateway determination with the advice that:

- Consideration should be given to increase the maximum FSR 2.4:1 subject to:
 - A maximum of 108 dwellings; and
 - A minimum commercial floorspace of 1,970m².

Council considered the advice of the LPP through a report to Council and resolved not to endorse the planning proposal.

APPOINTMENT OF PANEL AS PLANNING PROPOSAL AUTHORITY

Correspondence provided to the Panel indicated that the City of Parramatta Council was given the opportunity to continue in the role of planning proposal authority (PPA) for the proposal. Council advised in May 2020 that they consider the matter refused and do not wish to continue as the PPA for this matter. The Panel has accepted the role of PPA for the proposal.

PANEL DECISION – FORWARDING OF PLANNING PROPOSAL FOR GATEWAY DETERMINATION

As the planning proposal authority, the Panel determined that the planning proposal should be submitted for a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the following amendments:

- The 'Floor Space Ratio Map' to indicate a maximum floor space ratio of 2.1:1.
- The use of an additional local provision clause in lieu of Schedule 1.
- The additional local provision clause is to:
 - exclude the requirement for a maximum number of dwellings (whilst maintaining the non-residential floor space requirement);
 - refer to '*enclosed private balconies*' rather than wintergardens;
 - make provision for the preparation of a site-specific DCP to address built form and urban design matters prior to any development consent being granted;
- The design excellence provisions of the PLEP are to apply to the site.
- The planning proposal is to address:
 - the Parramatta LSPS;
 - *Ministerial Direction 2.3 Heritage Conservation*, having regard to potential overshadowing impacts on 'K13 Memorial Submarine Park';
 - *Ministerial Direction 2.6 Remediation of Contaminated Land*, clearly justifying any inconsistencies; supported by a preliminary investigation of the land in accordance with the contaminated land planning guidelines;
 - *Ministerial Direction 6.3 Site Specific Provisions*; clearly justifying any inconsistencies with the direction's requirements;
 - overshadowing within the urban design analysis, which must be refined to clearly demonstrate resulting shadows;
 - social infrastructure via the preparation of a supporting social infrastructure assessment;
- All supporting traffic reports/studies and supplementary information are to be consolidated and updated to reflect the current proposal and current available traffic data for the locality. The report must clearly show the history of consultation with Council and the former Roads and Maritime Services (TfNSW);
- The planning proposal and supporting documentation must clearly demonstrate that the site is capable of being developed without reliance upon the SP2 Infrastructure zoned portions of the site; and
- The planning proposal is to be updated to address community consultation and provide a timeline for the project.

The decision was **unanimous**.

REASONS

The panel generally agrees with the conclusions and recommendations contained in the Department's Pre-Gateway Report, subject to the amendments contained in its Decision.

The Panel favours a scheme that steps down from the north-east corner for this visually prominent, locally important site. The Panel has however not been persuaded by the Applicant's argument which asserts a 2.4:1 FSR. Consequently, Council's recommendation of a 2.1:1 FSR (with the additional enclosed balcony allowance) is supported by the Panel as a more robust and well-reasoned position.

The maximum number of dwellings is considered unnecessary given that FSR and other controls appear adequate to address any implications associated with dwelling numbers at DA stage.

PANEL MEMBERS



Abigail Goldberg (Chair)



Noni Ruker



David Ryan



Richard Thorp