

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	1 November 2021
DATE OF PANEL DECISION	29 October 2021
PANEL MEMBERS	David Ryan (Acting Chair), Ken McBryde, Martin Zaiter, Sameer Pandey
APOLOGIES	Noni Ruker
DECLARATIONS OF INTEREST	Abigail Goldberg declared a conflict of interest as she assisted Land and Housing Corp by leading an expert panel review of the Telopea Masterplan in October 2016.

Papers circulated electronically on 14 October 2021.

MATTER DETERMINED

PPSSCC-187 – City of Parramatta – DA596/2020 at 9 Figtree Avenue Telopea for concept development application (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl.4.3 (height of buildings) of the LEP and the objectives for development in the R4 High Density zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to height of buildings and approve the application for the reasons outlined in the council assessment report.

CONDITIONS





The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Amenity impacts
- Building envelope size and character
- Tree loss
- Traffic and car parking
- Social unrest
- Construction impacts

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 David Ryan (Chair)	 Ken McBryde
 Sameer Pandey	 Martin Zaiter

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-187 – City of Parramatta – DA596/2020
2	PROPOSED DEVELOPMENT	Concept development application for future mixed-used development, incorporating centre-based child care facility and residential flat building. The concept development application seeks approval for a maximum floor space ratio of 2.2:1, maximum height of up to 7 storeys, 3 levels of basement car parking, ground floor centre-based child care facility (for 95 children), 37 residential apartments, setbacks, and car parking rates. 50% of residential floor space would be affordable housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The application is to be determined by the Sydney Central City Planning Panel.
3	STREET ADDRESS	9 – 11 Fig Tree Avenue, TELOPEA (Lots 271 & 272 DP 36743)
4	APPLICANT/OWNER	Mr A Nakhoul / Figtree Avenue 888 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy (Sydney Harbour Catchment) 2005 State Environmental Planning Policy No. 55 (Remediation) State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide Parramatta Local Environmental Plan 2011 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft State Environmental Planning Policy Housing 2021 Draft State Environmental Planning Policy Design & Place 2021 Draft Consolidated Parramatta Local Environmental Plan 2020 Development control plans: <ul style="list-style-type: none"> Parramatta Development Control Plan 2011 Draft Telopea Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 14 October 2021 Revised clause 4.6 Height of Buildings: 25 October 2021 Written submissions during public exhibition: 9 Total unique submissions received by way of objection: 9
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 3 March 2021

		<ul style="list-style-type: none">○ <u>Panel members</u>: David Ryan (Acting Chair), Ken McBryde, Gabrielle Morrish, Martin Zaiter, Sameer Pandey○ <u>Council assessment staff</u>: Alex McDougall, Myfanwy McNally, Jan McCredie, Jessica Richards○ <u>Panel Secretariat</u>: George Dojas, Suzie Jattan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report