

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 20 September 2022, 10:30am to 11:30am
LOCATION	MS Teams Teleconference

BRIEFING MATTER(S)

PPSSCC-340 - City of Parramatta – DA/53/2022 - 263, 265, 267, 269, 271, 273, 277-281 Pennant Hills Road, Carlingford 6 x 10-12 storey buildings comprising 629 residential units, childcare centre for 110 children, 17 neighbourhood retail shops and 1,146 basement car parking spaces; publicly accessible open spaces and through site links; landscaping; tree removal; demolition of existing buildings.

PANEL MEMBERS

IN ATTENDANCE	Abigail Goldberg (Chair), David Ryan, Brian Kirk, Sameer Pandey, Ric Thorp
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL STAFF	Myfanwy McNally, Bianca Lewis, Brad Roeleven
PLANNING PANEL SECRETARIAT	George Dojas, Sharon Edwards, Alexander Richard
PLANNING DELIVERY UNIT	David Petrie

KEY ISSUES DISCUSSED – 20 September 2022

- *Procedural and merit matters relating to the CI 4.6 application regarding a proposed increase of FSR in the order of 31% (a shift from an FSR of 2.3:1 to 3:1):*
 - The DA is regarded as a new DA without bearing to the previously approved 'Dyldam DA', for which a different site boundary applied.
 - Council considers that the CI 4.6 application should not draw on floor space related to land zoned RE1. Council's position in this regard is reflected in LEP FSR maps for the location.
 - Council argues that the CI 4.6 as presently put forward would lead to a recommendation of refusal for the application.
 - The Panel observed that if constructed properly, the CI 4.6 request should not rely solely or primarily on the dedication of the RE1 land as justification. Rather, it must adequately address the required matters under Cl. 4.6(3) relative to the proposed variations to the standards, which is currently contested.
 - Approval of the DA is dependent on the Panel's acceptance of the CI 4.6 application. This matter is accordingly a threshold issue.

- *Procedural matters relating to the VPA for the site:*
 - The preceding VPA for the site related to the 'Dyldam DA'. Its relevance and applicability to the current, wholly new DA, will need to be confirmed.
 - The Panel notes that there is not an acquisition clause in the LEP related to the RE1 land.
- *Design outcomes:*
 - Council's DEAP is scheduled to meet regarding the application on 23 September 2022.
 - Subject to any detailed comments from the DEAP, the Panel observed that, apart from the procedural and merit matters above, the urban design outcomes have meritorious attributes.
 - Notwithstanding this, the Panel considers that the design outcomes of the application may not be compromised if the height of the proposal was reduced to achieve compliance.
 - Moreover the approved 'Dyldam DA' is understood to have achieved compliance, although it was not for the amalgamated site currently being considered.

KEY ISSUES DISCUSSED PREVIOUSLY – 28 July 2022

The Panel (see attached Record of Briefing) considered a number of questions related to the development of the site at a meeting on 28 July 2022, at which the Panel provided advice as summarised below:

- *Is a public road (or public roads) through the site a requirement of the planning framework?*
Having considered the planning framework set out by the LEP and DCP, the Panel is of the view that while public access is required through the site and to the RE1 open space areas, this access may be achieved in a number of ways, including for example pedestrian pathways and cycleways, however a road, designed and built to the council's standard for a public road, is not a necessity.
- *Would further additional height of buildings be supported?*
The Panel notes that the applicant was seeking additional height to compensate for loss of units should a public road/s be required. As the Panel considers that a road designed and built to council's standard for a public road is not a necessity, further additional height of buildings would not be supported at this stage.
- *Would additional GFA be supported?*
The Panel notes that the applicant was seeking additional GFA to compensate for loss of units should a public road/s be required. As the Panel considers that a road as suggested by council is not a necessity, additional GFA would not be supported at this stage.

PANEL ADVICE

- The Panel remains consistent in its position that additional height and GFA are not supportable without properly formulated cl 4.6 requests, and notes that the requests currently provided by the applicant are contested by Council.
- The Panel considers that there are presently insufficient grounds to warrant support of the application for greater GFA, as the rationale is largely dependent on FSR notionally derived from the RE1 land (which is not part of the "site area" for the purposes of cl 4.5 of the LEP). As this application is not supported, additional height is not supported at this time.
- The Panel supports Council writing to the applicant to advise them of this position, and to provide a reply should they wish.
- The Panel notes that while a determination date was tentatively set for 6 October 2022, the response of the applicant to the proposed correspondence warrants prolonging of the assessment process. Council also requested further time to be able to properly review the supplementary information provided by the applicant.
- The Panel seeks confirmation that the current VPA for the site can be validly applied to this DA. If not, any public benefit items that the applicant may wish (at its discretion) to now offer, would need to be negotiated through a new or amended VPA associated with this DA.

Planning Panels Secretariat

TENTATIVE DETERMINATION DATE SCHEDULED FOR: late October 2022

Planning Panels Secretariat

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