

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	5 June 2023
DATE OF PANEL DECISION	5 June 2023
DATE OF PANEL BRIEFING	1 June 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	Sameer Pandey, Dan Siviero
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 May 2023.

MATTER DETERMINED

PPSSCC-402 – City of Parramatta – DA/845/2022 – 9-11 Thallon Street, Carlingford - Demolition of existing buildings, tree removal and construction of a 12-storey mixed use building comprising retail and restaurant on the ground floor, 91 apartments above and 4 levels of basement parking for 134 vehicles. The proposal is a Nominated Integrated development pursuant to the Water Management Act 2000.

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.

Development application

The panel determined to refuse 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 refuse the clause 4.6 variation requests (for variation to building height and floor space ratio) and to refuse the application for the reasons outlined in the Council Assessment Report as detailed below:

1. Height – The Panel is not satisfied that the clause 4.6 variation request to vary the height standard in clause 4.3 of the Parramatta (Former The Hills) Local Environmental Plan 2012 has adequately addressed the matters required to be demonstrated by subclause 4.6(3). The panel is not satisfied that the proposed development will be in the public interest, because it is not consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
2. FSR – The Panel is not satisfied that the clause 4.6 variation request to vary the floor space ratio standard in clause 4.4 of the Parramatta (Former The Hills) Local Environmental Plan 2012 has adequately addressed the matters required to be demonstrated by subclause 4.6(3). The panel is not satisfied that the proposed development will be in the public interest, because it is not consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

3. Environmental Planning and Assessment Act 1979 – As per section 4.47 of the Act a water supply work approval under section 90 Water Management Act 2000 is required to be obtained. Water NSW have not issued their General Terms of Approval under section 4.49 of the Act. Page 49 of 50
4. SEPP (BASIX) - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that insufficient information has been provided to demonstrate compliance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
5. SEPP 65 (Design Quality of Residential Apartment Development) - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the design principles as nominated in State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)
6. Apartment Design Guide - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the criteria and guidance in relation to overshadowing, deep soil, solar access requirements and apartment mix as nominated in State Environmental Planning Policy (Design Quality of Residential Apartment Development) via the Apartment Design Guide.
7. The Hills DCP 2012 - The application is not satisfactory for the purposes of section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal does not demonstrate consistency with the principles, objectives and controls of Part B Section 5, Part C Section 1 and Part D Section 12 of The Hills Development Control Plan 2011 in relation to the following clauses:

Part B Section 5 – Residential Flat Building

- i. 3.2 Site Analysis - The development has not been designed to respect site constraints including topography and the natural environment. The proposal does not appear as sympathetic with the character of the area with minimal impact on the amenities of the neighbouring properties. The siting of development also does not take into account solar passive design principles.

Part C Section 1 – Parking

- ii. Restaurant Parking Rate - The proposal does not comply with the required restaurant parking rate by 27 spaces.
- iii. Loading Dock – The proposal does not provide the required two loading docks

Part D Section 12 – Carlingford Precinct

- iv. Desired Future Character - The proposal does not meet the desired future character statements for the southern precinct, the structure plan for proximity to transport, structure plan for open space strategy, public domain, indicative building height and FSR or the Carlingford Illustrative masterplan
- v. 4.1 Floor Space Ratio – The development does not comply with the mapped controls within the Parramatta (Former the Hills) LEP 2012 nor objectives I, ii or iii of the control.
- vi. 4.2 Building Height – The development does not comply with the mapped controls within the Parramatta (Former the Hills) LEP 2012 nor any of the objectives
- vii. 4.7 Setbacks – The proposal does not comply with the required side 4.5m6m setbacks to the Thallon St Reserve.
- viii. 4.13 Solar Access - All adjoining residential buildings and the major part of their landscape receive atleast 4 hours of sunlit between 9am and 3pm on 21 June the development has

not adequately demonstrated this for the properties at 2 Thallon and 1 Thallon St Page 50 of 50 ix.



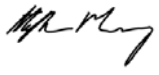
- ix. 4.19 Stormwater Management – The development has not demonstrated that the WSUD chamber are adequately sized as per Council requirements and overall OSD layout will comply
- x. 4.29 Facades - The proposed façade does not define a base, middle and top related to the overall proportion of the building.
- xi. 4.32 Site Facilities – The developments submitted Waste Management Plan is not in accordance with Council requirements for waste collection and management.
- xii. 4.33 Ecologically Sustainable Development and 4.34 BASIX - The submitted plans does not demonstrate the proposed development complies with the requirements of ESD and BASIX.

CONSIDERATION OF COMMUNITY VIEWS

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

- Density, bulk and scale
- Overshadowing
- Traffic and car parking
- Schools and high school availability
- Construction impacts.

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-402 – City of Parramatta – DA/845/2022
2	PROPOSED DEVELOPMENT	Demolition of existing buildings, tree removal and construction of a 12-storey mixed use building comprising retail and restaurant on the ground floor, 91 apartments above and 4 levels of basement parking for 134 vehicles. The proposal is a Nominated Integrated development pursuant to the Water Management Act 2000.
3	STREET ADDRESS	9-11 Thallon Street, Carlingford
4	APPLICANT/OWNER	Applicant: D.R Design (NSW) Pty Limited Owner: Eric Wei Shing Chong, Huijuan Zhao, Kam Mak, Ricky Chiu-Ming Wong, Haji Bagheri Farvili, Peter Andrew Clydesdale, Nelson Wai Hung Cheng, Yang Zhang, Xiaoping Yue
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide (ADG) State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Transport and Infrastructure) 2007 State Environmental Planning Policy (State Regional Development) 2011 State Environmental Planning Policy (Biodiversity and Conservation) 2021 SEPP (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards (2021) Environmental Planning and Assessment (EP&A) Act 1979 EP&A Regulations 2021 Parramatta (Former The Hills) Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 Planning agreements: The owner and developer offered a monetary contribution of \$250,000 although a VPA prepared in accordance with Council’s relevant policy has not been submitted. 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: 17 May 2023 Clause 4.6 variation requests - Parramatta (Former The Hills) Local Environmental Plan 2012 - Clause 4.1A – Minimum Lot Size for Residential Flat Building, Clause 4.3 – Height of Buildings, Clause 4.4 - Floor Space Ratio e Written submissions during public exhibition: 6 Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 9 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair) <u>Council assessment staff</u>: Denise Fernandez <u>Applicant representatives</u>: Nigel Dickson, Fady Habib, Alan Vidler, Kathleen McDowell, Lina Farfan, Hannah Fan

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 1 June 2023<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray○ <u>Council assessment staff</u>: Denise Fernandez, Myfanwy McNally, Claire Stephens○ <u>Applicant representatives</u>: Nigel Dickson
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable