

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	26 March 2025
DATE OF PANEL DECISION	26 March 2025
PANEL MEMBERS	Abigail Goldberg (Chair), Brian Kirk, David Johnson
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan declared a conflict as the company he works for prepared the SEE

Papers circulated electronically on 20 March 2025.

MATTER DETERMINED

PPSSCC-467 – City of Parramatta – DA /344/2023 – 85-91 Thomas Street, Parramatta - Demolition, tree removal and construction of 2 residential flat buildings over basement car parking with associated site and landscaping works. The application is Integrated Development pursuant to Fisheries Management Act 1994 and the 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 briefings and the matters 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 2023 (LEP), that has demonstrated that:

- compliance with cl. 4.3 – building height and cl 4.4 – floor space ratio is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 – building height and cl 4.4 – floor space ratio of the LEP and the objectives for development in the R4 High Density Residential zone; and
- the concurrence of the Secretary has been assumed/provided.

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 building height and floor space ratio; and approve the application for the reasons outlined in the council assessment report.

The site comprises several constraints including being mapped as being within a foreshore area and riparian and waterways pursuant to Parramatta LEP 2023, and also that the site, being located on the northern bank

of the Parramatta River, is classified as being partly within the High Flood Risk Precinct (the southern section near the riverbank), partly within the Low Flood Risk Precinct, with the remainder of the site not being flood-affected.

As indicated earlier in this report, council is satisfied that the site is suitable for the development as proposed as the application has satisfactorily demonstrated that the proposal adequately accounts for and addresses these risks.

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Building) 2022, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Parramatta Local Environmental Plan 2023 (PLEP 2023) and Parramatta Development Control Plan 2023 (PDCP 2023) and is considered to be satisfactory. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

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:

- Traffic
- Overshadowing
- Visual privacy impacts
- Overdevelopment

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Brian Kirk 
David Johnson 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-467 – City of Parramatta – DA /344/2023
2	PROPOSED DEVELOPMENT	Demolition, tree removal and construction of 2 residential flat buildings over basement car parking with associated site and landscaping works. The application is Integrated Development pursuant to Fisheries Management Act 1994 and the Nominated Integrated Development pursuant to the Water Management Act 2000.
3	STREET ADDRESS	85-91 Thomas Street, Parramatta
4	APPLICANT/OWNER	Applicant: The Trustee for Century 888 Unit Trust Owner: Century 888 Unit Trust
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 (Housing) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Building) 2022 State Environmental Planning Policy (Planning Systems) 2021 Parramatta Local Environmental Plan 2023 (PLEP 2023) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Parramatta Development Control Plan 2023 (PDCP 2023) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 7 November 2024 Council Addendum report: 6 March 2025 Clause 4.6 variation requests: Height of Buildings, Floor Space Ratio (FSR) Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 3 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, Brian Kirk, [Panel Member], [Panel Member] <u>Council assessment staff</u>: Myfanwy McNally, Patrick Santos, Alicia Hunter <u>Applicant representatives</u>: Glenda Lam, Carlo Di Giulio, Peter Israel, Matthew Smith Final briefing to discuss council's recommendation: 21 November 2024

		<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, David Johnson○ <u>Council assessment staff</u>: Eamon Murphy, Myfanwy McNally○ <u>Applicant representatives</u>: Glenda Lam
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Not Applicable