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| DATE OF DETERMINATION | 18 December 2024 |
| DATE OF PANEL DECISION | 18 December 2024 |
| PANEL MEMBERS | Abigail Goldberg (Chair), Brian Kirk, Joe Woodward |
| APOLOGIES | Steve Murray |
| DECLARATIONS OF INTEREST | David Ryan declared a conflict of interest as he is an independent reviewer of REFs for LAHC housing projects across NSW |

Papers circulated electronically on 9 December 2024.

MATTER DETERMINED

PPSSCC-495 – City of Parramatta – DA/582/2023 - 153 Pennant Street, Parramatta - Lot consolidation, demolition of existing dwellings, tree removal and construction of a four-storey affordable housing residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising 28 units with basement car parking for 12 vehicles and associated landscaping.

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 Height of Buildings 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 Height of Buildings of the LEP and the objectives for development in the R4 zone; and
- 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 building height; and approve the application for the reasons outlined in the council assessment report as summarised below:

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Consideration of technical matters by Council's Engineering and Landscaping departments has not identified any fundamental issues of concern.

The proposed development seeks a variation to Clause 4.3 Height of Buildings pursuant to Clause 4.6 of the Parramatta Local Environmental Plan (LEP) 2023. The proposed development proposes a maximum building height of 13.93m, thereby exceeding the maximum building height on the site (11m) by 2.93m or 26.6%. Notwithstanding, it is considered that the variation to the building height control is supportable in this instance noting the existing and emerging character of the locality and the development's minimal environmental impact on neighbouring properties.

The proposal demonstrates reasonable compliance with the statutory requirements with minor variations to some controls contained within the Parramatta Development Control Plan (DCP) 2023 and Apartment Design Guide (ADG) that can be supported.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, it is recommended Development Application No. DA/582/2023 be approved. In its context, this development proposal is supported in terms of the development's broader strategic context, function and overall public benefits.

CONDITIONS

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




- **Services and Fire Hydrant Enclosure**
 - All Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) shall be enclosed in a manner that complements the building and in accordance with the requirements of the BCA.
 - *(Reason: To ensure essential services are appropriately screened)*

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:

- Basement level carparking
- Lighting and shadow casting
- Reduced solar access
- Privacy
- Flora and Fauna

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

| PANEL MEMBERS | |
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| Abigail Goldberg (Chair)  | Joe Woodward  |
| Brian Kirk  | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-495 – City of Parramatta – DA/582/2023 |
| 2 | PROPOSED DEVELOPMENT | Lot consolidation, demolition of existing dwellings, tree removal and construction of a four-storey affordable housing residential flat building pursuant to State Environmental Planning Policy (Housing) 2021, comprising 28 units with basement car parking for 12 vehicles and associated landscaping. |
| 3 | STREET ADDRESS | 153 Pennant Street, Parramatta |
| 4 | APPLICANT/OWNER | Applicant/Owner: NSW Land and Housing Corporation |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Crown development 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 (Planning Systems) 2021 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 Index: Basix) 2004 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development Apartment Design Guide Parramatta Local Environmental Plan 2023 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Parramatta Development Control Plan 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: 6 December 2024 Clause 4.6 variation request: Cl 4.3 - Height of Buildings Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Kick Off Briefing: 26 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, Sameer Pandey <u>Council assessment staff</u>: Jasmin Gotsoulias, Caitlin Hopper <u>Applicant representatives</u>: Gavin Ho, Carolyn Howell, Lara Huckstepp, Pat Pretulla, Yudhi Setiwan, Daniel Donai |

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| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |