



**CITY OF
PARRAMATTA**

MINUTES

**Parramatta Local Planning Panel
Tuesday, 20 August 2024
3.30pm**

**Level 3, PHIVE
Parramatta Square, Parramatta**

PANEL MEMBERS

Elizabeth Kinkade (Chairperson)
Gregory Flynn (Expert Member)
Tina Christy (Expert Member)
Robert Warry (Community Member)

STAFF MEMBERS

Development Assessment Manager – Claire Stephens, Team Leader, Development Assessment - Sara Smith, Team Leader, Development Assessment - Jonathan Cleary, Team Leader – Development Assessment - Alicia Hunter, Senior Development Assessment Officer - Najeeb Kobeissi, Development Assessment Officer - Felicity Lam, Senior Development Assessment Officer - Denise Fernandez, Senior Development Assessment Officer - George Anderson, Legal Support Officer - Christine Treadgold, Governance Officer (minute secretary) – Neeli Sharma

1. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Chairperson, acknowledged the Burramattagal people of The Dharug Nation as the traditional land owners of land in Parramatta and paid respect to their ancient culture and to their elders past, present and emerging.

2. WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

3. APOLOGIES

There were no apologies made to this Local Planning Panel.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made to this Local Planning Panel.

4A. PUBLIC SPEAKERS

The meeting commenced at 3.30 pm. The Chair invited registered speakers to address the Parramatta Local Planning Panel ('the Panel') on the item listed below:

Speaker	Item number	Title
Sigrid Rottman	5.2	1-7 Simpson Street, DUNDAS VALLEY NSW 2171
Alexandra Southgate	5.2	1-7 Simpson Street, DUNDAS VALLEY NSW 2171
Suk Yee Chu	5.2	1-7 Simpson Street, DUNDAS VALLEY NSW 2171
Brad Delapierre	5.4	1-7 Simpson Street, DUNDAS VALLEY NSW 2171

5.2 SUBJECT PUBLIC MEETING: 1 -7 Simpson Street, DUNDAS VALLEY NSW 2171 (Lots 422, 423, 424 and 425 DP 36692)

DESCRIPTION Demolition, tree removal and construction of two residential flat buildings with basement car parking. The application is Nominated Integrated Development pursuant to Water Management Act 2000.

APPLICANT/S The Trustee for Harutoonian Properties Trust

OWNERS Harutoonian Properties Pty Ltd

REPORT OF Group Manager Development and Traffic Services

PANEL DECISION

- (a) That the Parramatta Local Planning Panel, exercising the function of the consent authority, **refuse** development consent to DA/373/2023 for the demolition, tree removal and construction of two residential flat buildings with basement car parking.
- (b) That submitters are advised of the decision.

REASONS FOR REFUSAL

- 1. Written consent from the owners of 29 Moffatts Drive, Telopea has not been provided in accordance with Clause 23 and Clause 24 of the Environmental Planning and Assessment Regulations 2021.
- 2. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:
 - a) Design Quality Principles: Principle 4 Sustainability
 - b) Apartment Design Guide: 4G Storage
 - c) Apartment Design Guide: 4N Roof Design
 - d) Apartment Design Guide: 4U Energy efficiency
 - e) Apartment Design Guide: 4V Water management and conservation
- 3. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2011:
 - a) Clause 1.2 – the development is inconsistent with the aims of Parramatta Local Environmental Plan 2011
 - b) Clause 2.3 - the development is inconsistent with the zone objectives of the R4 High Density Residential zone
 - c) Clause 4.3 – the proposed height exceeds the maximum height for the site

- d) Clause 4.4 – the proposed FSR exceeds the maximum FSR for the site
 - e) Clause 4.6 – a Clause 4.6 variation has not been submitted that assess the impacts of the departures to the height and FSR of the amended development.
 - f) Clause 6.5 – the development has not demonstrated that it has provided the development with a satisfactory on-site stormwater management
 - g) Clause 6.7 - the application has not demonstrated that there is sufficient stormwater drainage / onsite conservation system.
4. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:
- a) Section 2.4.3 Soil Management
 - b) Section 3.1.3 Building Height
 - c) Section 3.1.3 Floor Space Ratio
 - d) Section 3.3.6 Water Sensitive Urban Design
 - e) Section 4.3.9.2 Telopea Precinct - Development and Design - (C21 retaining walls) and (C26 retaining walls).
 - f) Section 4.3.9.4 Telopea Precinct - Sustainability - Vertical Facades, Solar light reflectivity (glare) and WSUD.
5. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.
6. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.
7. The panel considered the issues raised during the public meeting.
8. Insufficient information was provided to enable an assessment of the location, size and materials associated with the electrical substation and booster including implications for landscaping for the site.

VOTING
Unanimous

5.3 SUBJECT OUTSIDE PUBLIC MEETING: 35 Strathalbyn Drive,
OATLANDS NSW 2117 (Lot 219 DP 718810)

DESCRIPTION Demolition of existing structures, construction of a two storey dwelling with basement, front fence and retaining walls.

APPLICANT/S Applicant - S Mokdassi

OWNERS T W S Chow

REPORT OF Group Manager Development and Traffic Services

PANEL DECISION

- (a) That, the Parramatta Local Planning Panel, is satisfied that the provisions of clause 4.6 have been met to allow a floor space ratio that exceeds the requirements of clause 4.4 of Parramatta Local Environmental Plan 2023 for the following reasons:
- a) The departure from the floor space ratio standard representing a variation of 15.53% is considered reasonable for the site and locality having regard to the good urban design outcome.
 - b) The departure does not result in adverse amenity impacts to adjoining developments.
 - c) Despite the departure the development remains generally consistent with the controls and provisions of HDCP 2012.
 - d) The variation to the floor space ratio does not result in unreasonable perception of bulk and scale.
- (b) That the Parramatta Local Planning Panel, exercising the function of the consent authority, pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, approve development consent to DA/541/2023 for the demolition of existing structures. construction of a two-storey dwelling with basement, front fence with retaining walls on land at 35 Strathalbyn Drive, Oatlands, subject to conditions of consent contained in the Planning Officer's report.

REASONS FOR APPROVAL

1. The panel considered the addendum provided by the council (attached to these minutes) clarifying the assessment of a 4.6 request and the as the consent authority the Panel is satisfied that the provisions of clause 4.6(3) have been met.
2. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.
3. The development will be compatible with the emerging and planned future character of the area.

4. The development will provide facilities and services which meet the day-to-day needs of residents.
5. For the reasons given above, approval of the application is in the public interest.

VOTING

Unanimous

5.4 SUBJECT OUTSIDE PUBLIC MEETING: 48 Crowgey Street, RYDALMERE NSW 2116 (Lot 137 DP 12523)

DESCRIPTION Demolition of the existing structures and construction of a 2 storey boarding house

APPLICANT/S Design Cubicle Pty Ltd

OWNERS Toupa Investments PTY LTD

REPORT OF Group Manager Development and Traffic Services

PANEL DECISION

- (a) That the Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the *Environmental Planning and Assessment Act 1979*, REFUSE development consent for DA/710/2023 at 48 Crowgey Street, Rydalmere.
- (b) That submitters be informed of the decision.

REASONS FOR REFUSAL

1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the requirements of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas*
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the requirements to the following clauses of the *State Environmental Planning Policy (Housing) 2021 Division 2 - Boarding houses*:
 - a. Clause 24 – Non-discretionary development standards
 - b. Clause 25 – Standards for boarding houses
3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply

with the requirements to the following clauses of the *Parramatta Local Environment Plan 2023*:

- a. *Clause 1.2 Aims of Plan*
- b. *Clause 2.3 Zone objectives and Land Use Table*
- c. *Clause 4.6 Exceptions to Development Standards*
- d. *Clause 6.5 Stormwater Management*

4. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply the following parts of the Parramatta Development Control Plan 2023:

- a. Part 2, Section 2.3 Preliminary Building Envelope,
- b. Part 2, Section 2.4 Building Form and Massing
- c. Part 2, Section 2.5 Streetscape and Building Address
- d. Part 2, Section 2.6 Fences
- e. Part 2, Section 2.7 Open Space and Landscape,
- f. Part 2, Section 2.9 Public Domain,
- g. Part 2, Section 2.11 Access for People with a Disability,
- h. Part 3, Section 3.2.1 Solar Access and Cross Ventilation,
- i. Part 3, Section 3.2.2 Visual and Acoustic Privacy,
- j. Part 3, Section 3.4.1.2 Preliminary Building Envelope,
- k. Part 3, Section 3.4.1.5 Open Space and Landscape,
- l. Part 3, Section 3.4.1.7 Internal Amenity,
- m. Part 4, Section 3.7 Boarding Houses
- n. Part 5 Section 5.1.2 Water Sensitive Urban Design
- o. Part 5, Section 5.1.3 Stormwater Management,
- p. Part 5, Section 5.1.4 On-Site Detention Management,
- q. Part 5, Section 5.3.4 Tree Preservation

5. In accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposal is not suitable for the site.

6. In accordance with Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not in the public interest.

VOTING

Unanimous

6. CONFIDENTIAL MATTERS

Confidential - Land and Environment Court Proceedings - 7 Yates Avenue, Carlingford. (D09518374) - *This matter is confidential in accordance with section 10A (2) (e) (g) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law; AND the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

6.1 SUBJECT Confidential - Land and Environment Court Proceedings
- 7 Yates Avenue, Carlingford

DESCRIPTION Class 1 Appeal against refusal of DA/7/2023 seeking approval for the Amalgamation of two separate land parcels, tree removal, demolition of existing structures and construction of a two-storey 74 place childcare centre with basement carparking

APPLICANT/S M Group Invest Pty Ltd

OWNERS M Group Pty Ltd

REPORT OF Group Manager Development and Traffic Services

PANEL ADVICE

(a) That having regard to:

- (i) the advice given by the Council planner George Anderson;
- (ii) the legal opinion given by Chris Campbell, that the contentions have been resolved and any appeal has poor prospects of success given the amended application; and
- (iii) due to the lack of current expert evidence to support a refusal based on the amended application it is recommended that the PLPP direct Council to resolve the Proceedings by way of a section 34 conciliated agreement.

(b) That the delegation be granted to the Chief Executive Officer of the City of Parramatta Council, who in turn may sub-delegate to Council Officers nominated by the Chief Executive Officer, to negotiate and enter into an agreement with the Applicant pursuant to section 34 of the *Land and Environment Court Act 1979* (Cth), on the basis of the set of without prejudice amended plans and attached proposed conditions of consent (some of which need to be finalised as between parties and include an updated plan of management to address anomalies including those listed below) and which may be approved by the court.

Examples of current anomalies in draft plan of management:

- Page 15 – “no child will be released in the care of authorised persons” should read “no child will be released in the care of unauthorised persons”.
 - Page 15 – “if the person collecting the child appears to be intoxicated, or under the influence of drugs, educators are to bring the matter to the person’s attention before releasing the child” should be clarified to identify who would be informed that the person collecting the child is intoxicated or under the influence of drugs. The child should not be released to such a person.
- (c) Proposed condition 1 – subsection specialist reports referenced to the plan of management will need to be updated in accordance with point (b) above.

VOTING
Unanimous

The meeting terminated at 4.48pm.

Chairperson