



# **CITY OF PARRAMATTA**

## **MINUTES**

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**Parramatta Local Planning Panel  
Tuesday, 17 September 2024  
3.30pm**

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

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## **PANEL MEMBERS**

Stuart McDonald (Chairperson)  
Greg Flynn (Expert Member)  
Tina Christy (Expert Member)  
Tony Green (Community Member)

## **STAFF MEMBERS**

Development Assessment Manager – Claire Stephens (online), Team Leader – Development Assessment - Alicia Hunter (online), Team Leader – Development Assessment – Jonathan Cleary (online), Team Leader – Development Assessment – Sara Smith (online), Senior Development Assessment Officer - Najeeb Kobeissi (online), Senior Development Assessment Officer - Denise Fernandez (online), Senior Development Assessment Officer - George Anderson (online), Development Assessment Officer – Tara Mendoza-Kehlet (online), Senior Development Assessment Officer - George Anderson (online), Legal Support Officer - Christine Treadgold (online), Governance and Procurement Manager – Gwendolyn Hughes. Council Secretariat Officer – Marina Cavar, Secretariat Support Officer – Adrianna Hokin.

### **1. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND**

The Chairperson, acknowledged the Burramattagal people of The Darug 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

Speaker	Item number	Title
Martin Bowman	5.4	13 Cowells Lane, ERMINGTON NSW 2115

#### 5. REPORTS - DEVELOPMENT APPLICATIONS

5.1 **SUBJECT** OUTSIDE PUBLIC MEETING: 72 Weston Street, HARRIS PARK NSW 2150 (Lot C DP 153219)

**DESCRIPTION** 72 Weston Street, HARRIS PARK  
Lot C DP 153219

**APPLICANT/S** L Craggs

**OWNERS** M Romanos

**REPORT OF** Team Leader Development Assessment

#### **RECOMMENDATION**

- (a) That the Parramatta Local Planning Panel, support the Clause 4.6 variation to the Height of Buildings for the following reasons:
- i) The departure representing a variation of 21% from the standard is reasonable and allows for a transition of height that is sympathetic with the existing topography whilst providing good urban design.
  - ii) The departure does not result in adverse amenity impacts to adjoining developments.
  - iii) Despite the departure the development remains generally consistent with the controls and provisions of PDCP 2023.
  - iv) The variation to the height does not result in unreasonable perception of bulk and scale.
- (b) Further, 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/202/2024 for the alterations and additions to residence, plus new pool on land at 72 Weston Street, Harris Park, subject to conditions of consent.

## **PANEL'S DECISION**

- (1) The Panel is satisfied that the Applicant has justified the contravention of the height of building development standard contained in Clause 4.3 of Parramatta Local Environmental Plan 2023 and that, pursuant to Clause 4.6 of Parramatta Local Environmental Plan 2023, the Applicant has demonstrated that:
  - (a) compliance with the development standard is unreasonable in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify contravening the development standard.
- (2) That the development application be approved subject to the recommended conditions of consent.

Voting: 4-0 (unanimous)

## **REASONS**

- (1) The development is permissible in the R2 Low Density Residential zone pursuant to the Parramatta Local Environmental 2023 and generally satisfies the provisions of the applicable planning controls.
- (2) The development will be compatible with the planned future character of the area and provides an acceptable heritage outcome.
- (3) The development will provide facilities and services which meet the day to day needs of residents.
- (4) For the reasons given above, approval of the application is in the public interest.

5.2        **SUBJECT**        PUBLIC MEETING: 36 Keeler Street, CARLINGFORD  
NSW 2118 (Lot 8 DP 202217)

**DESCRIPTION** Demolition, tree removal and construction of a 5-storey  
Co-Living Housing development comprising 44 rooms  
over basement parking.

**APPLICANT/S** Mr S Choi  
**OWNERS**        Legend Australian Investment Pty Ltd

**REPORT OF**    Senior Development Assessment Officer

### **RECOMMENDATION**

- (a) That the Parramatta Local Planning Panel, exercising the function of the consent authority, refuse development consent to DA/324/2024 for the demolition, tree removal and construction of a 5-storey co-living housing development comprising 44 rooms over basement parking.
- (b) Further, that submitters are advised of the decision.

### **PANEL'S DECISION**

That the development application be refused for the following reasons:

- (1) In accordance with Part 3 Development Applications of the Environmental Planning and Assessment Regulation 2021, the proposal does not comply with the requirements Division 1 Making development applications in relation to the following sections:
  - (a) Section 23 Persons who may make development applications
  - (b) Section 24 Content of development applications
- (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 of the State Environmental Planning Policy (Building Sustainability) 2022 and Section J of the National Construction Code (NCC) – Volume 1.
- (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 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas.
- (4) 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, Chapter 3 – Diverse Housing, Part 3 – Co-Living:

- (a) Section 68 – Non-discretionary development standards
  - (b) Section 69 – Standards for co-living housing
- (5) 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 2.3 Zone objectives and Land Use Table
  - (b) Clause 4.3 Height of buildings
  - (c) Clause 4.6 Exceptions to Development Standards
  - (d) Clause 5.21 Flood Planning
  - (e) Clause 6.2 Earthworks
  - (f) Clause 6.5 Stormwater Management
- (6) 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 2, Section 2.14 Safety and Security
  - (i) Part 3, Section 3.1.3 Accessible and Adaptable Housing,
  - (j) Part 3, Section 3.2.1 Solar Access and Ventilation,
  - (k) Part 3, Section 3.2.2 Visual and Acoustic Privacy,
  - (l) Part 3, Section 3.5.1.1 Minimum site frontage and site area,
  - (m) Part 3, Section 3.5.1.2 Preliminary Building Envelope,
  - (n) Part 3, Section 3.5.1.4 Open Space and Landscape,
  - (o) Part 3, Section 3.6.1 Site Consolidation and development on isolated sites
  - (p) Part 5 Section 5.1 Water Management
  - (q) Part 5 Section 5.2.4 Control of Spoil Erosion and Sediment
  - (r) Part 5 Section 5.2.4 Earthworks and Development of Sloping Land
  - (s) Part 5, Section 5.3 Protection and Natural Environment
  - (t) Part 5, Section 5.4 Environmental Performance
- (7) In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is not suitable for the site.

- (8) 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 4-0 (unanimous)

**SUBJECT** PUBLIC MEETING: 74 Keeler Street, CARLINGFORD  
NSW 2118 (Lot 20, DP32722)

**DESCRIPTION** Demolition, tree removal and construction of a 5 storey Co-Living Housing development comprising of 43 rooms over basement parking.

**APPLICANT/S** J Zeng

**OWNERS** TEXCO Design

**REPORT OF** Senior Development Assessment Officer

### **RECOMMENDATION**

- (a) That the Parramatta Local Planning Panel, exercising the function of the consent authority, refuse development consent to DA/317/2024 for the demolition, tree removal and construction of a 5-storey co-living housing development comprising 43 rooms over basement parking
- (b) Further, that submitters are advised of the decision.

### **PANEL'S DECISION**

That the development application be refused for the following reasons:

- (1) In accordance with Part 3 Development Applications of the Environmental Planning and Assessment Regulation 2021, the proposal does not comply with the requirements Division 1 Making development applications in relation to the following sections:
- (a). Section 23 Persons who may make development applications
- (b). Section 24 Content of development applications
- (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 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas
- (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 State

Environmental Planning Policy (Housing) 2021, Chapter 3 – Diverse Housing, Part 3 – Co-Living: a. Section 68 – Non-discretionary development standards b. Section 69 – Standards for boarding houses Local Planning Panel 17 September 2024 Item 5.3 Page 147.

- (4) 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 2.3 Zone objectives and Land Use Table
  - (b) Clause 4.3 Height of buildings
  - (c) Clause 4.6 Exceptions to Development Standards
  - (d) Clause 6.2 Earthworks
  - (e) Clause 6.3 Biodiversity
  - (f) Clause 6.5 Stormwater Management
  
5. 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 3.2.2 Visual and Acoustic Privacy,
  - (i) Part 3, Section 3.4.1.2 Preliminary Building Envelope,
  - (j) Part 3, Section 3.6.1 Site Consolidation and development on isolated sites,
  - (k) Part 5 Section 5.1 Water Management,
  - (l) Part 5 Section 5.2.4 Earthworks and Development of Sloping Land,
  - (m) Part 5, Section 5.3 Environmental Performance,
  - (n) Part 5, Section 5.4.8 Waste Management.
  
6. In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is not suitable for the site.
  
7. 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 4-0 (unanimous)



5.4      **SUBJECT**      PUBLIC MEETING: 13 Cowells Lane, ERMINGTON  
NSW 2115 (Lot 1 DP 30564)

**DESCRIPTION** Demolition of existing structures, tree removal and construction of a two storey 76 place centre based child care centre with basement parking for 19 vehicles.

**APPLICANT/S** Janssen Group Pty Ltd

**OWNERS**      Mr P Tohme

**REPORT OF**   Senior Development Assessment Officer

**RECOMMENDATION**

- (a)      That the Parramatta Local Planning Panel (PLPP), exercising the functions of the consent authority, refuse Development Application No. 22/2024 for demolition of existing structures, tree removal and construction of a two storey 76 place centre based childcare centre with basement parking for 19 vehicles at 13 Cowells Lane, Ermington.
- (b)      Further, that Council advise those who made a submission of the determination.

**PANEL'S DECISION**

That the development application be refused for the following reasons:

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 following clauses of the *Parramatta Local Environment Plan 2023*:
  - (a)      Clause 4.3 Height of Buildings
  - (b)      Clause 6.5 Stormwater Management
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 of the following clauses of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 - Educational Establishments and Child Care Facilities*:
  - (a)      Part 3.22, Centre-based child care facility—concurrence of Regulatory Authority required for certain development.
  - (b)      Childcare Planning Guidelines Part 3.1 Site selection and location.

- (c) Childcare Planning Guidelines Part 3.2 Local Character, Streetscape and Public Domain Interface.
  - (d) Childcare Planning Guidelines Part 3.3 Building Orientation, Envelope and Design.
  - (e) Childcare Planning Guidelines Part 3.4 Landscaping.
  - (f) Childcare Planning Guidelines Part 3.5 Visual and Acoustic Privacy.
  - (g) Childcare Planning Guidelines Part 4.9 Outdoor Space Requirements
3. 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 Design in Context
    - i. 2.3 Preliminary Building Envelope, C.05 & C.06
    - ii. 2.4 Building form and massing, C.01-C.04
    - iii. 2.5 Streetscape and building address, C.01, C.09
    - iv. 2.7 Open space and landscape, C.01-C.04
  - (b) Part 3 – Residential Controls
    - i. 3.2.1 Solar Access and Cross Ventilation, C.01, C.02
    - ii. 3.2.2 Visual and Acoustic Privacy, C.01, C.02, C.03, C.09
    - iii. 3.3.1.2 Preliminary building envelope, C.01, C.10
    - iv. 3.3.1.4 Open Space and Landscape, C.02
  - (c) Part 4 – Non Residential development
    - i. 4.6 Centre Based child care facilities, C.01-C.05
  - (d) Part 5 – Environmental Management
    - i. 5.1.3 Stormwater Management
    - ii. 5.2.4 Earthworks and development on sloping land
    - iii. 5.3.4 Tree and Vegetation Preservation
  - (e) Part 6 – Traffic and Transport
    - i. 6.2 Parking and Vehicular Access, C12
4. In accordance with *Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979*, the proposal is not suitable for the site.
5. 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 4-0 (unanimous)

## 6. CONFIDENTIAL MATTERS

Confidential - Land and Environment Court Proceedings - 5 Mary Street, Northmead. (D09519024) - *This report 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  
- 5 Mary Street, Northmead

DESCRIPTION Class 1 Appeal against refusal of DA/517/2023 seeking approval for the demolition of existing structures, tree removal and construction of a part 2 and part 3 storey, 86 place Childcare Facility.

APPLICANT/S Kirribilli Capital Pty Ltd

OWNERS James Maffina

REPORT OF Legal Support Officer  
**PANEL'S DECISION**

- (1) That having regard to:
  - (i) the advice given by the Council's planner undertaking the Appeal; and
  - (ii) the legal opinion provided to the Panel, including that the Contentions in the Appeal have been resolved subject to amendments to the development application detailed in paragraph 10(a) to 10(j) in the Council's report to the Panel.
- (2) The Panel direct the Council to resolve the proceedings by way of a section 34 conciliated agreement.

Voting 4-0 (unanimous)

The meeting terminated at 4.57pm.

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Chairperson