

**MINUTES OF THE LOCAL PLANNING PANEL HELD IN PHIVE 2 CIVIC PLACE
PARRAMATTA AT 5 PARRAMATTA SQUARE ON TUESDAY, 20 JUNE 2023 AT
3:30PM**

PRESENT

Julie Walsh (Chairperson), Paul Berkemeier, Robert Hussey and Anne Smith.

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.

5. REPORTS - DEVELOPMENT APPLICATIONS

5. **SUBJECT** PUBLIC MEETING: 9 -15 Elder Road, DUNDAS NSW 2117
1 (Lot 10 DP 1130429)

DESCRIPTION Section 4.55(1A) Modification to the approved DA/84/2018 for the approved change in operational hours of the Dundas Sports and Recreation Club. The modification seeks to amend the conditions of consent, including hours of operation, removal of trial period and set trading hours for New Year's Eve. The application is being re-notified to ensure the correct description is provided.

REFERENCE DA/84/2018/A - D08966215

APPLICANT/S Dundas Sports & Recreation Club Ltd

OWNERS Dundas Sports & Recreation Club Ltd

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.1 and attachments to Item 5.1.

PUBLIC FORUM

Scott Caundle, CEO Dundas Sports & Recreation Club spoke to the Panel and answered questions from the Panel members in relation the development application.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **approve** the modification to DA/84/2018/A with a trial period of twelve (12) months for the amended hours of operation and establishing New Year's Eve trading hours subject to the following conditions of consent (which have modified those conditions of consent in **Attachment 1** to the Council officer's report):

Development Consent No.: DA/84/2018/A

Property Address: Lot 10 DP 1130429

9-15 Elder Road, DUNDAS NSW 2117

General Matters

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Document(s)	Prepared By	Dated
Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B.	Resonate Acoustics	21 December 2017
Plan of Management	Dundas Sports Club	2021

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

3. The consent operates in conjunction with approved consent DA/787/2017 and does not replace consent DA/787/2017. Refer to DA/787/2017 for specific conditions relating to building works.

Reason: To comply with approved consent.

4. **This condition has been deleted pursuant to DA/84/2018/A – 22 June 2023.**

5. A 1.8-meter noise barrier is to be installed along the eastern boundary of 16 Albion Street separating the residential receiver and the adjacent car park at the Club. This should be constructed of either colorbond or other imperforated material.

Reason: To protect the amenity of neighboring properties.

- 5A. *The Plan of Management shall be re-drafted to be consistent with these conditions of consent together with the following amendments:***

- a) *Specifications of the CCTV system and how it is managed and maintained including the minimum resolution, frame rates and how long the footage is retained (as per paragraph 5);***
- b) *That during operating hours a staff member who is capable of operating the system be on site;***
- c) *That footage will be made available to police upon request;***
- d) *That security staff mentioned in section 11 are appropriately licensed;***

The revised Plan of Management shall be submitted to and approved by Council's City Safe Operations manager.

Reason: To ensure satisfactory CCTV measures are in place.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5B. *That the venue operates in accordance with the Plan of Management, and any future modifications to the plan must only be done with the consent of the local police area command, and any such modification must be approved by Council;***

Reason: To ensure transparency between stakeholders.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5C. *The club CCTV system is to be registered with the NSW Police CCTV register at https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details;***

Reason: To ensure satisfactory CCTV measures are in place.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5D. *The licensee shall be an active member of the local (Cumberland) Liquor Accord. Active membership is defined as***

being a financial member and attending at least 75% of accord meetings annually;

Reason: To ensure satisfactory handling of liquor.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5E. Music or announcements must not be made on outdoor loud speakers after 10pm (including the balcony area);**

Reason: To minimise impacts on adjoining amenity.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5F. Any noise emanating from the premises must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.**

Reason: To minimise impacts on adjoining amenity.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5G. Vehicles shall exit the site only via the Elder Road access after 10:30pm Sunday to Wednesday and 11:30pm Thursday to Saturday.**

Reason: To minimise impacts on adjoining amenity.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

- 5H. A security guard shall be engaged from 7:00pm until thirty (30) minutes after closing time seven days a week to assist with carpark management and minimising amenity impacts from departing patrons.**

Reason: to minimise impacts on adjoining amenity.

Note: this condition has been added pursuant to DA/84/2018/A – 22 June 2023.

Prior to the issue of a Construction Certificate

Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

- 6.** Prior to issuing of a Construction Certificate, the applicant/owner must prepare a 'Operational Plan of Management' to be incorporated into the 'Dundas Sports and Recreational Club Staff Handbook'. The

Operational Plan must be submitted to Council to the satisfaction of the Certifying Authority and must include the following:

- a) The implementation of a 'Complaints Management Handling Registry'.
- b) The implementation of a noise management protocols for the use of the car park and should include:
 - i. Noise Signage and no loitering signage; and
 - ii. Staff procedures for ushering patrons from the car park.
- c) Measures for staff to supervise and manage the conduct of patrons leaving the venue after 10:00pm to minimise the potential disturbance to nearby residential receivers.
- d) How and when the operator will remove general litter associated with premises from any public places immediately adjoining or adjacent to the site.

Reason: To protect the amenity of neighbouring properties.

- 7. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

- 8. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

Prior to Work Commencing

- 9. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
 - (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

During Work

10. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

11. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complaint; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

12. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

13. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

Prior to the issue of an Occupation Certificate/Subdivision Certificate

14. Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:
- (a) Acoustic Report No. (S16749RP2), dated (21 December 2017), prepared by (Resonate Acoustics).
- Reason:** To demonstrate compliance with submitted reports.
15. An Acoustic Report, prepared by a suitably qualified persons(s) is to be submitted to the City of Parramatta Council within 3 months of issuing an occupational certificate (interim or final), assessing the noise impacts due to the extension of operation hours.
- Reason:** To demonstrate compliance with submitted reports.
16. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.
- Reason:** To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

The Use of the Site

17. The days and hours of operation are restricted to the following for the 12-month trial period commencing on the date of approval of DA 84/2018/A:

(a) Temporary 12 month Trial Period Hours

Use	Day	Time
Bowling Greens	Every day (Mon-Sun)	10:00am – 10:00pm
Outdoor Deck	Sunday – Wednesday	10:00am – 11:30pm
	Thursday – Saturday	10:00am – 1:00am
Outdoor Gaming	Sunday – Wednesday	10:00am – 12:00am
	Thursday – Saturday	10:00am – 1:30am
Function Terrace	Sunday – Wednesday	10:00am – 11:00pm
	Thursday – Saturday	10:00am – 12:00am
Live Music	Every day (Mon-Sun)	10:00am – 11:30pm
Car Park	Sunday – Wednesday	10:00am – 12:00am
	Thursday – Saturday	10:00am – 1:30am

Notwithstanding the above the internal area and the carpark of the club may operate until 1:30am on New Year's Eve during the trial period.

Upon the completion of the approved twelve (12) month trial period, the following operational hours are to be adopted.

(b) General Operational Hours

Use	Day	Time
Bowling Greens	Every day (Mon-Sun)	10:00am – 10:00pm
Outdoor Deck	Every day (Mon-Sun)	10:00am – 11:30pm
Outdoor Gaming	Every day (Mon-Sun)	10:00am – 12:00am
Function Terrace	Sunday – Wednesday	10:00am – 11:00pm
	Thursday – Saturday	10:00am – 12:00am
Live Music	Every day (Mon-Sun)	10:00am – 11:30pm
Car Park	Every day (Mon-Sun)	10:00am – 12:00am

- a) No internal live music to occur after 11:30 pm
- b) No external amplified music within the terrace areas / decks after 10:00, Monday to Sunday.
- c) Monitor patrons utilising the terraces areas / decks after 12:00 midnight and encourage the minimisation of patron noise.
- d) Notwithstanding the operational hours above, the Dundas Sports and Recreation Club may operate in line with the nominated operational hours (a) for a **trial period of 12 months** from the date of approval of development consent DA/84/2018/A.
- e) A further application may be lodged to seek consent to continue the operating hours outlined in (a) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions and any substantiated complaints received.

Reason: To minimise the impact on the amenity of the area.

Note: These approved temporary operating hours (a) are taken to have commenced from the date of development consent DA/84/2018/A

Note: This condition has been amended pursuant to DA/84/2018/A – 22 June 2023.

18. The signage and/or lighting associated with this consent are not permitted to be flashing and/or moving.

Reason: To maintain amenity for adjoining properties.

19. All deliveries must take place between the hours of 7:00am and 10:00pm, Monday to Friday. No deliveries are to take place on weekends and public holidays.

Reason: To protect the amenity of the neighbourhood.

20. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the site

Reason: To protect the amenity of the neighbourhood.

21. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

22. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

Reason: To protect the amenity of the surrounding neighbourhood.

23. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

24. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

25. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Reason: To prevent loss of amenity to the area.

ADVISORY NOTES

The following information is provided for your assistance and this information does not form part of the conditions of development consent pursuant to Section 80A of the EP&A Act 1979.

Other legislative requirements for approvals, licences, permits and authorities may apply including but not limited to relevant provisions of the

Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016 and Gaming Machines Act 2001.

Please Note: This consent is subject to trial period for the trading hours. Further information is required at the completion of the trial period as highlighted in this consent.

Responsible Officer: Albert Dzang

- (b) **That** conditions of consent be included to recommend that the trial period be extended for a further twelve (12) months to establish whether the acoustic measures and the applicants' controls are sufficient.
- (c) **That** submitters be advised of the decision.

REASONS FOR APPROVAL

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instrument.
2. The proposal is permissible in the RE2 – Private Recreation zone and is satisfactory when considered against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the site is suitable for the development.
3. The imposition of a twelve (12) month trial period for the amended hours will allow any additional amenity impacts to be monitored.

The Panel decision was UNANIMOUS.

5.2 **SUBJECT** PUBLIC MEETING: 14 Windermere Avenue,
NORTHMEAD NSW 2152 (Lot 35 DP 8884)

DESCRIPTION Demolition of existing structures, tree removal and construction of a three-storey, 88-place Child Care Facility.

REFERENCE DA/964/2022 - D08963953

APPLICANT/S Janssen Property Group

OWNERS Mrs M T Bakarar

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.2 and attachments to Item 5.2.

PUBLIC FORUM

1. Councillor Georgina Valjak spoke to in support of the report recommendation to refuse the development application

2. Anna Hughes spoke to in support of the report recommendation to refuse the development application.
3. Paul Brewer spoke to in support of the report recommendation to refuse the development application.
4. Michael Jobson spoke to in support of the report recommendation to refuse the development application.
5. Suresh Shashidhar spoke to in support of the report recommendation to refuse the development application.

DETERMINATION

- (a) **That** the Local Planning Panel, exercising the function of the consent authority, refuse development consent to DA/964/2022 for the demolition of existing structures, tree removal and construction of a three-storey, 88-place Child Care Facility at 14 Windermere Avenue, Northmead.
- (b) **Further, that** submitters are advised of the decision.

REASONS FOR REFUSAL

1. State Environmental Planning Policy (Transport & Infrastructure) 2021

- a) Pursuant to Clause 3.27(1)(d)(i), the application fails to demonstrate compliance with matters raised within the Childcare Planning Guidelines to an acceptable degree.

Per Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.

2. Parramatta (former The Hills) Local Environmental Plan 2012

The proposed development exceeds the prescribed maximum height of building of 9 metres. No Clause 4.6 objection has been lodged.

Per Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.

3. The Hills Development Control Plan 2012

- a) Pursuant to Section 2.34 (e), the proposed development fails to provide a 5m setback to car parking spaces.
- b) Pursuant to Section 2.34 (j) & (k), the proposed development fails to demonstrate a suitable landscape plan as required.
- c) Pursuant to Section 2.2 (a), a total of four (4) accessible car spaces are required. Only one (1) space has been dedicated to accessible parking.

- d) Pursuant to Section 2.14.2, the proposed development fails to demonstrate a suitable site coverage and dwelling footprint leading to excessive bulk and scale that is unfound within the locality.
- e) Pursuant to Section 2.14.10, the proposed development inhibits solar access onto its rear outdoor play area, with little solar access shown to be achieved towards the lower ground floor internal play areas.
- f) Pursuant to Section 2.14.11, the proposed development fails to demonstrate how the lower ground indoor play areas will be suitably ventilated noting that these spaces are located below the finished ground level.
- g) Pursuant to Section 2.14.14, the proposed development fails to accommodate thirty-two (32) off-street car parking spaces.
- h) Pursuant to Section 2.12, the proposed development does not achieve satisfactory stormwater drainage arrangements.

Per Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

4. Built Form

The proposed development exhibits an excessive built form and is out of character with the locality. The proposal was not supported by the Council's Design Excellence Advisory Panel.

Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

5. Submissions

- a) The issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.

Per Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.

6. Public Interest

- 1. The proposed development is not site responsive and would result in an inappropriate Centre-based Childcare Development that is not in the public interest.

Per Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

The Panel decision was UNANIMOUS.

5.3 SUBJECT OUTSIDE PUBLIC MEETING: 188 Church St,
PARRAMATTA NSW 2150 (Lot 23 DP 651527)

DESCRIPTION Stage 1 concept proposal for a six storey cantilevered commercial extension atop the existing heritage listed Murrays building. The proposal will allow for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof.

REFERENCE DA/960/2022 - D08954684

APPLICANT/S G and J Drivas Pty Ltd and Telado Pty Ltd

OWNERS G and J Drivas Pty Ltd and Telado Pty Ltd

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.3 and attachments to Item 5.3.

PUBLIC FORUM

1. Clare Swan from Ethos Urban spoke against the report recommendation to refuse the development application and answered questions from the Panel in relation to the development application.
2. David Earp (architect) answered questions the Panel raised in relation to the development application.
3. Dimitri Drivas (applicant) was available to answer questions from the Panel in relation to the development application.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, refuse development consent to DA/960/2022 for the stage 1 concept proposal for a six-storey cantilevered commercial extension atop the existing heritage listed Murrays building. Including allowance for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof on land at 188 Church Street, Parramatta for below reasons for refusal.
- (b) **Further, that** submitters are advised of the decision.

REASONS FOR REFUSAL

1. Parramatta Local Environmental Plan 2011

- a) **Section 5.10(4)** – The proposed development will have an unacceptable impact on the heritage significance of the Murrays Building (I562) and surrounding heritage items.
- b) **Section 7.20(3)** – The proposed tower will have an unacceptable relationship with the heritage item on the site and that surround it, including the separation, setbacks, amenity and urban form.

2. Parramatta Development Control Plan 2011

- a) **Section 3.5.1** - Heritage Design Principles – Does not comply as the scale of the addition overwhelms the existing heritage item.
- b) **Section 6.1.2** - The proposals urban design and heritage outcomes does not comply with many of the general objectives of the Parramatta City Centre DCP.
- c) **Section 6.3.1** – The development does not comply with many of the built form guiding principles, it does not respect the street wall controls or tower setbacks.
- d) **Section 6.5.4** - Church St Special Area – The proposal does not comply with the objectives nor many of the controls of the Church St Special Area.
- e) **Section 6.6.1** – The CBD Heritage Guiding principles are not complied with.
- f) **Section 6.6.3** – The proposed addition does not provide an adequate heritage relationship; it doesn't respect the items bulk or scale nor its relationship with the surrounding low scale heritage items and how they flank Centenary Square.
- g) **Section 6.6.4** – The addition does not benefit the heritage item and is not sympathetic to the item nor its surrounding heritage context.

3. Design Excellence Advisory Panel (DEAP)

The proposal has not been supported by the Council's DEAP on two occasions as recorded comprehensively in the Council assessment report.

4. Environmental Planning and Assessment Act 1979

Section 4.15(1)(a)(i), (ii) and (iii) – The development will lead to environmental impacts to the built environment it is not suitable for this development and is not in the public interest.

The Panel decision was UNANIMOUS.

- 5.4 **SUBJECT** OUTSIDE PUBLIC MEETING: 132 Victoria Road,
NORTH PARRAMATTA NSW (Lot 1 DP 1007573)
- DESCRIPTION** Demolition and construction of a 7-storey mixed use development to be comprised of 3 retail tenancies and 45 residential apartments, including affordable apartments, over 3 levels of basement parking. The application is made pursuant to the State Environmental Planning Policy (Housing) 2021. The development is Nominated Integrated pursuant to the Water Management Act 2000.

REFERENCE DA/210/2023 - D08988645

APPLICANT/S JS Architects Pty Ltd

OWNERS Mr M Mina

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.4 and attachments to Item 5.4.

PUBLIC FORUM

- a) Kaye Fraser spoke in favour of the report recommendation to refuse the development application.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel, exercising the function of the Council pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* refuse development consent to DA/210/2023 for the demolition and construction of a 7-storey mixed use development to be comprised of 3 retail tenancies and 45 residential apartments, including affordable apartments, over 3 levels of basement parking.
- (b) **Further, that** submitters be advised of the decision.

REASONS FOR REFUSAL

1. Parramatta Local Environmental Plan 2023

- a) The proposal does not comply with clause 4.3 (height of buildings). The clause 4.6 variation is not supported as the proposal is not consistent with the objectives of clause 4.3 or

the objectives of the zone. Further, there are insufficient environmental planning grounds to justify contravening the development standard.

- b) The proposal does not comply with clause 4.4 (floor space ratio). The clause 4.6 variation is not supported as the proposal is not consistent with the objectives of clause 4.4 or the objectives of the zone. Further, there are insufficient environmental planning grounds to justify contravening the development standard.
- c) The proposal is unsatisfactory, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2023:
 - i. Clause 2.1 – The development is inconsistent with the aims of Parramatta Local Environmental Plan 2023.
 - ii. Clause 2.3 - The development is inconsistent with the zone objectives of the E1 Local Centre zone.
 - iii. Clause 6.2 – Earthworks.
 - iv. Clause 6.5 – Stormwater Management.

Per Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.

2. Water Management Act 2000

Pursuant to Division 3 Environmental Planning and Assessment Regulation 2021, the proposal does not have concurrence from WaterNSW in accordance with Section 90 (2) of the Water Management Act 2000 – Water Management Work Approval.

Per Section 4.15 (1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*.

3. State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to Division 3 Environmental Planning and Assessment Regulation 2021, the proposal fails to provide information required to assess Clause 2.119 – Frontage to a Classified Road of State Environmental Planning Policy (Transport and Infrastructure) – Chapter 2 Infrastructure and therefore does not have concurrence from Transport for NSW (TfNSW) in accordance with Section 138 of the *Roads Act 1993*.

Per Section 4.15 (1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*.

4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

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 1 Context and Neighbourhood Character.
- b) Design Quality Principles: Principle 2 Built Form and Scale.
- c) Design Quality Principles: Principle 3 Density.
- d) Design Quality Principles: Principle 5 Landscape.
- e) Design Quality Principles: Principle 6 Amenity.
- f) Design Quality Principles: Principle 7 Safety.
- g) Design Quality Principles: Principle 9 Aesthetics.
- h) Apartment Design Guide: 3C Public Domain.
- i) Apartment Design Guide: 3D Communal and public open space.
- j) Apartment Design Guide: 3E Deep soil zones.
- k) Apartment Design Guide: 3G: Pedestrian Access.
- l) Apartment Design Guide: 4M Facades.
- m) Apartment Design Guide: 4N Roof Design.
- n) Apartment Design Guide: 4O Landscape design.
- o) Apartment Design Guide: 4P Planting on Structures.
- p) Apartment Design Guide: 4V Water management and conservation.

Per Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.

5. Parramatta Development Control Plan 2011

The proposal is unsatisfactory, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:

- a) Section 2.4.8 Public Domain.
- b) Section 3.2.1 Building Form and Massing.
- c) Section 3.2.2 Building Façade and Articulation.
- d) Section 3.2.3 Roof Design.
- e) Section 3.2.5 Streetscape.
- f) Section 3.1.3 Building Height.
- g) Section 3.1.3 Front Setback.
- h) Section 3.1.3: Side Setback.
- i) Section 3.1.3 Rear Setback.
- j) Section 3.1.3: Landscaped Area.
- k) Section 3.1.3: Deep Soil.
- l) Section 3.3.6 Water Sensitive Urban Design.
- m) Section 3.4.1 Culture and Public Art.

Per Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.

6. Suitability of the Site

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.

Per Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*

7. Public Interest

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.

Per Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

The Panel decision was UNANIMOUS.

5.5 **SUBJECT** OUTSIDE PUBLIC MEETING: 4 Stringer Place,
OATLANDS NSW 2117 (Lot 18 DP 206883)

DESCRIPTION Demolition of existing structures, tree removal and
construction of a 3 storey dwelling and swimming pool.

REFERENCE DA/797/2022 - D08969576

APPLICANT/S Group Architects Pty Ltd

OWNERS Mr S S Dipsellas

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.5 and attachments to Item 5.5.

PUBLIC FORUM

There were no public forum submissions for Item 5.5.

DETERMINATION

- (a) **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6.
- (b) **Further, that** the Parramatta Local Planning Panel, exercising the function of the consent authority, approve development consent to DA/797/2022 for the alteration and additions to the existing dwelling subject to conditions of consent in Attachment 1 **with the** following amendment to condition 14 :

“Fencing along the side and front boundaries must not impede flood water conveyance and must therefore be proposed with an open or pool style base to the 1% AEP flood level. Retaining walls are not supported within the 1% AEP flood affected area. Compliance with the above must be clearly indicated on the detailed stormwater and architectural plans submitted to the Principal Certifying Authority for approval prior to the release of a Construction Certificate.”

REASONS FOR APPROVAL

- 1. Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP) , that has demonstrated that:
 - a. compliance with cl 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
 - b. there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a. the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
 - b. 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 R2 zone; and
 - c. the concurrence of the secretary has been assumed.
2. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental Plan 2011 and generally satisfies the requirements of all applicable planning controls.
 3. The development will be compatible with the emerging and planned future character of the area.
 4. The development will provide housing needs for the community within a low-density residential environment.
 5. Approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

The meeting terminated at 5:10pm.



Chairperson