# PRESENT

Stephen O'Connor (Chair), Lindsay Fletcher, Alf Lester, Kirrily McDermott

## DECLARATIONS OF INTEREST

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

#### **DEVELOPMENT APPLICATION**

2.1 SUBJECT 33 Thomas Street Parramatta - Class 1 Land and Environment Court Appeal - City of Parramatta Council ats Roumanous & Ors

DESCRIPTION DA/549/2018 for Construction of a Childcare Centre

REFERENCE F2021/01746 - D08244638

- APPLICANT/S Roumanous
- OWNERS Roumanous
- REPORT OF Group Manager Development and Traffic Services

# DETERMINATION

- (a) That having regard to the legal opinion given by Marsdens Law Group that the appeal has poor prospects of success given the further amendments made to the proposal, and due to the lack of any expert evidence to support a refusal based on the further amended plans (and risk of an adverse costs order) it is recommended that the Council resolve the Class 1 appeal by way of a section 34 conciliated Agreement.
- (b) Further that delegation be granted to the Group Manager of Legal Services of the City of Parramatta Council who in turn may subdelegate to Council Officers nominated by the Manager, to negotiate and enter into an Agreement, with the Applicant pursuant to section 34 of the Land and Environment Court Act, on the basis of the set of without prejudice amended plans and attached proposed conditions of consent, which do not authorise any

intensification of the use of the proposed development and which may be approved by the court.

# **REASONS FOR THE DECISION**

- 1. The amendments made to the proposed development were such that the reasons for refusal of the development application were no longer valid.
- 2. To continue with the appeal given that the issues of concern had been adequately addressed would not have been in the public interest.
- 3. The proposed conditions of consent aim to ensure that the proposed development operates in a way that does not cause any significant adverse impact on the amenity of neighbours.
- 4. The proposed development complies with all relevant environmental planning instruments.

The Panel decision was unanimous.

Chairperson