

MINUTES OF THE LOCAL PLANNING PANEL HELD VIA AUDIO-VISUAL MEANS
ON TUESDAY, 17 MAY 2022 AT 3:30PM

PRESENT

Julie Walsh (Chairperson), Steve Driscoll, Tony Reed and Kirrily McDermott.

ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

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

WEBCASTING ANNOUNCEMENT

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

APOLOGIES

There were no apologies made to this Local Planning Panel.

DECLARATIONS OF INTEREST

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

REPORTS - DEVELOPMENT APPLICATIONS

- 5.1 SUBJECT PUBLIC MEETING:
 21A Caloola Rd, CONSTITUTION HILL (Lot 101 DP
 1220278)
- DESCRIPTION The construction of a telecommunications facility,
 incorporating a monopole and headframe, antennas,
 equipment shelter and ancillary equipment. The subject
 site is listed on the State Heritage Register. The
 application is Integrated Development pursuant to the
 Heritage Act 1977
- REFERENCE DA/1004/2021 - D08497401
- APPLICANT/S Lendlease
- OWNERS Sydney Water Corporation Limited
- REPORT OF Group Manager Development and Traffic Services
- The Panel considered the matter listed at Item 5.1 and the attachments to Item 5.1.
- PUBLIC FORUM

1. Jordan Leverington on behalf of Service Stream spoke in support of the report recommendation to approve the development application.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel (PLPP) grant development consent to DA/1004/2021 for the construction of a telecommunications facility, incorporating a monopole and headframe, antennas, equipment shelter and ancillary equipment on land at 21A Caloola Road, Constitution Hill 2145 subject to the conditions of consent in the Council officer's report.
- (b) **Further, that** objectors be advised of the Panel's decision.

REASONS FOR APPROVAL

1. A written request to vary the building height has been received. The variation sought is to facilitate the use of the site as a telecommunication infrastructure tower. As such, strict compliance with the standard is unnecessary in achieving the objectives of the SEPP (Transport & Infrastructure) 2021. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the SEPP (Transport and Infrastructure) 2021, the objectives of the R2 low density residential zone and the height control standard under Clause 4.3 of the Parramatta Local Environmental Plan 2011.
2. The development is permissible in the R2 Low Density Residential zone pursuant to the SEPP (Transport and Infrastructure) 2021 and satisfies the requirements of all of the applicable planning controls with the exception of the maximum height under the Parramatta Local Environmental Plan 2011.
3. The development will not create unacceptable adverse impacts onto the locality and will be sympathetic with the existing area.
4. The proposed telecommunications facility will seek to provide the greater community with essential telecommunication infrastructure.
5. For the reasons given above, approval of the application is in the public interest.

The Panel decision was unanimous.

5.2 SUBJECT OUTSIDE PUBLIC MEETING:
10A Grand Avenue, ROSEHILL (Lot 101 DP 811924)

DESCRIPTION Construction of a concrete batching facility on the rear lot of an approved subdivision. The development is Designated Development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

REFERENCE DA/955/2021 - D08499638

APPLICANT/S Hy-tech Industries Pty Ltd

OWNERS N G P Investments No. 2 Pty Ltd

REPORT OF Group Manager Development and Traffic Services

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

PUBLIC FORUM

1. Darryl Thiedeke on behalf of Hy-Tec Industries was available to answer questions raised by the Panel.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel grant development consent to DA/955/2021 for Construction of a concrete batching facility on the rear lot of an approved subdivision at 10A Grand Avenue, Rosehill for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the conditions of consent in the Council officer's report with an amendment to the following condition:

- Deletion of the following sentence from Condition 16: Energy Provider requirements for Substations:

If a substation is required of the energy provider, it must be located internally within a building/s.

- (b) **Further, that** the Parramatta Local Planning Panel support a variation to Clause 4.3 – Building Height of the Parramatta Local Environmental Plan for the following reasons:
 1. A written request to vary the building height has been received and is well drafted; and
 2. The applicant has provided sufficient environmental planning grounds to warrant departure of the building height control in the circumstances of this case.

REASON FOR APPROVAL

1. A written request to vary the building height has been received. The variation sought is minor and will not have any significant adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient

environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the IN3 zone in which the development is proposed to be carried out.

2. The development is permissible in the IN3 zone and satisfies the requirements of all of the applicable planning controls with one exception being non-compliance with Clause 4.3 – Building Height of the Parramatta Local Environmental Plan 2011.
3. The development will be compatible with the emerging and planned future character of the area.
4. For the reasons given above, approval of the application is in the public interest.

The Panel decision was unanimous.

- 5.3 **SUBJECT** **OUTSIDE PUBLIC MEETING:**
 47 - 49 Park Road, RYDALMERE (Lot 5-6 DP 38557)
- DESCRIPTION** Demolition, tree removal and construction of a three storey residential flat building containing 18 units over basement car parking.
- REFERENCE** DA/544/2021 - D08500152
- APPLICANT/S** Applicant - Bluestone Projects Pty Ltd
- OWNERS** Mr G W Smith & Est Late Mrs G M Smith & FMH Nominees Pty Limited & Jaami Holdings Pty Limited & FMH Custodian Pty Limited & Rydalmere Holdings 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**

There were no public forum submissions for Item 5.3.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, grant

development consent to DA/42/2021 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the attached conditions of consent and an amendment to the following conditions:

- Conditions 85 and 101: To refer to the Affordable Rental Housing SEPP 2009.
 - Condition 100(a) be amended to include “Affordable” before “Rental Housing” SEPP 2009.
- (b) **Further, that** the Parramatta Local Planning Panel support a variation to Clause 4.3 – Building Height of the Parramatta Local Environmental Plan for the following reasons:
1. A written request to vary the building height has been received and is well drafted; and
 2. The applicant has provided sufficient environmental planning grounds to warrant departure of the building height control in the circumstances of this case.

REASONS FOR APPROVAL

1. The development is permissible in the R4 zone and satisfies the requirements of all of the applicable planning controls with one exception being Clause 4.3 Height of Building under Parramatta LEP 2011.
2. A written request to vary the height of building has been received. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant’s Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the height of building control and the objectives for development within the R4 zone in which the development is proposed to be carried out.
3. The development will be compatible with the emerging and planned future character of the area.
4. The Panel noted that the report incorrectly stated that a submission was received.
5. For the reasons given above, approval of the application is in the public interest.

The Panel decision was unanimous.

5.4 SUBJECT OUTSIDE PUBLIC MEETING:
197 Church Street PARRAMATTA (Lot 1 DP 710335
and Lot 1 DP 233150)

DESCRIPTION Demolition of Heritage Item

REFERENCE DA/802/2021 - D08488199

APPLICANT/S Holdmark NSW Pty Ltd

OWNERS Holdmark Properties Pty Ltd

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

There were no public forum submissions for Item 5.4.

DETERMINATION

- (a) **That** the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, refuse DA/802/2021 for the demolition of existing buildings down to ground floor slab, except for the facades of the former Murray Brothers building to Church and Macquarie Streets, at Lot 1 DP 710335 and Lot 1 DP 233150 being Nos. 197 and 207 Church Street and No. 89 Marsden Street, Parramatta.
- (b) **Further, that** the objector be advised of the Panel's decision.

REASONS FOR REFUSAL

1. The proposal does not meet the objectives of *Section 1.3(c) of the Environmental Planning and Assessment Act 1979* as the proposal does not promote the orderly and economic use and development of the site.
2. The proposal does not meet the objectives of *Clause 1.2(2)(c) of the Parramatta Local Environment Plan 2011*, as the proposal does not propose to conserve and promote Parramatta's cultural heritage as the framework for its identity, prosperity, liveability and social development.
3. In accordance with *Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979*, the proposal is considered to not be in the public interest, as the proposal intends the demolition of a local heritage item, which has a significant contribution to the streetscape, in circumstances where the timing and the final form of the replacement development is unknown.

The Panel decision was unanimous.

INNOVATIVE

6.1 SUBJECT Pre-Gateway: Planning Proposal for 263-273 & 279R
Pennant Hills Road and 18 Shirley Street, Carlingford

REFERENCE RZ/4/2021 - D08454176

APPLICANT/S Karimbla Construction Services (NSW) Pty Ltd

OWNERS Karimbla Properties (No. 61) Pty Ltd

REPORT OF Project Officer Land Use

The Panel considered the matter listed at Item 6.1 and attachments to Item 6.1.

PUBLIC FORUM

1. Mr Matthew Lennartz and Ms Jessica Ford on behalf of Meriton were available to answer questions raised by the Panel.

RECOMMENDATION TO COUNCIL

That the Local Planning Panel recommends to Council:

- (a) **That** Council approve the Planning Proposal for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE) for land at 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford which seeks to amend the Parramatta (former The Hills) Local Environmental Plan 2012 as follows:
 - i. Addition of shops, food and drink premises, business premises and recreational facility (indoor) as additional permitted uses (limited to a maximum of 2,000sqm) to Schedule 1; and
 - ii. Addition of 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford to the Additional Permitted Uses Map.
to facilitate retail floor space, metro style supermarket along with specialty retail, business, and recreational uses.
- (b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.
- (c) **That** Council requests to DPE that it be authorised to exercise its plan-making delegations for this Planning Proposal.
- (d) **That** Council give delegation to the CEO in relation to the draft Planning Agreement:
 - i. To draft the Planning Agreement based on the submitted offer provided at **Attachment 4**;
 - ii. In the event that Gateway Determination is issued by Department of Planning, that the Planning Agreement is placed on public exhibition concurrently with the Planning Proposal.

- iii. To correct any minor anomalies of a non-policy and administrative nature.
- (e) **That** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- (f) **Further that**, the Panel advises:
 - 1. The Panel notes the Council Officer's recommendations (a) through to (e);
 - 2. The Panel considers on balance the Planning Proposal has sufficient site specific and strategic merit to process to Gateway.

The Panel decision was unanimous.

6.2 **SUBJECT** Pre-Gateway: Planning Proposal for 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington (Melrose Park North Precinct)

REFERENCE RZ/1/2021 – D08503003

APPLICANT/S M Projects

OWNERS Payce MP DM Pty Ltd

REPORT OF Senior Project Officer

The Panel considered the matter listed at Item 6.2 and attachments to Item 6.2.

PUBLIC FORUM

- 1. Mr Miled Akle on behalf of M Projects and representing Payce MP DM Pty Ltd was available to answer questions raised by the Panel.

RECOMMENDATION TO COUNCIL

The Local Planning Panel recommends to Council:

- (a) **That** Council endorse for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal for land at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington, which seeks to amend Parramatta Local Environmental Plan 2011 (PLEP 2011) by:
 - i. Rezoning 19 Hope Street from IN1 General Industrial to part B4 Mixed Use and part RE1 Public Recreation.
 - ii. Rezoning 69, 71, 73 and 75 Hughes Avenue from R2 Low Density Residential to B4 Mixed Use.
 - iii. Rezoning 77 Hughes Avenue from R2 Low Density to part B4 Mixed Use and part RE1 Public Recreation.

- iv. Amending the maximum building height across the site from part 9m and part 12m to a range between 13m and 48m (approximately 4 – 14 storeys).
 - v. Amending the Floor Space Ratio (FSR) from part 1:1 and part 0.5:1 to 1.85:1.
 - vi. Inserting a site-specific provision in Part 6 Additional local provisions – generally of PLEP 2011 and amending the Additional Local Provisions map to include the land to ensure a minimum of 1,400m² of non-residential floor space is to be provided within the site to serve the local retail and commercial needs of the incoming population.
 - vii. Amending the Land Reservation Acquisition map to reflect the areas of open space to be dedicated to Council.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment (DPE) for Gateway Determination.
- (c) **That** the draft site-specific Development Control Plan (DCP) for Melrose Park North be amended to include the subject site and any necessary amendments to the DCP provisions relating to this site be reported to Council for consideration for exhibition with the Planning Proposal should Gateway determination be issued.
- (d) **That** Council delegate authority to the CEO to commence negotiations to enter into a Planning Agreement with the proponent.
- (e) **That** Council advise the DPE that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.
- (f) **That** Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process.
- (g) **Further that**, the Panel advises:
1. The Panel notes the Council Officer's recommendations (a) through to (f);
 2. The Panel considers on balance the Planning Proposal has sufficient site specific and strategic merit to process to Gateway.

The Panel decision was unanimous.

The meeting terminated at 4:22 pm.



Chairperson