

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

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PRESENT

Stephen O'Connor (Chairperson), Helen Deegan, Robert Hussey, Palitha Weeratunge.

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.

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	OUTSIDE PUBLIC MEETING: 51 Railway Street, GRANVILLE NSW 2142 (Lot A DP 324641)
	DESCRIPTION	Demolition and construction of a 5 storey residential flat building containing 4 units and basement parking.
	REFERENCE	DA/880/2021 - D08603781
	APPLICANT/S	Zed Corp Developments
	OWNERS	Railway 51 Pty Ltd
	REPORT OF	Group Manager Develop and Traffic Services

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

PUBLIC FORUM

1. Sohail Faridy from Specialist Town Planning Services Group, spoke against the report recommendation to refuse the development application and answered questions from the Panel in relation to the development application.

2. Michael Trinh from IDA Design Group, answered questions from the Panel in relation to the development application.

## DETERMINATION

- (a) **That** the Parramatta Local Planning Panel not support the variation to Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Parramatta Local Environmental Plan 2011.
- (b) **Further, that** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*, refuse development consent to DA/880/2021 for the demolition of existing structures and construction for a 5-storey residential flat building containing 4 units and basement parking on land at No.51 Railway Street, Granville.

## REASONS FOR REFUSAL

1. State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
  - a) The proposed development is inconsistent with the following provision of SEPP 65 – Design Quality of Residential Flat Buildings:
    1. Part 3 Siting the development
      - Communal Open Space
    2. Part 4 Designing the building
      - Apartment size and layout
      - Private open space and balconies
      - Storage

*Section 4.15 (1)(a)(i) of Environmental Planning and Assessment Act 1979*
2. Holroyd Local Environmental Plan 2013
  - a) The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:
    1. Clause 4.3 – Height of buildings
    2. Clause 4.6 – Exceptions to development standard
    3. Clause 5.6 – Architectural Roof Features
    4. Clause 5.21 – Flood Planning
    5. Clause 6.2 – Earthworks

*Section 4.15 (1)(a)(i) of Environmental Planning and Assessment Act 1979*
3. Holroyd Development Control Plan 2013
  - a) The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:

Part A – General Controls

    1. 2 – Roads and Access

2. 3 – Car Parking
3. 6 – Soil Management
4. 7 – Stormwater Management
5. 8 – Flood Prone Land
6. 10 – Safety and Security
7. 12 – Services

Part B – Residential Controls – 6. Residential Flat Buildings

1. 6.1 – Lot Size and Frontage
  - a. Frontage
  - b. Site Coverage
2. 6.3 – Setback and Separation
  - a. Front setback
3. 6.4 – Height
4. 6.6 – Open Space
  - a. Communal Open Space
5. 6.7 – Building Appearance
  - a. Facades
  - b. Roof Design
6. 6.12 – Facilities and Amenities
7. Cut and Fill

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

4. Likely impacts
  - a) The proposed development does not adequately address residential amenity, would be impacted by environmental site constraints and act as a precedent undesirable for the surrounding locality.

*Section 4.15 (1)(b) of Environmental Planning and Assessment Act 1979*

5. Suitability of the site
  - a) Due to flood affection the proposed development would not be suitable for the subject site. It is further noted that the Clause 4.3 variation is not supported as it would be inconsistent relative to existing and approved residential flat buildings surrounding the subject site.

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

6. Public Interest
  - a) The proposed development represents a design that would result in an undesirable precedent and as such would not be in the public interest.

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

The Panel decision was UNANIMOUS.

5.2      SUBJECT      OUTSIDE PUBLIC MEETING: Silverwater Road,  
SYDNEY OLYMPIC PARK NSW 2127 (sign is located  
between Clyde Street and Parramatta River)

DESCRIPTION Digital conversion of the existing static advertising sign.  
The application is being re-advertised to reflect the  
correct property address.

REFERENCE    DA/247/2022 - D08602867

APPLICANT/S   JCDecaux Australia Holdings Pty Ltd

OWNERS        Sydney Olympic Park Authority

REPORT OF     Group Manager Develop and Traffic Services

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

#### PUBLIC FORUM

There were no public forum submissions for Item 5.2.

#### DETERMINATION

**That** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*, grant development consent to DA/247/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent in **Attachment 1**.

#### REASONS FOR APPROVAL

1. The development is permissible subject to existing use rights in accordance with Division 4.11 of the *Environmental Planning and Assessment Act 1979*.
2. The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP – Industry and Employment 2021 and Auburn LEP 2010.
3. The development will be compatible with the existing and planned future character of the area.
4. The proposed development will not have any unacceptable impacts on surrounding development and it's noted that the area of the sign is proposed to be reduced.

5. For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

- 5.3      **SUBJECT**      OUTSIDE PUBLIC MEETING: Junction Street,  
SILVERWATER NSW 2128 (adjacent to the Northern  
side of M4 Motorway)
- DESCRIPTION** Digital conversion of the existing static advertising sign  
at Junction Street, Silverwater overhanging the M4  
Motorway.
- REFERENCE**    DA/273/2022 - D08602876
- APPLICANT/S**   Cody Outdoor Advertising
- OWNERS**        City of Parramatta Council
- REPORT OF**    Group Manager Develop 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

**That** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*, grant development consent to DA/273/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent, in **Attachment 1**.

#### REASONS FOR APPROVAL

1. The development is permissible subject to existing use rights in accordance with Division 4.11 of the *Environmental Planning and Assessment Act 1979*.
2. The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP – Industry and Employment 2021 and Auburn LEP 2010.
3. The development will be compatible with the existing and planned future character of the area.

4. The proposed development will not have any unacceptable impacts on surrounding development and it's noted that the area of the sign is proposed to be reduced.
5. For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

5.4      SUBJECT      OUTSIDE PUBLIC MEETING: 2-8 Thackeray Street,  
CAMELLIA NSW 2142 (Lot 23 in DP 874055)

DESCRIPTION Construction of a food storage tank with connecting walkway and access stairway to roof within an existing licenced food biomass waste-to-energy (Composting and Electricity Generation) facility.

REFERENCE    DA/302/2022 - D08603590

APPLICANT/S   Mecone

OWNERS        Tanert Pty Ltd

REPORT OF     Group Manager Develop 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 support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 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 ground to warrant departure of the building height control in the circumstances of this case.

(b) **Further, that** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, grant development consent to DA/302/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent in **Attachment 1**

with the exception of the conditions 37 and 38 which are to be deleted.

### REASON FOR APPROVAL

1. The development is permissible within the IN3 zone and satisfies the requirements of all of the applicable planning controls;
2. A written request to vary the building height has been received. The variation sought is not substantial and it will not have any 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;
3. The development will be compatible with the emerging and planned future character of the area; and
4. For the reasons given above, approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

5.5      **SUBJECT**      **OUTSIDE PUBLIC MEETING (DEFERRED):**  
125-129 Arthur Street, PARRAMATTA (Lots 5, 6 & 7 DP 27997)

**DESCRIPTION** **ADDENDUM REPORT:** Section 4.55(2) Modification to DA/776/2014 for the demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking.  
The modification seeks to increase the building height by 300mm, amend the layout of the basement, ground floor and first floors, changes to the unit mix, provision of a padmount substation, and amendments to services.

**REFERENCE**    DA/776/2014/C - D08631473

**APPLICANT/S**   Ghazi Al Ali Architect

**OWNERS**        S & A Property Holdings Pty Ltd

**REPORT OF**     Group Manager Develop 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 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 ground to warrant departure of the building height control in the circumstances of this case.

(b) **Further, that** the Parramatta Local Planning Panel exercising the functions of Council, pursuant of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, modify development consent DA/776/2014 on land at 125-129 Arthur Street, Parramatta, for a period of five (5) years from the date on the original Notice of Determination, subject to the following modifications as set out in Attachments 1 and 2 and the subsequent written advice the Panel received from Council officers:

1. Amend Condition Nos. 1, 24, 28, 33, 35, 80, 83, 85 & 86 to reflect the updated plans and documents.
2. Insert Condition No. 24A, 86A, 86B, 86C, 102, 103 & 104 for emergency flood procedures.
3. Delete Condition No. 90 as it is a duplication of Condition No. 88 and Condition No. 27.
4. All other conditions of DA/776/2014 remain unchanged.

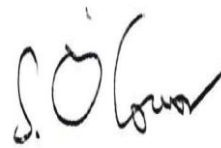
## REASONS FOR APPROVAL:

1. The proposed modification is substantially the same development which has been approved.
2. The proposed modification is permissible within the B4 Mixed Use zone and results in a development which is suitable for the context of the site and locality.
3. The proposed modification to increase the height is supported in order to provide an adequate flood refuge area due to the significant flood constraints on site.

4. The modification includes Site Emergency Response Flood Plan, which provides residents with flood risk details and response actions.
5. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

The Panel decision was UNANIMOUS

The meeting terminated at 4:10 pm.



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Chairperson