MINUTES OF THE LOCAL PLANNING PANEL HELD IN RYDALMERE OPERATIONS CENTRE, 316 VICTORIA RD, RYDALMERE ON TUESDAY, 18 OCTOBER 2022 AT 3:30PM

PRESENT

Mary-Lynne Taylor (Chairperson), Paul Berkemeier, Simone Lotz and Kirrily McDermott.

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.

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.

DEVELOPMENT APPLICATIONS

5.1 SUBJECT PUBLIC MEETING:
225 Windsor Road, NORTHMEAD NSW 2152 (Lot 101, DP 1004873).

DESCRIPTION Seeking to extend the trading hours of Northmead McDonald's and associated acoustic mitigation works.

REFERENCE DA/251/2022 - D08687820

APPLICANT/S McDonald's Australia Limited

OWNERS McDonald's Australia Ltd (Head Office)

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. Gui Xiong spoke against the report recommendation to approve the development application.

2. Yannis Comino from SLR Consulting spoke in favour of the report recommendation to approve the development application and answered questions from the Panel in relation to acoustic and lighting impacts of the development application.

DETERMINATION

(a) **That** the Parramatta Local Planning Panel, exercising the functions of Council, approve development consent to DA/251/2022 for the extension of trading hours of Northmead McDonald's and associated acoustic mitigation works on land at 225 Windsor Road, Northmead, subject to the conditions of consent in Attachment 1.

The matters complained of were dealt with in the assessment report and the Panel notes that there has been in effect an extended trial period of 24 hour trading initially permitted by COVID-19 Ministerial Orders when there were no noise attenuation measures in place. The Council assessment has found the proposed attenuation measures to be suitable and appropriate. Further, the Council has required, by condition 8 that within six months an acoustical compliance performance assessment shall be carried out to verify the noise control measures recommended in the acoustic report are effective.

(b) **Further, that** submitters be advised of the Panel's decision.

REASONS FOR APPROVAL

1. The proposed development benefits from existing use rights and satisfies the requirements of all applicable planning controls.

2. The development will not create adverse impacts in the locality and will remain compatible with the existing area.

3. The proposed development incorporates sufficient measures to safeguard the existing acoustic amenities.

4. The development will provide employment that accommodates the needs of the existing and future residents, workers, and visitors to Parramatta.

The Panel decision was UNANIMOUS.

5.2 SUBJECT PUBLIC MEETING:
52 Essex Street, Epping NSW 2121 (Lot 2 in DP 305839)

DESCRIPTION Tree removal and construction of an 80 place childcare centre with basement car parking.

REFERENCE DA/416/2022 - D08701026

APPLICANT/S Archian Pty Ltd

OWNERS ABC Property Holdings 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. Councillor Lorraine Wearne spoke against the report recommendation to approve the development application.

2. Kevin Macdonald spoke against the report recommendation to approve the development application.

3. James O'Donnell spoke against the report recommendation to approve the development application.

4. John Gibb spoke against the report recommendation to approve the development application.

5. Stephen Thomson spoke against the report recommendation to approve the development application.

6. Andy Ling spoke against the report recommendation to approve the development application.

7. Johnny Yau spoke against the report recommendation to approve the development application.

8. Ben Cardillo spoke against the report recommendation to approve the development application.

9. Lord Mayor Councillor Donna Davis spoke against the report recommendation to approve the development application.

10. Councillor Cameron Maclean spoke against the report recommendation to approve the development application.

11. Colin Jiang and Rachel Ginat from Archian Architect answered questions from the Panel in relation to the design, impacted trees and contamination of the development application.

12. Aaron Tomlins from McLaren Traffic Engineering answered questions from the Panel in relation to the traffic concerns of the development application.

13. Sam Demasi from VMS Australia Pty Ltd was available to answer questions raised by the Panel.

DETERMINATION

The Panel refuses the development application for the following reasons listed below:

1. The Panel is not satisfied the matter of contamination has been fully assessed in accordance with SEPP (Resilience and Hazards) 2021 and the Panel believes that the requirements for remediation of the site are not sufficiently clear as further investigation is still required.

2. The Panel notes the existing strong and generally consistent character of the Heritage Conservation Area. The Panel finds that the large contemporary domestic design is incompatible with the *Hornsby Development Control Plan 2013*, Heritage 9.3.13 Essex Street (Epping) Heritage Conservation Area. The front facade is twice the width of other houses in the vicinity, with very basic detail, uncharacteristic low-pitched roofs and minimal eaves overhangs. Aluminium framed window and door frames are unsympathetic to the heritage context. The street frontage is dominated by access ramps, pathways and the double driveway to the basement carpark, with sparse landscape.

3. The representations made to the Panel regarding the current traffic situation in the street, (that Essex Street is being presently used as an alternative to main streets in the Epping area) may present unsatisfactory access to the site and the Panel requires further assessment dealing with this point.

The Panel decision was UNANIMOUS.

5.3 SUBJECT PUBLIC MEETING:
West Epping Park, 17 Mountain Street, EPPING NSW 2121 (Lot 1 DP 230415, Lease DP 1025682, DP 1065642)

DESCRIPTION Construction of a 25m high monopole tower to replace the three existing telecommunications facilities into one

REFERENCE DA/413/2022 - D08705965

APPLICANT/S Service Stream Limited

OWNERS City of Parramatta Council

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.3 and the 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, exercising the functions of Council, approve development consent to DA/413/2022 for the construction of a 25m high monopole tower to replace the three existing telecommunications facilities into one facility on land at 17 Mountain Street, Epping (Lot 1 DP 230415) subject to the conditions of consent within Attachment 1.

(b) **Further, that** submitters be advised of the Panel's decision.

REASONS FOR APPROVAL

1. The development is permissible pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021 and satisfies the requirements of all applicable planning standards controls.

2. The development is consistent with the objectives of the RE1 zone.

3. The development is compatible with existing development on the subject site and will not significantly alter the character of development on the site, or the surrounding locality.

4. The development will improve mobile phone coverage within the locality to meet the needs of existing and future residents, workers, and visitors of Epping.

5. The proposal will consolidate multiple existing telecommunications facilities into a single facility.

6. The proposal will reduce the cumulative EME levels in the vicinity of the site.

7. 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:
43 Valley Road EPPING NSW 2121 (Lot 1 DP 1262933)

DESCRIPTION Section 4.55(1A) Modification to approved DA/267/2019 for the demolition of existing structures, removal of trees, construction of an attached two storey dual occupancy and Torrens Title subdivision. Modifications include changes to the landscape plan, windows, location of rainwater tanks and internal changes.

REFERENCE DA/267/2019/A - D08682941

APPLICANT/S Ms L Wang

OWNERS Mr K Wu, Ms Y Wu

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.4 and the 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 exercising the functions of Council, modify development consent DA/267/2019 on land at 43 Valley Road, Epping, for a period of five (5) years from the date on the original Notice of Determination, subject to the conditions of consent in Attachment 1 and the following modifications listed below:

1. Amend Condition Nos. 1 & 74 to reflect the updated plans and documents.
2. Add Condition Nos. 24A, 62A, 62B, 75A & 75B.

3. All other conditions of DA/267/2019 remain unchanged.

(b) **Further, that** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the floor space ratio control in Clause 4.4 Floor Space Ratio of the Parramatta Local Environmental Plan 2011 as there are sufficient environmental grounds to justify the variation.

REASONS FOR APPROVAL

1. The proposed modification is substantially the same development.

2. The proposed application is permissible within the R2 Low Density Residential zone and will result in a development which is suitable for the context of the site and locality.

3. The application to increase the floor space of the site is supported as there is no change in the bulk and scale of the building and the changes are not discernible from the streetscape.

4. The application does not impact the amenity of the neighbouring properties and is suitable for the site.

The Panel decision was UNANIMOUS.

PLANNING PROPOSALS

6.1 SUBJECT Pre-Gateway Planning Proposal for land at 8 Lincluden Place, Oatlands

REFERENCE RZ/3/2021 - D08626860

APPLICANT/S Think Planners

OWNERS Zaki Property Pty Ltd As Trustee For Zaki Property Trust

REPORT OF Project Officer

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

PUBLIC FORUM

There were no public forum submissions for Item 6.1.

DETERMINATION

The Panel agrees with the Council officers' recommendation for the reasons given the Council assessment report:

(a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal at Attachment 1 for the land at 8 Lincluden Place, Oatlands, which seeks the following change to the Parramatta (former The Hills) Local Environmental Plan 2012:

i. Amend the Land Zoning Map from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.

(b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.

(c) **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.

(d) **That** Council delegates authority to the CEO:

i. To draft the Planning Agreement based on the submitted offer provided at Attachment 2.

ii. In the event that a Gateway Determination is issued by DPE, that the Planning Agreement is placed on public exhibition concurrently with the Planning Proposal.

(e) **Further, 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 or preparation of the Planning Agreement.

The Panel decision was UNANIMOUS.

6.2 SUBJECT Pre-Gateway Planning Proposal for land at 361-365 North Rocks Road, North Rocks

REFERENCE RZ/2/2021 – D08711383

APPLICANT/S EG

OWNERS NextSense (Former Royal Institute for Deaf and Blind Children)

REPORT OF Senior Project Officer

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

PUBLIC FORUM

1. Michael Easson from EG spoke against the report recommendation to refuse the planning proposal.

2. Ben Hendriks from Mecone spoke against the report recommendation to refuse the planning proposal.

3. David Tickle from Hassell spoke against the report recommendation to refuse the planning proposal.

4. Gabrielle Morrish from GM Urban Design and Architecture spoke against the report recommendation to refuse the planning proposal.

5. Michael Morgan from Carlingford Rotary Club spoke against the report recommendation to refuse the planning proposal.

6. Councillor Georgina Valjak spoke in favour of the report recommendation to refuse the planning proposal.

DETERMINATION

The Panel notes that Councils' Strategic Planning officers believe that the proposal at present is inconsistent with the Housing diversity Precinct Criteria in Council's approved Parramatta Local Strategic Planning Statement as follows:

(a) the proposed increases in height (between 9m to 25m) and density (overall site FSR of 1.35:1), and the site layout will lead to built form outcomes that are incompatible with the local context;

(b) the predominance of mid-rise 4-7 storey residential flat buildings is incompatible with the local context and detracts from the strategic intent to promote medium density typologies of 2-3 storeys;

(c) there is inadequate provision of affordable housing;

(d) there is insufficient documentation to demonstrate that there are no adverse traffic impacts, and the proposed measures to improve public transport access are not considered feasible;

(e) there is poor response to site context considering topographical, environmental and amenity considerations; and

(f) there is inadequate open space provision considering the requirements of Council's Community Infrastructure Strategy.

The applicant and consultants seek to defer consideration of this proposal by the Council at this time as they disagreed that their proposal is widely different to the intent of Council Strategic Planning.

The Panels notes that difference between the two parties is considerable as Council planners believe that the site is to be restricted

to 2 to 3 storeys in keeping with their understanding of the interpretation of Housing diversity in the LSPS.

The applicants' position is that they have provided sufficient opportunities for low density (69% of the site is low density) and believes that there is some opportunity for residential flat buildings on this site up to seven storeys.

The Panel believes it is now time to report this situation to the full Council.

Further, that the Applicant be advised of Council's decision.

The Panel decision was UNANIMOUS.

The meeting terminated at 7:06 pm.

Chairperson