

MINUTES OF THE LOCAL PLANNING PANEL HELD VIA AUDIO-VISUAL MEANS
ON TUESDAY, 15 NOVEMBER 2022 AT 3:30PM

PRESENT

Julie Walsh (Chairperson), Ian Armstrong, Sue Francis and Peter Haliburn.

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

Sue Francis, declared a significant non pecuniary conflict of interest in Item 6.1 – Exhibition Outcomes - Draft Planning Proposal, Draft Site-Specific DCP and Draft Planning Agreement - Holdmark Sites (Melrose Park South). She retired from the meeting prior to discussion and voting on the matter.

REPORTS - DEVELOPMENT APPLICATIONS

5.1 SUBJECT PUBLIC MEETING: 136 Church Street, PARRAMATTA
NSW 2150 (Lot 1 DP 774940)

DESCRIPTION Alterations and additions and provision of signage to the
existing building for use as a licenced pub operating
10am to 4am Monday to Saturday and 10am to midnight
Sunday.

REFERENCE DA/10/2022 - D08716327

APPLICANT/S Think Planners

OWNERS H S Wong and X H W Liu

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. Brad Delapierre from Think Planners spoke in favour of the of the report recommendation to approve the planning proposal and answered questions from the Panel.

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*, grant **development consent** to DA/10/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, with the following amendments listed below;

1. **PART A – GENERAL CONDITIONS**

2. **PART A – GENERAL CONDITIONS**

- i. **Condition 1** – add to Plan Box under “Specialist Reports”:

Document	Ref No.	Issue	Prepared By	Dated
Venue Management Plan	N/A	N/A	N/A	November 2021

2. **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

- i. **Condition 68A** Acoustic absorption must be installed on the southern wall adjacent to the open areas. Absorption must have an NRC of at least 0.7, be 50mm thick and cover at least 60% of the surface area. Final location of absorption and materials must be approved by a qualified acoustic consultant at Construction Certificate assessment stage.
Reason: To protect amenity of the area
 - ii. **Condition 68B** Acoustic absorption must also be installed on the ceiling or walls of the ground floor and first floor internal areas. Absorption must have an NRC of at least 0.7, be 50mm thick and cover at least 50% of the surface area (either wall or ceiling). Final location of absorption and materials must be approved by a qualified acoustic consultant at Construction Certificate assessment stage.
Reason: To protect amenity of the area
 - iii. **Condition 68C** All external windows shall be double glazed with a minimum Rw 38 glazing.
Reason: To protect amenity of the area

- iv. **Condition 68D** All external doors shall be minimum Rw 36 glazing.

Reason: To protect amenity of the area

3. **PART F – OCCUPATION AND ONGOING USE**

- i. **Condition 69** Use is not to cause offensive noise or vibration

The use of the premises not giving rise to:

- (a) transmission of unacceptable noise or vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

- ii. **Condition 97A** The licensee after 7pm shall ensure that a security guard is engaged to ensure that amenity impacts on neighbours are minimised including ensuring that patrons leaving the hotel do so as promptly and quietly as possible. After midnight an additional security guard shall be engaged.

Reason: To prevent loss of amenity of the area

- iii. **Condition 97B** The maximum number of patrons in the premises at any one time shall be 450. This number shall be reduced to 200 after midnight.

Reason: To ensure capacity of the premises.

- iv. **Condition 98B** The Venue Management Plan shall be amended to include a requirement to submit an acoustic report by an appropriately qualified acoustic consultant six months after the commencement of operations and there after annually confirming compliance with the conditions of consent and the Acoustic Report dated 17 November 2021, prepared by Rodney Stephens Acoustics (REPORT R210863R1 Revision 0).

Reason: To prevent loss of amenity of the area

- v. **Condition 100.** The first-floor speakers shall not be located in near vicinity to first floor balcony door.
Reason: To protect amenity of the area.
- vi. **Condition 101.** All doors to external areas must be closed from 11:00 pm.
Reason: To protect amenity of the area.
- vii. **Condition 102.** All automated doors are to have self-closing mechanisms.
Reason: To protect amenity of the area.
- viii. **Condition 103.** A noise limiter must be installed on the venues internal speaker system. Limiter must encompass all the speakers used for music in the venue and must ensure that noise levels the levels listed below at one metre the speaker. Limiter must be an octave band frequency limiter.

Scenario	Resultant Sound Power Level per Octave Band (dB)								
	31.5Hz	63Hz	125Hz	250Hz	500 Hz	1kHz	2kHz	4kHz	8kHz
10:00 am to midnight	79	89	89	88	90	83	77	76	73
Midnight to 4:00 am	59	68	76	73	68	71	69	67	60

Reason: To protect amenity of the area.

- ix. **Condition 104.** The external speakers shall have an SPL of no more than 70 dB(A) at one metre from the speaker before midnight and 60 dB(A) at one metre from the speaker after midnight.
Reason: To protect amenity of the area.
- x. **Condition 105.** The maximum number of patrons on the balcony at any one time shall be 40.
Reason: To protect amenity of the area.
- xi. **Condition 106.** The operations of the pub shall not exceed the **Daytime Criteria** and **Night time Criteria** for external noise impact levels at residential receivers during day time hours as per Tables 5 – 6 and 5 - 7 of the Acoustic Report dated 17 November 2021, prepared by Rodney Stephens Acoustics (REPORT R210863R1 Revision 0) reproduced below.

Table 5-6 Predicted External Noise Impact Levels - Residential Receivers Daytime

Receivers	Resultant Sound Pressure Level per Octave Band - dB								
	31.5 Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Daytime Assessment (7:00am to 12:00am)									
Combined Noise Level									
R1	10	35	37	41	45	43	38	32	21
Daytime Criteria	21	33	44	43	47	49	45	40	21
Exceedance R1	-	2	-	-	-	-	-	-	-

Table 5-7 Predicted External Noise Impact Levels - Residential Receivers Night-time

Receivers	Resultant Sound Pressure Level per Octave Band - dB								
	31.5 Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Night-time Assessment (12:00am to 7:00am)									
Combined Noise Level									
R1	3	15	28	38	44	43	38	31	20
Night-time Criteria	7	22	33	34	38	40	35	27	13
Exceedance R1	-	-	-	4	6	3	2	4	6

Reason: To protect the amenity of the area

4. Condition 99 – add a sentence at the end:

Where there is a conflict between the Venue Management Plan and a specific condition of this consent, the condition of consent shall prevail.

5. Amend “Plan of Management” to “Venue Management Plan” in condition 98(a),(h) and (j)

- (b) **Further, that** submitters are 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 Parramatta Local Environmental Plan 2011.
2. The proposal is permissible within the B4 Mixed Use zone and is satisfactory when considered against Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
3. The development will be compatible with the emerging and planned future character of the area; and
4. The Panel is satisfied that the condition as modified by the Panel will appropriately deal with amenity impacts including noise.

5. Approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

5.2 SUBJECT OUTSIDE PUBLIC MEETING: 2-4 Boundary Street and
85 Railway Street, PARRAMATTA NSW 2150 (LOT 2
DP 202700, LOT 6 DP 16496, LOT 1 DP 202700)

DESCRIPTION Demolition of existing structures, tree removal, lot
consolidation and the construction of a four (4) storey
Residential Flat Building with basement parking.

REFERENCE DA/61/2022 - D08729098

APPLICANT/S Mr A Ibshara

OWNERS Infinity Idea P/L

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

There were no public forum submissions for Item 5.2.

DETERMINATION

The Panel determined to DEFER the item for the following matters to be
addressed:

1. Provision of information (including sketch plans) regarding shading
required to the north, east, and west facing windows as referred to
at point 17 of the Design Excellence Assessment Panel comments
on page 10 (of 66 pages) of the council report. Any proposed
shading device must not affect solar access requirements under
the Apartment Design Guidelines.
2. Assessment of impacts including impacts on vegetation of any
required drainage easement through 7 or 9 Rosehill Street
Parramatta.
3. Detailed plans and sections including screening and landscaping
details to be provided to address privacy issues along the northern
boundary between adjoining neighbours and ground floor
courtyards.

Upon receipt of this information a supplementary report is to be provided
to the Panel which may determine the matter electronically.

The Panel decision was UNANIMOUS.

Note: As previously noted, Sue Francis, declared a conflict of interest in Item 6.1 – Exhibition Outcomes - Draft Planning Proposal, Draft Site-Specific DCP and Draft Planning Agreement - Holdmark Sites (Melrose Park South). She retired from the meeting prior to discussion and voting on the matter.

REPORTS - PLANNING PROPOSALS

6.1 SUBJECT Exhibition Outcomes - Draft Planning Proposal, Draft Site-Specific DCP and Draft Planning Agreement - Holdmark Sites (Melrose Park South)

REFERENCE RZ/1/2020 – D08724293

APPLICANT/S Holdmark Property Group

OWNERS Holdmark Property Group

REPORT OF Senior Project Officer

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

PUBLIC FORUM

1. John Hanley spoke against the report recommendation to approve the planning proposal.
2. Peter Wotton spoke against the report recommendation to approve the planning proposal.
3. Ian Connolly representing Holdmark was available to answer questions from the Panel in relation to the planning proposal.
4. David Furlong from Holdmark was available to answer questions from the Panel in relation to the Planning Proposal.
5. Adam Coburn from Mecone representing land owners south of Hope Street, George Weston Food and corner and Wharf Street spoke in favour of the planning proposal and raised concerns regarding the strategic framework, employment floorspace and height of the structure plan and answered questions from the Panel.
6. Mark Grayson from Knight Frank Town Planning representing George Weston Food spoke in favour of the planning proposal and raised concerns regarding managing buffer and impact on future planning proposals and answered questions from the Panel.

DETERMINATION

The Panel supports the recommendations in the Council officer's report and endorses the reasons in that report as follows:

- (a) **That** Council receives and notes the submissions made during the exhibition of the Planning Proposal, draft Site-Specific Development Control Plan (DCP), and draft Planning Agreement (**Attachment 1**) and Council officer responses to the issues raised (**Attachment 2**).
- (b) **That** Council approve the updated Planning Proposal for finalisation (provided at **Attachment 3**) that seeks to amend *Parramatta Local Environmental Plan 2011* as follows:
1. Rezone 112 Wharf Road, 32 Waratah Street, Melrose Park and 82 Hughes Avenue, Ermington from IN1 General Industrial to part R4 High Density Residential and part RE1 Public Recreation.
 2. Rezone 30 Waratah Street, Melrose Park from IN1 General Industrial to RE1 Public Recreation.
 3. Amend the maximum building height on the East Site and West Site from 12m to a combination of 25m (6 storeys), 34m (8 storeys), 68m (20 storeys, and 77m (22 storeys) on each site.
 4. Amend the Floor Space Ratio on the East Site from 1:1 to 2.74:1 (net).
 5. Amend the Floor Space Ratio on the West Site from 1:1 to 2.46:1 (net).
 6. Insert a site-specific provision in Part 6 additional local provisions – generally of Parramatta Local Environmental Plan 2011 and amending the Additional Local Provisions map to include the East Site and West Site to ensure:
 - 6.1 That design excellence provisions be applicable to buildings with a height of 55m and above and appoint a Design Excellence Panel to provide design advice for all development applications within the subject sites. Floor Space Ratio and height of building bonuses are not to be awarded on any development lot.
 - 6.2 A minimum of 1,000m² of non-residential floor space is to be provided across the East and West Sites to serve the local retail and commercial needs of the incoming population.
 7. Amend the Land Reservation Acquisition map to reflect areas of open space to be dedicated to Council.⁸⁾ Insert provisions into the *Parramatta Local Environmental Plan 2011* to ensure that the number of dwellings approved at the development application stage aligns with the required

infrastructure identified by Council in the Transport Management and Accessibility Plan (TMAP).

8. Insert provisions into the *Parramatta Local Environmental Plan 2011* requiring the Planning Secretary to be satisfied that all State public infrastructure needs (including transport and schools) are met before development can proceed.
 9. Insert provisions into *Parramatta Local Environmental Plan 2011* to ensure that the new planning controls do not take effect on the subject sites prior to the local infrastructure identified in the local Planning Agreement being secured by way of an executed Planning Agreement between Council and the Applicant.
 10. Amend Schedule 1 *Additional Permitted Uses of Parramatta Local Environmental Plan 2011* to permit 'food and drink' premises in the R4 High Density Residential zone as identified on the new Additional Permitted Uses map.
- (c) **That** Council forward the Planning Proposal to the Department of Planning and Environment for finalisation.
- (d) **That** Council approve the Site-Specific DCP at **Attachment 4**.
- (e) **That** Council approve the Planning Agreement at **Attachment 6** and the Chief Executive Officer be authorised to sign the Planning Agreement on behalf of Council.
- (f) **Further, that** Council authorises the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the finalisation of the Planning Proposal, DCP and Planning Agreement.

The Panel decision was UNANIMOUS.

The meeting terminated at 5:43 pm.



Chairperson