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CITY OF PARRAMATTA

LOCAL PLANNING PANEL

RECORD OF PUBLIC MEETING

PANEL: **PAUL BERKEMEIER**
 SUE FRANCIS
 DAVID LLOYD
 HUGH COLLESS

LOCATION: **RYDALMERE OPERATIONS CENTRE**
 316 VICTORIA ROAD
 RYDALMERE, NEW SOUTH WALES

DATE: **TUESDAY, 21 APRIL 2020**

MR LLOYD: All right. This is the first meeting that's being conducted in this manner, remotely. It being a public meeting, it is customary for me, on behalf of the council, to acknowledge the Burramattagal clan of the Darug, the traditional custodians of Parramatta, and pay respects to the Elders, both past and present. The
5 next thing I have to say is that this is a public meeting. It is recording. The recording or transcript will be archived and available on the council's website.

The next item is apologies: there are none. Next, declarations of interest and I do not have any notice of any declaration of interest. As I said, this being a public
10 meeting, it is usual for us panel members to introduce ourselves. I'm David Lloyd. I'm a lawyer. I'm a QC. I'm a former judge of the Land and Environment Court. I'm a former acting judge of the Supreme Court and I am currently a Professor of Law at Western Sydney University. Mr Berkemeier?

15 MR BERKEMEIER: Paul Berkemeier. I'm an architect and teacher at the University of Sydney as well and a member of a few planning panels.

MR LLOYD: And Ms Francis?

20 MS FRANCIS: My name is Sue Francis. I am a town planner, over 40 years experience. I have been Director of Planning at Woollahra, Warringah and North Sydney and I am the chair of multiple panels, both state and local.

MR LLOYD: Mr Colless?

25 MR COLLESS: Hi, my name is Hugh Colless. I am the community representative for the Parramatta Local Planning Panel and I'm also a New South Wales registered architect.

30 MR LLOYD: All right. With that, we can now move on to the development applications. The first is item 5.1. This is the proposed child care centre at 25 Lanhams Road, Winston Hills. In this matter, there's a recommendation for refusal. Where there's a recommendation for refusal, it is my practice to allow the applicant to go first. We have a representative from the applicant here.

35 UNIDENTIFIED SPEAKER: Just give me a moment, David, because the applicant seems to be unable to function. So just give me one minute to try and fix that. Right, sorry, David, I'm – do you want to move on to 5.2 and 5.3, while I get Eli on the line?

40 MR LLOYD: Yes, we can do that. So - - -

UNIDENTIFIED SPEAKER: Thank you.

45 MR LLOYD: - - - we'll come back to 5.1 when the applicant is available. Item 5.2 is the application relating to 2 to number 8 River Road West at Parramatta. The

panel simply notes that this development application was withdrawn by the applicant at its request and will not be considered at today's panel meeting.

5 So we can move on to item 5.3, 26 Iona Avenue, North Rocks. This application was referred to the panel for the sole reason that the applicant is a councillor. It is an application for the infilling of an existing swimming pool, the demolition of rear steps and the retaining wall and construction of new steps and a retaining wall. The application is recommended for approval. There are no objections and I think the panel is unanimous in adopting the recommendation; is that correct, panel members?

10 MS FRANCIS: Correct.

MR LLOYD: All correct? So the decision of – the formal decision of the panel is to adopt the recommendation unanimously. So that deals with the three development applications, apart from item 5.1, the child care centre at Lanhams Road. Is the applicant available yet in that matter? Do we know if the applicant is available yet? Well, if not, we can move on to the next item, item 6.1. This is a planning proposal for a development that's been approved at 12 to 14 Phillips Street and 331a, 333 and 339 Church Street, Parramatta. The planning proposal is simply to resolve a zoning misalignment with what has been approved on the site. The recommendation is that the panel recommend the proposal to the council, and I don't think there's any – I don't think there's any need to discuss this matter. The panel is all in agreement with the recommendation?

25 MS FRANCIS: Correct.

MR LLOYD: All right. Well, the recommendation is adopted. The reason for the recommendation is that the panel supports the findings contained in the assessment report and endorses the reasons for the recommendation contained in that report.

30 UNIDENTIFIED SPEAKER: Lovely. David, I now have Eli on the phone, on behalf of the applicant of 5.1.

MR LLOYD: All right. Thank you. So we can now return to item 5.1, the proposed child care centre at 25 Lanhams Road, Winston Hills. Mr Goshade, you're appearing on behalf of the applicant. You have seen the recommendation for refusal. Do you want to speak to that recommendation on behalf of the applicant?

40 UNIDENTIFIED SPEAKER: Eli, are you able to respond? Your microphone is now enabled.

MR LLOYD: Mr Goshade, can you hear us?

45 UNIDENTIFIED SPEAKER: I'm not sure why his microphone isn't working, but - - -

MR GOSHADE: Can you hear me now? Hello?

MS FRANCIS: Yes.

MR LLOYD: Yes. Yes, we can hear you. You have the panel on line. As I have indicated, you would have seen the recommendation in the assessment report for
5 refusal. Do you want to address the panel on those grounds of refusal or anything else you want to say?

MR GOSHADE: Yes, so I did supply council this morning with some questions that we had relating to council's report and I was wondering if you had a chance to
10 review those yet.

MR LLOYD: No, we have not seen them. We have not seen anything that you have submitted this morning.

15 MR GOSHADE: Okay.

UNIDENTIFIED SPEAKER: David, they would have been included in the public forums that I emailed earlier.

20 MR LLOYD: I see. Well, Mr Goshade, you can tell us what you want to tell us. Please proceed.

MR GOSHADE: Okay. Sure. Thank you. Well, I guess we were just trying to understand a bit more about the recommendations for refusal, particularly in relation
25 to the character and whether – from our point of view, the proposal and the design is compatible with the streetscape and, in my earlier submission, I did point out that there were a few inconsistencies in council's report, suggesting that the proposal – the design might be actually in character with the area. That was really one of our main questions, and the other question related to – we needed some clarification
30 from council as to the actual issue regarding the front setback.

MR LLOYD: I have to say that there is a more fundamental question here. The panel is inclined to agree generally with the assessment report and the recommendation for refusal. In particular, the panel feels that an 80 place child care
35 centre, together with 13 staff, is too big; too big for a low density residential area. What do you say about that?

MR GOSHADE: Well, I would disagree with you, Mr Chairman. The proposal complies numerically with the LEP, the height and the FSR. We comply with the
40 indoor and outdoor required space. It actually complies a lot more than it doesn't comply and it is in a residential setting and our architect has spent a lot of time designing it so that it fits in with the surrounding area.

MR LLOYD: I can tell you that the other main concern of the panel is the
45 unsatisfactory arrangement of the basement parking area, where you will have a conflict between cars reversing to exit the car park, in an area where you have got toddlers getting out of cars and heading into the centre, and there is a concern that

there would be a real conflict there. We feel that the whole of that basement car park needs a complete redesign. What do you say about that?

5 MR GOSHADE: That's something we have investigated already with a traffic consultant. The one concern council had was relating to the width of the pedestrian pathway, which is quite – in that two prams can't pass each other at the same time; that's quite easy to fix. The other concern relating to reversing in and out of car spaces, I think that's the first time we have heard this. I don't recall it being picked up in the assessment report – in council's report. However, I'm sure we could work
10 around that.

MR LLOYD: Do the panel members have any questions you – does any panel member have any questions?

15 MS FRANCIS: You go first and I will go after you.

MR BERKEMEIER: Me?

20 MR LLOYD: Yes.

MR BERKEMEIER: Yes, I just wonder – the car park is going to have the need for mechanical exhaust and the centre is going to require mechanical ventilation or air-conditioning and I just wonder if – none of those things are shown on the application drawings and I wonder if there has been consideration of the location of the
25 mechanical exhausts and the mechanical equipment?

MR GOSHADE: Yeah, that's a good question. Usually with these things, we would leave it at the CC stage, but we did have discussions with the architect about that the other day and there could be a possibility to fit it in within the basement.
30

MR BERKEMEIER: And the car park exhaust and the fumes from the car park, which are substantial?

MR GOSHADE: Well, that has not been detailed on these plans. As I said, those
35 are usually detailed at the CC stage, from my understanding.

MR BERKEMEIER: And the final question is on the acoustics and particularly the operational need to have the doors and windows closed and I wonder if there is – if, in the operation of the centre, that's really viable. The second question about
40 acoustics is the design and height of the necessary acoustic wall between – along the boundaries. Do you have any details on those?

MR GOSHADE: Yeah, so regarding your second question relating to the height of the side fences, our acoustic consultant has recommended that at 2.6 metres high.
45 There is a plan that we have provided showing a section of what it would look like. It wouldn't be 2.6 straight up; there would be a 45 degree angle. Have you seen those plans?

MS FRANCIS: So I assume that that is a plan – that is a fence that goes up to, say, 1.8 and then it's 45 degrees into the site, which, effectively, is a shield; is that right?

5 MR GOSHADE: Correct. I'm looking at the plan now. It's called Acoustic Fencing Detail; it's drawing number 18, if that helps. So it's essentially a 1.5 metre high fence and then, from then on, it's a 45 degree angle of 1.7 metres, towards – within the site. So yeah, effectively it serves as a barrier – a noise barrier, between the child care centre site and the adjoining residential properties. And that's - - -

10 MS FRANCIS: Yes, I am familiar with

MR GOSHADE: Yeah. Yep. So does that clarify that question for you?

15 MS FRANCIS: Have you considered the shadow impact of the – that structure? The 45 degree angle may have some implications for shadows, given the orientation of your site.

20 MR GOSHADE: Yeah, I must admit we haven't shown that on the shadow diagrams, but I would understand that the additional shadowing would be pretty negligible to the southern property behind this.

MS FRANCIS: But what about to the east and west?

25 MR GOSHADE: Sorry, what was that?

MS FRANCIS: What about to the east and west?

MR GOSHADE: Well, we have - - -

30 MS FRANCIS: Side boundaries.

MR GOSHADE: We have – sorry, we haven't modelled that in the shadow diagrams, but, as I said, I don't think it would be substantial.

35 MS FRANCIS: Okay. So back to Paul's comment about the operational aspects of keeping windows and doors closed when children are coming in and out. How do you see that working?

40 MR GOSHADE: We have actually been working with a child care consultant, who is going to be able to assist us in writing up policies relating to that. She's not here with me, obviously, but she has been leading us in that aspect of it. So from her point of view, it is manageable.

45 MS FRANCIS: So I assume all these matters – I mean, you have lodged an appeal, so I assume you – all these matters that are still outstanding and being raised by council are matters that you are going to attempt to resolve in your conciliation conference?

MR GOSHADE: Yes, correct.

MS FRANCIS: So I don't – there are no points that you fundamentally disagree with, but you believe – are they matters that you believe they can be resolved?

5

MR GOSHADE: Yes, for sure, the matters can be resolved. I must admit, we do have an issue with the recommendation, as well as I don't agree with the – that it doesn't fit in with the streetscape, and if you just drive down the street, you will see a whole bunch of new buildings that have been built; so this actually fits in quite well.

10

MS FRANCIS: I don't think that's the key issue. I think the key issue is the operation of the facility and its intensity.

MR GOSHADE: Was that a question? Was that a question?

15

MR LLOYD: If I may cut - - -

MR GOSHADE: Yes, yes.

20

MR LLOYD: If I may come in here. The problem, as I see it, is that what you're proposing here are too many children for this site and this has led, in turn, to other problems and, in particular, the parking and traffic arrangements in the basement. It may be that a smaller child care centre would be more acceptable, but for my part, I feel that an 80 place child care centre is too many here. That's the basic problem.

25

Do you want to respond to that?

MR GOSHADE: Well, listen, it numerically complies with the fundamental planning controls, as well as the guidelines for child care centres and it does fit in with the Winston Hills character area in the DCP. There's really – like, as I said before to Francis, there are issues which can be resolved, otherwise I wouldn't be speaking with you.

30

MR LLOYD: Any other questions from the panel?

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MS FRANCIS: No, not from me.

MR LLOYD: Mr Colless?

MR COLLESS: No.

40

MR LLOYD: No? None from Mr Berkemeier, no? All right. Does the panel wish to adjourn to consider the matter further or are we agreed with the basic recommendation?

45

MS FRANCIS: I would like to adjourn.

MR LLOYD: All right. Can we – the panel will now adjourn and we'll talk about this amongst ourselves and come back shortly with a determination and we'll do that now.

5 MR GOSHADE: Okay. Thank you for your time.

MR LLOYD: All right, are - - -

10 **ADJOURNED**

RESUMED

15

UNIDENTIFIED SPEAKER: And we are now live.

MR LLOYD: All right. We're now back live, I understand. The panel has carefully considered the matter and come to a decision which is unanimous. The
20 unanimous decision is to refuse the application, fundamentally, for the reasons mentioned in the assessment report, but the particular reasons mentioned in the assessment report have been tidied up and modified slightly. But, basically – I don't know if anyone is able to see this on the screen – the reasons are as follows: firstly,
25 ground 1, the current impact and unresolved issues of an 80 place child care centre, including staff, is unacceptable for the low density residential area in which it is located.

Secondly, the basement car parking and traffic arrangement is not fully resolved in relation to the conflict in pedestrian and vehicle movements and appropriate safety
30 measures and is, therefore, currently unsatisfactory. Next, there are a host of reasons which are contained in the assessment report but which we have modified so that they make more sense. In the light of the fact that the decision is to refuse the application, it may not be necessary to hear from the two resident objectors, unless, of course, they would wish us to change our minds. So in that event, if I can find my
35 running sheet, I don't think we need to hear from the – from Mr Greg Gibb or Jennifer McInerney, who support the recommendation for refusal. So is the panel in agreement with that?

MS FRANCIS: Yes.
40

MR LLOYD: All right, so that concludes item 5.1. There remains, therefore, just one item left on the agenda, item 6.2, which is the planning proposal at number 2 O'Connell Street, Parramatta. Do we have anyone on the line who has an interest in that matter?
45

UNIDENTIFIED SPEAKER: David, you have received a public forum in written form against the recommendation from David - - -

MR LLOYD: Yes.

UNIDENTIFIED SPEAKER: - - - and I have the applicant from Think Planners on the line, if you wish to ask questions.

5

MR LLOYD: All right. I can say that the panel is inclined to support the recommendation as in the assessment report – recommend this planning proposal to the council. Do any panel members have any questions of Mr Rose? There being none – Mr Rose, I don't think we need to hear from you. The panel is of the unanimous view that the recommendation set out in the assessment report to support the planned proposal should go forward. So that is the decision of the panel. As I said, it is unanimous and, there being no other items left on the agenda, I think we can formally conclude this meeting. Is everyone happy with that?

10
15 UNIDENTIFIED SPEAKER: Yes.

MR LLOYD: In that case, we can formally conclude the meeting at 4.16 pm.

20 **RECORDING CONCLUDED**

[4.16 pm]