



**CITY OF PARRAMATTA COUNCIL**  
**REGISTER OF VOTING ON PLANNING DECISIONS AT COUNCIL & LOCAL PLANNING PANEL MEETINGS IN 2023**  
**SECTION 375A LOCAL GOVERNMENT ACT 1993**

**COUNCIL – COUNCIL MEETING**  
**LPP – LOCAL PLANNING PANEL**

| Meeting Date              | Item No | DA/Ref No   | Address/Subject  | Resolution   | For   | Against |
|---------------------------|---------|-------------|--|--|---|---------|
| COUNCIL<br>13 Feb<br>2023 | 12.5    | DA/932/2021 | Parramatta Light Rail<br>Stage 2 –<br>Environmental Impact<br>Statement (EIS)<br>Submission by Council | <p>(a)<b>That</b> Council notes the submission (Attachment A) provided to the Department of Planning and Environment on the Parramatta Light Rail (PLR) Stage 2 Environmental Impact Statement (EIS), noting that the submission strongly supports the delivery of PLR Stage 2 (the Project) and includes the following key matters for consideration:</p> <ol style="list-style-type: none"> <li>1. Council supports the alternate light rail alignment to the south of the Sekisui site, but only if the light rail stop adjacent the Ferry Wharf is retained, a spur line is constructed along Hill Road to near the Ferry Wharf, and a full width active transport link (ATL) is constructed by the Project enabling works between the bridge ATL and the Ferry Wharf.</li> <li>2. The EIS should rule out bridge construction methods which do not meet the design principles. In accordance with the Secretary's Environmental Assessment Requirements (SEARs) for PLR Stage 2 the bridge structures in the Project should be design-led, and not be left solely to the main infrastructure design and construct process.               <ol style="list-style-type: none"> <li>1) Council recommends to TfNSW the provision of green track, permeable paving and wire-free running in green space and business areas as detailed in the submission.</li> <li>2) The Project should place significant design-led emphasis on mitigating the impacts of site cut and fill, to ensure that the community retains convenient pedestrian crossing points over and across the light rail line, for example, in Boronia Street.</li> <li>3) The EIS Chapter 22 waste management strategy has a target of 100% of clean/usable excavation spoil diverted from landfill, and maximising reuse of spoil on site. The EIS impact assessment of not</li> </ol> </li> </ol> | Councillors<br>Bradley, Darley,<br>Davis, Esber,<br>Green,<br>Humphries,<br>Macleay, Noack,<br>Pandey, Proxiv,<br>Siviero, Valjak<br>and Wang | Nil     |

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|  |  |  |  | <p>managing spoil appropriately is wholly inadequate, in that it omits the impact on public pathways, roads, parks, and the like from the retention of an estimated 73,000 cubic metres of spoil. Direct construction evidence from Stage 1 of the PLR demonstrates the adverse and unsafe outcomes of this numeric approach.</p> <p>4) The EIS planning approval must have a condition requiring Secretary approval of a TfNSW detailed cut and fill strategy which justifies on a positive public domain outcome basis, the amount and location of spoil to be retained along the alignment, not as a set percentage of retention on site. This work can be carried out by TfNSW and stakeholders as part of the urban design requirements report or incorporated into pre-main-tender processes to provide reasonable certainty for tenderers.</p> <p>5) The EIS planning approval should incorporate, in accordance with the SEARs, a condition requiring that all spoil retention during the design and construct phase of the Project be based on a design led process with a positive public domain outcome basis.</p> <p>6) TfNSW should create a community reference group which includes representation from residents and businesses in suburbs along the alignment, the purpose of that reference group being in part to advise TfNSW and contractors of construction impacts, and to respond to TfNSW with recommendations to any contractor request for night work and/or noise intensive work.</p> <p>7) Council recommends that the protection of residential amenity during light rail operation be a strong focus of the EIS, employing world class practices to minimise ground-borne vibration, ground-borne noise and airborne noise from rail operation. This is particularly relevant where the track runs through existing green spaces.</p> <p>8) TfNSW develop within PLR Stage 2 a suitable track insert to assist the Project to provide seamless, coherent, visible, and safe pedestrian and cycle access throughout and adjacent to the PLR corridor.</p> <p>9) The Project not worsen existing flood impacts along the alignment, and stormwater upgrade works be the subject of close engagement between TfNSW and Council, to avoid duplication of work and unnecessary cost.</p> |  |  |
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|                       |     |             |  | <p>10) The loss of existing street parking during construction, and permanently, particularly in Wentworth Point, with little requirement for effective management of worker vehicles.</p> <p>11) There is no clear strategy to manage residual land, particularly to offset impacts of loss of parking along the route.</p> <p>12) The EIS canvasses sea level rise across the life of the Project. Wentworth Point is presently significantly impacted by stormwater events at relatively low rainfall levels. The Project should not construct elevated track embankments which may divert storm water or sea level rise into the residential area of the suburb.</p> <p>13) Stage 2 of the PLR proposes to remove over double the number of trees than Stage 1. The EIS Addendum report should outline measures to preserve mature canopy, and provide full justification for tree removal in a tree register along with possible design mitigation measures.</p> <p>14) We call on both Government and Opposition to bring forward the date of completion as 2031 is too late given the projected population increase in the new few years.</p> <p>(b) <b>Further, that</b> TfNSW improve the process of assessment, design and community engagement in respect of Project impact on heritage items and heritage precincts, by completing and publishing heritage assessments before the relevant infrastructure contract is let, and enabling full community consultation on the impact and outcomes for the heritage item(s).</p> |  |     |
| LPP<br>15 Feb<br>2023 | 5.1 | F2022/01255 | Post Exhibition - Finalisation of the Riverside Theatre Planning Proposal following consideration of submissions received during the public exhibition period. | <p>The Parramatta Local Planning Panel supports the following Council Officer recommendation in its advice to Council:</p> <p>(a) <b>That</b> Council note that a total number of 31 submissions were made in response to the public exhibition of the Planning Proposal which are summarised at Attachment 1.</p> <p>(b) <b>That</b> Council approve the Planning Proposal at Attachment 2 for the purposes of it being forwarded to the Department of Planning and Environment (DPE) for finalisation.</p> <p>(c) <b>Further, that</b> Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and</p>  | Mary-Lynne Taylor,<br>(Chairperson),<br>Michael Evesson,<br>Tony Reed and<br>Robert Warry. | Nil |

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|                       |     |               |  | administrative nature that may arise during the plan finalisation process, relating to the Planning Proposal.  |   |     |
| LPP<br>21 Feb<br>2023 | 5.1 | DA/158/2017/A | 49 North Rocks Road,<br>NORTH ROCKS, NSW,<br>2151 (Lot 1 DP 1249815) | <p>(a) <b>That</b> the Parramatta Local Planning Panel, pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979, refuse the requested modification to DA/158/2017/A to temporarily reduce the number of children and allow operation of the centre prior to the construction of a required roundabout.</p> <p>(b) <b>Further, that</b> the submitters be advised.</p> <p>REASONS FOR REFUSAL</p> <p>1. State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3: Educational Establishments and Child Care Facilities</p> <p>a) The modified proposal is inconsistent with following Design Quality Principles prescribed under the Child Care Planning Guidelines 2021:</p> <p>Principle 7 – Safety.</p> <p>b) The modified proposal is inconsistent with the following Matters for Consideration prescribed under the Child Care Planning Guidelines 2021:</p> <p>Part 3.1 – Site Selection and Location</p> <p>2. Environmental Planning and Assessment Act 1979</p> <p>a) The modified proposal is not of minimal environmental impact, and therefore does not satisfy the criteria prescribed under s4.55(1A)(a).</p> <p>b) The modified proposal also has non-compliances with SEPP (Transport and Infrastructure) 2021. Accordingly, the proposal fails to satisfy the matters of consideration prescribed under s4.15(1)(a)(i).</p> <p>c) It is acknowledged that this intersection has a poor accident record and the Panel accepts the advice of Council's traffic engineers that any additional traffic generated by the development without the roundabout is likely to make the existing situation worse and add to the risk of crashes at this intersection.</p> | Mary-Lynne Taylor (Chairperson), Michael Evesson, Robert Hussey and Ian Gilbertson. | Nil |

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|                                    |     |            |  | The modified proposal is therefore not considered to be in the public interest and also fails to satisfy s4.15(1)(b), (d), and (e) of the Environmental Planning & Assessment Act 1979.  |   |     |
| LPP<br>21 Feb<br>2023<br>(Special) | 2.1 | DA/61/2022 | ELECTRONIC DETERMINATION: 2-4 Boundary Street and 85 Railway Street, PARRAMATTA NSW 2150 (LOT 2 DP 202700, LOT 6 DP 16496, LOT 1 DP202700) | <p>(a) <b>That</b>, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to DA/61/2022 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.</p> <p>(b) <b>Further, that</b> objectors be advised of the Panel's decision.</p> <p>Reasons for Approval</p> <p>It has been recommended for approval for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Panel is satisfied with the applicant's clause 4.6 written request to vary the building height standard in clause 4.3 (Height of Buildings) of Parramatta LEP 2011 as: <ol style="list-style-type: none"> <li>a. The written request adequately addresses the matters required to be addressed under clause 4.6(3) of the LEP; and</li> <li>b. The development is in the public interest because it is consistent with the objectives of clause 4.3 (Height of Buildings) of the LEP and the objectives for development in the R4 High Density Residential zone.</li> </ol> </li> <li>2. The building will present as a 4 storey residential flat building that is consistent with the other residential flat buildings in the locality and the emerging character of the area;</li> <li>3. The building is appropriately articulated and modulated. Façade treatment , material variation and private open spaces have been provided in order to minimize the external bulk and scale;</li> <li>4. The development is permissible in the R4 zone pursuant to the LEP and generally satisfies the requirements of the applicable planning framework;</li> <li>5. The proposed density is reasonable for the site , having regard to the context and zoning;</li> <li>6. Amenity impacts on neighbouring properties and the public domain are reasonable;</li> </ol> | Julie Walsh (Chairperson), Ian Armstrong, Sue Francis and Peter Haliburton. | Nil |

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|                           |      |             |  | <p>7. The design of the development is considered satisfactory having regard to the comments from Council's Design Excellence Advisory Panel;</p> <p>8. The matters raised in the decision of the Panel on 15 November 2022 to defer the application have been adequately addressed; and</p> <p>9. Approval is in the public interest.</p>   |   |     |
| COUNCIL<br>27 Feb<br>2023 | 13.2 | F2022/00105 | Post Exhibition: Planning Proposal and Draft Planning Agreement for 263-273 & 279R Pennant Hills Road and 18 Shirley Street, Carlingford | <p>(a) <b>That</b> Council receives and notes submissions (Table 4 of LPP report at Attachment 3) made during the public exhibition of the Planning Proposal and draft Planning Agreement for 263-273 &amp; 279R Pennant Hills Road and 18 Shirley Street, Carlingford.</p> <p>(b) <b>That</b> Council approve the Planning Proposal (Attachment 1) for land at 263 - 273 &amp; 279R Pennant Hills Road and 18 Shirley Street, Carlingford for finalisation that seeks to amend the Parramatta (former The Hills) Local Environmental Plan 2012 to facilitate retail floor space, neighbourhood supermarket along with specialty retail, business and recreational uses in the R4 High Density Residential zoned part of the site through the following measures:</p> <p>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</p> <p>ii. Addition of 263-273 &amp; 279R Pennant Hills Road and 18 Shirley Street, Carlingford to the Additional Permitted Uses Map to facilitate retail floor space, neighbourhood supermarket along with specialty retail, business, and recreational uses.</p> <p>(c) <b>That</b> Council approve the Planning Agreement at Attachment 2 amended as referred to in this report and the Chief Executive Officer be authorised to sign/execute the Planning Agreement on behalf of Council which proposes:</p> | Councillors<br>Bradley, Darley,<br>Davis, Esber,<br>Garrard, Green,<br>Humphries,<br>Maclean, Noack,<br>Pandey, Proxiv,<br>Siviero, Valjak,<br>Wang and<br>Wearne | Nil |

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|                           |           |             |  | <p>i. A shared walking/cycling pathway through Council owned Shirley Street Reserve which forms part of the connection to the Carlingford Light Rail stop; and</p> <p>ii. A raised pedestrian crossing accommodating cyclists and pedestrians on Shirley Street.</p> <p>(d) <b>That</b> Council authorise the Chief Executive Officer to exercise the plan making delegations as granted by the Gateway Determination for this Planning Proposal.</p> <p>(e) <b>Further, that</b> Council delegates authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal and finalisation of the Planning Agreement.</p>  |   |     |
| COUNCIL<br>27 Feb<br>2023 | 13.3<br>A | F2022/00105 | <p>Post Exhibition - Finalisation of the Riverside Theatre Planning Proposal following consideration<br/>Of submissions received during the Public Exhibition Period</p> | <p>The Local Planning Panel (LPP) advice is consistent with Council Officers' recommendation within Item 13.3 of the 27 February 2023 Council Business Paper relating to the outcome of the public exhibition of the Riverside Theatre Planning Proposal.</p> <p>Recommendation (c) from Item 13.3 has been updated to reflect the LPP's advice:</p> <p>a)<b>That</b> Council note that a total number of 31 submissions were made in response to the public exhibition of the Planning Proposal which are summarised at Attachment 1.</p> <p>b)<b>That</b> Council approve the Planning Proposal at Attachment 2 for the purposes of it being forwarded to the Department of Planning and Environment (DPE) for finalisation.</p> <p>c)<b>That</b> Council note the LPP advice relating to the outcome of the public exhibition of the Planning Proposal from its meeting of 15 February 2023 that supported Council Officers' recommendation contained in (a), (b) and (d).</p> <p>d) <b>Further, that</b> Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and</p> | <p>Councillors<br/>Bradley, Darley,<br/>Davis, Esber,<br/>Garrard, Green,<br/>Humphries,<br/>Maclean, Noack,<br/>Pandey, Proxiv,<br/>Siviero, Valjak,<br/>Wang and<br/>Wearne</p> | Nil |

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|                           |      |                              |   | administrative nature that may arise during the plan finalisation process, relating to the Planning Proposal.   |   |     |
| COUNCIL<br>13 Mar<br>2023 | 13.3 | F2023/00371                  | Parramatta City Centre<br>Local<br>Infrastructure Contributions<br>Plan –<br>Amendment No 1 - Phillip<br>Street Block | <p>(a) <b>That</b> Council approves the amendment to the Draft Parramatta City Centre Local Infrastructure Contributions Plan (Amendment No 1) at Attachment 1 for the purposes of public exhibition.</p> <p>(b) <b>That</b> Council notes the Contributions Plan will be publicly exhibited for 28 days on Council’s website as required by Section 213 of the Environmental Planning and Assessment Regulation 2021, and that affected landowners within the Phillip Street block will be additionally notified by mail of the exhibition.</p> <p>(c) <b>Further, that</b> the results of the public exhibition be reported back to Council for its consideration.</p>  | Councillors<br>Bradley, Darley,<br>Davis, Garrard,<br>Humphries,<br>Maclean, Noack,<br>Pandey,<br>Prociv, Siviero,<br>Valjak and Wang | Nil |
| LPP<br>21 Mar<br>2023     | 5.1  | DA/745/2018/A<br>- D08883254 | 21-23 Norfolk Road,<br>EPPING (Lot 4 DP 8487,<br>Lot A DP 371706)   | <p>(a) <b>That</b> the Parramatta Local Planning Panel, exercising the function of the consent authority, refuse the requested modification to DA/745/2018/A to intensify the approved childcare centre by increasing children numbers from 53 to 82 and parking spaces from 14 to 23.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p>REASONS FOR REFUSAL</p> <p>1. The modified proposal is not substantially the same development as the development originally approved.</p> <p>2. The modified proposal will exacerbate the existing unsafe and congested traffic and parking situation in the vicinity of the site. This is inconsistent with Part 2 - Principle 7 – Safety and Part 3.8 Traffic and Parking of the Child Care Planning Guidelines 2021 (“the Guidelines”) made under Chapter 3 Educational Establishments and Childcare Facilities of SEPP (Transport and Infrastructure) 2021 (“the SEPP”).</p> <p>3. The modified proposal will have adverse visual, landscaping and acoustic impacts inconsistent with Principle 6 - Amenity of Part 2 and Part 3.1 – Site Selection and Location of the Guidelines.</p> <p>4. The modified proposal is inconsistent with Principle 3 -Adaptive Learning Spaces of Part 2 of the Guidelines.</p> | Julie Walsh<br>(Chairperson),<br>Paul<br>Berkemeier, David<br>Johnson and<br>Kirrily McDermott.                                       | Nil |



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|                             |      |             |  | <p>5. The modified proposal will have an adverse impact on the heritage conservation area contrary to clause 5.10 of Homsby LEP 2013 ("the LEP").</p> <p>6. The modified proposal will have an adverse impact on the streetscape which is inconsistent with Part 3.2-Local Character and Streetscape and 3.4 – Landscaping of the Guidelines.</p> <p>7. Insufficient information has been provided to enable an adequate assessment to be made of the impacts of the modified proposal in terms of flooding noting that the site is flood prone – clause 5.21 of the LEP and Part 3.1 – Site Selection and Location of the Guidelines.</p> <p>The modified proposal is not in the public interest.</p>  |   |     |
| LPP<br>4 April<br>2023      | 2.1  | F2022/01610 | 5 Buller Street, North Parramatta (Lot 1DP 178742) - Class 1 Land and Environment Court Appeal - City of Parramatta Council ats Electric Pty Ltd | <p>The Panel agrees the application as amended suitably resolves the earlier issues of refusal and provides a satisfactory outcome with improved design and solar access, with resolution of the concerns of the flooding issues, with ongoing action.</p> <p>The Panel notes that the conditions of consent proposed by the Council are satisfactory to the applicant.</p> <p>In particular the Panel is satisfied with the Council approved Plan Of Management that deals with day to day issues of the operation including ongoing maintenance for flooding.</p> <p>Accordingly, the Panel resolves that the Council enter into a s34 agreement and request the Commissioner dispose of the matter by way of a s34 Conciliated Agreement based on the further without prejudice amended plans and documentation and agreed conditions.</p> | Mary-Lynne Taylor (Chairperson), Paul Berkemeier, Richard Thorp and Ian Gilbertson.   | Nil |
| COUNCIL<br>11 April<br>2023 | 13.1 | F2022/00230 | Post-Exhibition:Housekeeping Amendment to City of Parramatta (Outside CBD) Development Contributions Plan 2021                                   | <p>(a) <b>That</b> Council note the submissions (as summarised in Attachment 1) received in response to the exhibition of the Housekeeping Amendment to the City of Parramatta (Outside CBD) Development Contributions Plan 2021.</p> <p>(b) <b>That</b> Council approves the changes proposed in the Housekeeping Amendment (as detailed in Attachment 2) which will be published as the City of Parramatta (Outside CBD) Development Contributions Plan 2021 (Amendment No. 1).</p> <p>(c) <b>That</b> Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and</p>   | Councillors Bradley, Darley, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak, Wang and Wearne | Nil |

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|                         |     |             |  | <p>administrative nature that may arise during the plan finalisation process relating to the Housekeeping Amendment.</p> <p>(d) <b>That</b> a copy of the amended Plan be published on the NSW Planning Portal.</p> <p>(e) <b>Further, that</b> the submitters be notified of Council's decision and be provided a copy of this report.</p>  |   |     |
| LPP<br>18 April<br>2023 | 5.1 | DA/823/2022 | 62 Boundary Street,<br>PARRAMATTA NSW 2150<br>(Lot 14 Sec 2 DP 939772) | <p>(a)<b>That</b>, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, refuse DA/823/2022 for the reasons stated in Attachment 1, as amended below;</p> <p>i) Amend reason for refusal 3 b as follows - Clause 2.3 – the development has failed to consider and demonstrate the impacts of the desired future high density character of the area; and</p> <p>ii) Amend reason for refusal 6 as follows - Sufficient information has not been provided to demonstrate that the application is in the public interest.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p>REASONS FOR DETERMINATION</p> <p>1. The proposal does not facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act 1979 and the aims and objectives of Parramatta Local Environmental Plan 2011.</p> <p>2. The proposal whilst permissible within the R4 High Density Residential zone does not comply with the provisions against Section 4.15 of the Environmental Planning and Assessment Act 1979;</p> <p>3. The development has not demonstrated its compatibility with the emerging and planned future character of the area; and</p> <p>4. Sufficient information has not been provided to demonstrate that the application is in the public interest.</p> | Stephen O'Connor (Chairperson), Sue Francis, Helen Deegan and Palitha Weeratunge. | Nil |
| LPP<br>18 April<br>2023 | 5.2 | DA/14/2023  | 7-7B St Andrews Street &<br>79-79A Kissing Point<br>Road, DUNDAS NSW   | <p>(a) <b>That</b>, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16 of the Environmental</p>  | Stephen O'Connor (Chairperson),   | Nil |

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|                         |     |             | 2117 (Lot 7 DP 219954, Lot 8 DP 219954, Lot 8 DP 222650, Lot 1 DP 869976 and Lot 2 DP 869976) | <p>Planning and Assessment Act 1979, refuse DA/14/2023 for the reasons stated in Attachment 1, as amended below;</p> <p>i) Include new reason for refusal as follows - The clause 4.6 variation for this Proposal has not identified sufficient environmental planning ground to justify the proposed variation. The variation has not demonstrated a satisfaction of the objectives of the development standard nor of the objects of the Environmental Planning and Assessment Act and is therefore not in the public interest.</p> <p>ii) Delete reason for refusal 7.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR REFUSAL</b></p> <p>1. The proposal does not facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act 1979 and the aims and objectives of Parramatta Local Environmental Plan 2011.</p> <p>2. The proposal, whilst permissible within the R4 High Density Residential zone, does not comply with the provisions against Section 4.15 of the Environmental Planning and Assessment Act 1979;</p> <p>3. The proposal has not demonstrated the suitability of the design of the proposal required to satisfy the Panel as to its appropriateness in its context.</p> <p>4. Sufficient information has not been provided to demonstrate that the application is in the public interest.</p> | Sue Francis, Helen Deegan and Palitha Weeratunge.                                 |     |
| LPP<br>18 April<br>2023 | 6.1 | F2022/01201 | 37A Grand Avenue, CAMELLIA (Lot 2 DP 539890)  | <p>(a) <b>That</b> having regard to the legal opinion given by Council's Legal Services Unit that the appeal has poor prospects of success given the further amendments made to the proposal, and due to the lack of any expert evidence to support a refusal based on the further amended plans and documents (and risk of an adverse costs order) it is recommended that the Council resolve the Class 1 appeal by way of a section 34 conciliated agreement.</p> <p>(b) <b>Further that</b> delegation be granted to the Group Manager of Legal Services of the City of Parramatta Council who in turn may sub-delegate to Council Officers nominated by the Manager, to negotiate and enter into an Agreement, with the Applicant pursuant to section 34 of the</p>   | Stephen O'Connor (Chairperson), Sue Francis, Helen Deegan and Palitha Weeratunge. | Nil |

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|                       |     |                            |  | Land and Environment Court Act, on the basis of the set of without prejudice amended plans and attached proposed conditions of consent, which do not authorise any intensification of the use of the proposed development and which may be approved by the court.  |   |     |
| LPP<br>16 May<br>2023 | 5.1 | DA/837/2022 -<br>D08933640 | 183 Macquarie Street,<br>PARRAMATTA (Lot A DP<br>375159)         | The Panel notes that the Council assessment of this application has been concluded swiftly; that the restriction proposed by Transport for New South Wales causes great difficulties for any development of this site; that this application for co-living is the first in Parramatta CBD; and that DEAP, Council's Design Panel, has advised that this is a site that could be developed for co-living with suitable design, and in those circumstances the Panel agrees it is reasonable to allow the deferral requested by the applicant's representatives. At the conclusion of that six week period the Panel expects the applicant to supply all additional material within that time.   | Mary-Lynne Taylor<br>(Chairperson),<br>Steve Driscoll,<br>Lindsay Fletcher,<br>Tiffany Yip.<br><br>The Panel<br>decision was 3 in<br>favour and 1<br>against. | 1   |
| LPP<br>16 May<br>2023 | 5.2 | DA/116/2023 -<br>D08950394 | 73 Murray Farm Road<br>CARLINGFORD NSW<br>2118 (Lot 5 DP 542112) | (a) <b>That</b> the Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the Environmental Planning and Assessment Act 1979, refuse development consent for DA/116/2023 for the Demolition of existing structures and construction of a two storey 65 place childcare centre with 16 basement car parking spaces on land at 73 Murray Farm Road, Carlingford for the following reasons;<br><br>1. Non-compliance with the unencumbered open space requirements of Education and Care Services National Regulation (4.9);<br><br>2. Non-compliance with off street car parking and vehicular access requirements of:<br><br>(a) The Hills Development Control Plan 2012 Part B Section 2.14.14 and<br><br>(b) State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 – Educational Establishments and Child Care Facilities, Childcare Planning Guidelines Part 3.8 Traffic, Parking and Pedestrian Circulation.<br><br>3. Non-compliance with Stormwater Management requirements of The Hills DCP Part B Section 2.12 Stormwater Management.<br><br>4. In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the application in its current form is not in the public interest | Mary-Lynne Taylor<br>(Chairperson),<br>Steve Driscoll,<br>Lindsay Fletcher,<br>Tiffany Yip.   | Nil |

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|                           |      |                            |   | <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p>REASONS FOR DETERMINATION</p> <p>1. The proposal is permissible with consent within the R2 Low Density Residential zone and complies with the development standards of the Parramatta (former The Hills) Local Environmental Plan 2012.</p> <p>2. Whilst the current design contains unacceptable non-compliances, the Panel believes the site could be made suitable for a child care facility of appropriate intensity and design.</p>  |   |     |
| COUNCIL<br>22 May<br>2023 | 13.5 | F2022/03176 -<br>D08941257 | Finalisation of Parramatta LEP 2023 and amendments made by the Department of Planning and Environment | <p>(a)<b>That</b> Council note the amendments made by the Department of Planning and Environment (DP&amp;E) when finalising the Harmonisation Planning Proposal which brought into force the new Parramatta LEP 2023.</p> <p>(b)<b>That</b> Council not pursue any further planning proposal to respond to changes DP&amp;E made to:</p> <p>i. retain the R3 Medium Density Residential zoning in precincts in North Rocks, Northmead and Carlingford instead of rezoning them to R2 Low Density Residential as requested by Council;</p> <p>ii. retain the maximum FSR and height controls across the R3 Medium Density Residential precincts rather than standardise them as requested by Council;</p> <p>iii. not support the proposed standardised minimum lot size control of 670m<sup>2</sup> for battle-axe lots, resulting in the minimum lot size for battle-axe lots being that shown on the Minimum Lots Size map (which varies across the LGA);</p> <p>iv. not support the expanded dual occupancy prohibition area Council proposed in parts of Epping, Carlingford, Dundas Valley, Telopea and Oatlands.</p> <p>(c) <b>That</b> items referred to in (b) i – iii above be considered as part of the review of medium density controls Council has already committed to when it endorsed the Parramatta Local Strategic Planning Statement.</p> | The Lord Mayor, Councillor Pandey and Councillors Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Prociv, Siviero, Valjak, Wang and Wearne. | Nil |

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|                       |     |                            |  | <p>(d) <b>That</b> Council request LGNSW to lead an advocacy program with representations to be made to the Minister for Planning and the Minister for Fair Trading and other interested councils seeking:</p> <ol style="list-style-type: none"> <li>1. To make changes to the Codes SEPP to improve dual occupancy development design; and</li> <li>2. Additional measures to make private certifiers more accountable to ensure the design controls and notification/certification processes are properly implemented by all certifiers including consideration of the following measures: <ol style="list-style-type: none"> <li>i. establishment of a team at the Department of Fair Trading to assist the community with enquiries on the complying development certificate process;</li> <li>ii. upgrade of the Planning Portal to increase visibility of key documents on the portal and to allow the community to make complaints via the portal;</li> <li>iii. amendments to the legislation to authorise councils to penalise/fine certifiers with potential introduction of new penalty categories to ensure certifiers are accountable during all parts of the process.</li> </ol> </li> </ol> <p>(e) <b>Further, that</b> Council contribute to this advocacy program by pursuing the following steps:-</p> <ol style="list-style-type: none"> <li>i. Prepare a Preliminary Discussion Paper on changes that should be made to the Codes SEPP to improve design outcomes for dual occupancy development approved via the complying development process and consult with Councillors in the preparation of the Paper.</li> <li>ii. Provide the Preliminary Discussion Paper to LGNSW.</li> <li>iii. Council be provided with updates on the progress of the advocacy program.</li> </ol> |  |     |
| LPP<br>29 May<br>2023 | 2.1 | F2022/01755 -<br>D08986913 | 71-73 Thomas Street<br>Parramatta - Land and<br>Environment Court Appeal<br>against Parramatta Local | (a) <b>That</b> it is recommended that the Council resolve the Class 1 appeal by way of a section 34 conciliated agreement.   | Julie Walsh<br>(Chairperson),<br>David Johnson,<br>Tony Reed and<br>Warrick McLean | Nil |

|   |                       |                             | Planning Panels refusal of DA/1036/2021                     | <p>(b) <b>Further that</b> delegation be granted to the Group Manager of Legal Services of the City of Parramatta Council who in turn may sub-delegate to Council Officers nominated by the Manager, to:</p> <p>(i) Negotiate and enter into an Agreement, with the Applicant pursuant to section 34 of the Land and Environment Court Act, on the basis of the set of without prejudice amended plans and attached proposed conditions of consent, which do not authorise any intensification of the use of the proposed development and which may be approved by the court; and</p> <p>(ii) Negotiate any minor changes required to the proposed conditions of consent.</p>  |             |                |       |   |                       |                        |                    |                       |      |  |     |
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| LPP<br>20 June<br>2023  | 5.1                   | DA/84/2018/A<br>- D08966215 | 9 -15 Elder Road,<br>DUNDAS NSW 2117 (Lot<br>10 DP 1130429) | <p>(a) <b>That</b> the Parramatta Local Planning Panel, exercising the function of the consent authority, <b>approve</b> the modification to DA/84/2018/A with a trial period of twelve (12) months for the amended hours of operation and establishing New Year's Eve trading hours subject to the following conditions of consent (which have modified those conditions of consent in <b>Attachment 1</b> to the Council officer's report):</p> <p style="text-align: center;"><b>Development</b>                      <b>DA/84/2018/A</b><br/> <b>Consent No.:</b><br/> <b>Property Address:</b>              <b>Lot 10 DP 1130429</b><br/> <b>9-15 Elder Road, DUNDAS NSW</b><br/> <b>2117</b></p> <p><b><u>General Matters</u></b></p> <p>The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Document(s)</th> <th style="text-align: center;">Prepared<br/>By</th> <th style="text-align: center;">Dated</th> </tr> </thead> <tbody> <tr> <td>Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B.</td> <td style="text-align: center;">Resonate<br/>Acoustics</td> <td style="text-align: center;">21<br/>December<br/>2017</td> </tr> <tr> <td>Plan of Management</td> <td style="text-align: center;">Dundas<br/>Sports Club</td> <td style="text-align: center;">2021</td> </tr> </tbody> </table> | Document(s) | Prepared<br>By | Dated | Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B. | Resonate<br>Acoustics | 21<br>December<br>2017 | Plan of Management | Dundas<br>Sports Club | 2021 | Julie Walsh<br>(Chairperson),<br>Paul Berkemeier,<br>Robert Hussey<br>and Anne Smith | Nil |
| Document(s)   | Prepared<br>By        | Dated                       |   |  |             |                |       |   |                       |                        |                    |                       |      |  |     |
| Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B. | Resonate<br>Acoustics | 21<br>December<br>2017      |   |  |             |                |       |   |                       |                        |                    |                       |      |  |     |
| Plan of Management  | Dundas<br>Sports Club | 2021                        |   |  |             |                |       |   |                       |                        |                    |                       |      |  |     |

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|  |  |  |  | <p><b>Note:</b> In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.</p> <p><b>Reason:</b> To ensure the work is carried out in accordance with the approved plans.</p> <p>All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).</p> <p><b>Reason:</b> To comply with the Environmental Planning &amp; Assessment Act 1979, as amended and the Environmental Planning &amp; Assessment Regulation 2000.</p> <p>The consent operates in conjunction with approved consent DA/787/2017 and does not replace consent DA/787/2017. Refer to DA/787/2017 for specific conditions relating to building works.</p> <p><b>Reason:</b> To comply with approved consent.</p> <p><b>This condition has been deleted pursuant to DA/84/2018/A – 22 June 2023.</b></p> <p>A 1.8-meter noise barrier is to be installed along the eastern boundary of 16 Albion Street separating the residential receiver and the adjacent car park at the Club. This should be constructed of either colorbond or other imperforated material.</p> <p><b>Reason:</b> To protect the amenity of neighboring properties.</p> <p><b>5A. The Plan of Management shall be re-drafted to be consistent with these conditions of consent together with the following amendments:</b></p> <ul style="list-style-type: none"> <li>a) <b>Specifications of the CCTV system and how it is managed and maintained including the minimum resolution, frame rates and how long the footage is retained (as per paragraph 5);</b></li> <li>b) <b>That during operating hours a staff member who is capable of operating the system be on site;</b></li> <li>c) <b>That footage will be made available to police upon request;</b></li> </ul> |  |  |
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|  |  |  |  | <p><b>d) That security staff mentioned in section 11 are appropriately licensed;</b></p> <p><b>The revised Plan of Management shall be submitted to and approved by Council’s City Safe Operations manager.</b></p> <p><b>Reason:</b> To ensure satisfactory CCTV measures are in place.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5B. That the venue operates in accordance with the Plan of Management, and any future modifications to the plan must only be done with the consent of the local police area command, and any such modification must be approved by Council;</b></p> <p><b>Reason:</b> To ensure transparency between stakeholders.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5C. The club CCTV system is to be registered with the NSW Police CCTV register at <a href="https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details">https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details</a>;</b></p> <p><b>Reason:</b> To ensure satisfactory CCTV measures are in place.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5D. The licensee shall be an active member of the local (Cumberland) Liquor Accord. Active membership is defined as being a financial member and attending at least 75% of accord meetings annually;</b></p> <p><b>Reason:</b> To ensure satisfactory handling of liquor.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5E. Music or announcements must not be made on outdoor loud speakers after 10pm (including the balcony area);</b></p> |  |  |
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|  |  |  |  | <p><b>Reason:</b> To minimise impacts on adjoining amenity.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5F. Any noise emanating from the premises must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.</b></p> <p><b>Reason:</b> To minimise impacts on adjoining amenity.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5G. Vehicles shall exit the site only via the Elder Road access after 10:30pm Sunday to Wednesday and 11:30pm Thursday to Saturday.</b></p> <p><b>Reason:</b> To minimise impacts on adjoining amenity.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b>5H. A security guard shall be engaged from 7:00pm until thirty (30) minutes after closing time seven days a week to assist with carpark management and minimising amenity impacts from departing patrons.</b></p> <p><b>Reason:</b> to minimise impacts on adjoining amenity.</p> <p><b>Note:</b> this condition has been added pursuant to DA/84/2018/A – 22 June 2023.</p> <p><b><u>Prior to the issue of a Construction Certificate</u></b></p> <p><b>Note:</b> Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)</p> <p>Prior to issuing of a Construction Certificate, the applicant/owner must prepare a 'Operational Plan of Management' to be incorporated into the 'Dundas Sports and Recreational Club Staff Handbook'. The Operational Plan must be submitted to Council to the satisfaction of the Certifying Authority and must include the following:</p> |  |  |
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|  |  |  |  | <p>a) The implementation of a 'Complaints Management Handling Registry'.</p> <p>b) The implementation of a noise management protocols for the use of the car park and should include:</p> <ol style="list-style-type: none"> <li>i. Noise Signage and no loitering signage; and</li> <li>ii. Staff procedures for ushering patrons from the car park.</li> </ol> <p>c) Measures for staff to supervise and manage the conduct of patrons leaving the venue after 10:00pm to minimise the potential disturbance to nearby residential receivers.</p> <p>d) How and when the operator will remove general litter associated with premises from any public places immediately adjoining or adjacent to the site.</p> <p><b>Reason:</b> To protect the amenity of neighbouring properties.</p> <p>An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.</p> <p><b>Note:</b> Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.</p> <p><b>Reason:</b> To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.</p> <p>An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.</p> <p><b>Note:</b> Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.</p> <p><b>Reason:</b> To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.</p> <p><b><u>Prior to Work Commencing</u></b></p> <p>Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:</p> |  |  |
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|  |  |  |  | <p>(a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and</p> <p>(b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.</p> <p>The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.<br/> <b>Reason:</b> To comply with legislative requirements.</p> <p><b><u>During Work</u></b></p> <p>A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.<br/> <b>Reason:</b> To ensure compliance with this consent.</p> <p>The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:</p> <p>(a) The date and time of the complaint;</p> <p>(b) The means by which the complaint was made;</p> <p>(c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;</p> <p>(d) Nature of the complaints;</p> <p>(e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and</p> <p>(f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.</p> |  |  |
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|  |  |  |  | <p>The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.<br/> <b>Reason:</b> To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.</p> <p>Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.<br/> <b>Reason:</b>To ensure proper management of Council assets.</p> <p>No service, structure, conduit or the like is permitted to be fixed or attached to any tree.<br/> <b>Reason:</b> To ensure the protection of the tree(s).<br/> <u><b>Prior to the issue of an Occupation Certificate/Subdivision Certificate</b></u></p> <p>Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:</p> <p>(a) Acoustic Report No. (S16749RP2), dated (21 December 2017), prepared by (Resonate Acoustics).<br/> <b>Reason:</b> To demonstrate compliance with submitted reports.</p> <p>An Acoustic Report, prepared by a suitably qualified persons(s) is to be submitted to the City of Parramatta Council within 3 months of issuing an occupational certificate (interim or final), assessing the noise impacts due to the extension of operation hours.<br/> <b>Reason:</b> To demonstrate compliance with submitted reports.</p> <p>Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.<br/> <b>Reason:</b>To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.</p> <p><b>The Use of the Site</b></p> |  |  |
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The days and hours of operation are restricted to the following for the 12-month trial period commencing on the date of approval of DA 84/2018/A:

**(a) Temporary 12 month Trial Period Hours**

| Use              | Day                 | Time              |
|------------------|---------------------|-------------------|
| Bowling Greens   | Every day (Mon-Sun) | 10:00am – 10:00pm |
| Outdoor Deck     | Sunday – Wednesday  | 10:00am – 11:30pm |
|                  | Thursday – Saturday | 10:00am – 1:00am  |
| Outdoor Gaming   | Sunday – Wednesday  | 10:00am – 12:00am |
|                  | Thursday – Saturday | 10:00am – 1:30am  |
| Function Terrace | Sunday – Wednesday  | 10:00am – 11:00pm |
|                  | Thursday – Saturday | 10:00am – 12:00am |
| Live Music       | Every day (Mon-Sun) | 10:00am – 11:30pm |
| Car Park         | Sunday – Wednesday  | 10:00am – 12:00am |
|                  | Thursday – Saturday | 10:00am – 1:30am  |

Notwithstanding the above the internal area and the carpark of the club may operate until 1:30am on New Year's Eve during the trial period.

Upon the completion of the approved twelve (12) month trial period, the following operational hours are to be adopted.

**(b) General Operational Hours**

| Use            | Day                 | Time              |
|----------------|---------------------|-------------------|
| Bowling Greens | Every day (Mon-Sun) | 10:00am – 10:00pm |

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| <b>Outdoor Deck</b>     | <b>Every day (Mon-Sun)</b> | <b>10:00am – 11:30pm</b> |
| <b>Outdoor Gaming</b>   | <b>Every day (Mon-Sun)</b> | <b>10:00am – 12:00am</b> |
| <b>Function Terrace</b> | <b>Sunday – Wednesday</b>  | <b>10:00am – 11:00pm</b> |
|                         | <b>Thursday – Saturday</b> | <b>10:00am – 12:00am</b> |
| <b>Live Music</b>       | <b>Every day (Mon-Sun)</b> | <b>10:00am – 11:30pm</b> |
| <b>Car Park</b>         | <b>Every day (Mon-Sun)</b> | <b>10:00am – 12:00am</b> |

- a) No internal live music to occur after 11:30 pm
- b) No external amplified music within the terrace areas / decks after 10:00, Monday to Sunday.
- c) Monitor patrons utilising the terraces areas / decks after 12:00 midnight and encourage the minimisation of patron noise.
- d) Notwithstanding the operational hours above, the Dundas Sports and Recreation Club may operate in line with the nominated operational hours (a) for a **trial period of 12 months** from the date of approval of development consent DA/84/2018/A.
- e) A further application may be lodged to seek consent to continue the operating hours outlined in (a) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions and any substantiated complaints received.

**Reason:** To minimise the impact on the amenity of the area.

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|  |  |  | <p><b>Note:</b> These approved temporary operating hours (a) are taken to have commenced from the date of development consent DA/84/2018/A</p> <p><b>Note:</b> This condition has been amended pursuant to DA/84/2018/A – 22 June 2023.</p> <p>The signage and/or lighting associated with this consent are not permitted to be flashing and/or moving.</p> <p><b>Reason:</b> To maintain amenity for adjoining properties.</p> <p>All deliveries must take place between the hours of 7:00am and 10:00pm, Monday to Friday. No deliveries are to take place on weekends and public holidays.</p> <p><b>Reason:</b> To protect the amenity of the neighbourhood.</p> <p>All loading and unloading must:</p> <ul style="list-style-type: none"> <li>(a) take place within the designated loading areas on the subject property, or</li> <li>(b) take place within the approved loading dock to minimise disruption of public spaces, and</li> <li>(c) is to be carried out wholly within the site</li> </ul> <p><b>Reason:</b> To protect the amenity of the neighbourhood.</p> <p>No goods are to be stored/displayed outside the walls of the building.</p> <p><b>Reason:</b> To ensure visual amenity.</p> <p>The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.</p> <p><b>Reason:</b> To protect the amenity of the surrounding neighbourhood.</p> <p>There are to be no external speakers at the premises.</p> <p><b>Reason:</b> To prevent loss of amenity to the area.</p> <p>Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.</p> <p><b>Reason:</b> To reduce noise levels.</p> <p>Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.</p> |  |  |
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|  |  |  |  | <p>The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.</p> <p><b>Reason:</b> To prevent loss of amenity to the area.</p> <p><b>ADVISORY NOTES</b></p> <p>The following information is provided for your assistance and this information does not form part of the conditions of development consent pursuant to Section 80A of the EP&amp;A Act 1979.</p> <p>Other legislative requirements for approvals, licences, permits and authorities may apply including but not limited to relevant provisions of the <i>Smoke-free Environment Act 2000</i> and <i>Smoke-free Environment Regulation 2016</i> and <i>Gaming Machines Act 2001</i>.</p> <p><b>Please Note:</b> This consent is subject to trial period for the trading hours. Further information is required at the completion of the trial period as highlighted in this consent.</p> <p><b>Responsible Officer:</b>                      <b>Albert Dzang</b></p> <p>(b) <b>That</b> conditions of consent be included to recommend that the trial period be extended for a further twelve (12) months to establish whether the acoustic measures and the applicants' controls are sufficient.</p> <p>(c) <b>That</b> submitters be advised of the decision.</p> <p><b>REASONS FOR APPROVAL</b></p> <p>1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instrument.</p> <p>2. The proposal is permissible in the RE2 – Private Recreation zone and is satisfactory when considered against Section 4.15 of the</p> |  |  |
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|                        |     |                            |  | <p>Environmental Planning and Assessment Act 1979 and the site is suitable for the development.</p> <p>3. The imposition of a twelve (12) month trial period for the amended hours will allow any additional amenity impacts to be monitored.</p>  |  |     |
| LPP<br>20 June<br>2023 | 5.2 | DA/964/2022 -<br>D08963953 | 14 Windermere Avenue,<br>NORTHMEAD NSW 2152<br>(Lot<br>35 DP 8884) | <p>(a) <b>That</b> the Local Planning Panel, exercising the function of the consent authority, refuse development consent to DA/964/2022 for the demolition of existing structures, tree removal and construction of a three-storey, 88-place Child Care Facility at 14 Windermere Avenue, Northmead.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR REFUSAL</b></p> <p><b>1. State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</b></p> <p>a) Pursuant to Clause 3.27(1)(d)(i), the application fails to demonstrate compliance with matters raised within the Childcare Planning Guidelines to an acceptable degree.</p> <p>Per Section 4.15 (1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><b>2. Parramatta (former The Hills) Local Environmental Plan 2012</b></p> <p>The proposed development exceeds the prescribed maximum height of building of 9 metres. No Clause 4.6 objection has been lodged.</p> <p>Per Section 4.15 (1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><b>3. The Hills Development Control Plan 2012</b></p> <p>a) Pursuant to Section 2.34 (e), the proposed development fails to provide a 5m setback to car parking spaces.</p> | Julie Walsh<br>(Chairperson),<br>Paul Berkemeier,<br>Robert Hussey<br>and Anne Smith | Nil |

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|  |  |  |  | <p>b) Pursuant to Section 2.34 (j) &amp; (k), the proposed development fails to demonstrate a suitable landscape plan as required.</p> <p>c) Pursuant to Section 2.2 (a), a total of four (4) accessible car spaces are required. Only one (1) space has been dedicated to accessible parking.</p> <p>d) Pursuant to Section 2.14.2, the proposed development fails to demonstrate a suitable site coverage and dwelling footprint leading to excessive bulk and scale that is unfound within the locality.</p> <p>e) Pursuant to Section 2.14.10, the proposed development inhibits solar access onto its rear outdoor play area, with little solar access shown to be achieved towards the lower ground floor internal play areas.</p> <p>f) Pursuant to Section 2.14.11, the proposed development fails to demonstrate how the lower ground indoor play areas will be suitably ventilated noting that these spaces are located below the finished ground level.</p> <p>g) Pursuant to Section 2.14.14, the proposed development fails to accommodate thirty-two (32) off-street car parking spaces.</p> <p>h) Pursuant to Section 2.12, the proposed development does not achieve satisfactory stormwater drainage arrangements.</p> <p>Per Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.</p> <p><b>4. Built Form</b></p> <p>The proposed development exhibits an excessive built form and is out of character with the locality. The proposal was not supported by the Council's Design Excellence Advisory Panel.</p> <p>Section 4.15(1)(c) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> |  |  |
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|                        |     |                            |  | <p><b>5. Submissions</b></p> <p>a) The issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.</p> <p>Per Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><b>6. Public Interest</b></p> <p>1. The proposed development is not site responsive and would result in an inappropriate Centre-based Childcare Development that is not in the public interest.</p> <p>Per Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.</p>  |  |     |
| LPP<br>20 June<br>2023 | 5.3 | DA/960/2022 -<br>D08954684 | 188 Church St,<br>PARRAMATTA<br>NSW 2150 (Lot 23 DP<br>651527) | <p>That the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, refuse development consent to DA/960/2022 for the stage 1 concept proposal for a six-storey cantilevered commercial extension atop the existing heritage listed Murrays building. Including allowance for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof on land at 188 Church Street, Parramatta for below reasons for refusal.</p> <p>Further, that submitters are advised of the decision.</p> <p>REASONS FOR REFUSAL</p> <p>Parramatta Local Environmental Plan 2011</p> <p>Section 5.10(4) – The proposed development will have an unacceptable impact on the heritage significance of the Murrays Building (1562) and surrounding heritage items.</p> <p>Section 7.20(3) – The proposed tower will have an unacceptable relationship with the heritage item on the site and that surround it,</p> | Julie Walsh<br>(Chairperson),<br>Paul Berkemeier,<br>Robert Hussey<br>and Anne Smith | Nil |

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|  |  |  | <p>including the separation, setbacks, amenity and urban form.</p> <p>Parramatta Development Control Plan 2011</p> <p>Section 3.5.1 - Heritage Design Principles – Does not comply as the scale of the addition overwhelms the existing heritage item.</p> <p>Section 6.1.2 - The proposals urban design and heritage outcomes does not comply with many of the general objectives of the Parramatta City Centre DCP.</p> <p>Section 6.3.1 – The development does not comply with many of the built form guiding principles, it does not respect the street wall controls or tower setbacks.</p> <p>Section 6.5.4 - Church St Special Area – The proposal does not comply with the objectives nor many of the controls of the Church St Special Area.</p> <p>Section 6.6.1 – The CBD Heritage Guiding principles are not complied with.</p> <p>Section 6.6.3 – The proposed addition does not provide an adequate heritage relationship; it doesn't respect the items bulk or scale nor its relationship with the surrounding low scale heritage items and how they flank Centenary Square.</p> <p>Section 6.6.4 – The addition does not benefit the heritage item and is not sympathetic to the item nor its surrounding heritage context.</p> <p>Design Excellence Advisory Panel (DEAP)</p> <p>The proposal has not been supported by the Council's DEAP on two occasions as recorded comprehensively in the Council assessment report.</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Section 4.15(1)(a)(i), (ii) and (iii) – The development will lead to environmental impacts to the built environment it is not suitable for this development and is not in the public interest.</p> |  |  |
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| LPP<br>20 June<br>2023 | 5.4 | DA/210/2023 -<br>D08988645 | 132 Victoria Road, NORTH<br>PARRAMATTA NSW (Lot<br>1 DP 1007573) | <p>(a) That the Parramatta Local Planning Panel, exercising the function of the Council pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 refuse development consent to DA/210/2023 for the demolition and construction of a 7-storey mixed use development to be comprised of 3 retail tenancies and 45 residential apartments, including affordable apartments, over 3 levels of basement parking.</p> <p>(b) Further, that submitters be advised of the decision.</p> <p>REASONS FOR REFUSAL</p> <p>1. Parramatta Local Environmental Plan 2023</p> <p>a) The proposal does not comply with clause 4.3 (height of buildings). The clause 4.6 variation is not supported as the proposal is not consistent with the objectives of clause 4.3 or the objectives of the zone. Further, there are insufficient environmental planning grounds to justify contravening the development standard.</p> <p>b) The proposal does not comply with clause 4.4 (floor space ratio). The clause 4.6 variation is not supported as the proposal is not consistent with the objectives of clause 4.4 or the objectives of the zone. Further, there are insufficient environmental planning grounds to justify contravening the development standard.</p> <p>c) The proposal is unsatisfactory, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2023:</p> <p>i. Clause 2.1 – The development is inconsistent with the aims of Parramatta Local Environmental Plan 2023.</p> <p>ii. ii) Clause 2.3 - The development is inconsistent with the zone objectives of the E1 Local Centre zone.</p> <p>iii. Clause 6.2 – Earthworks.</p> <p>iv. Clause 6.5 – Stormwater Management.</p> | Julie Walsh<br>(Chairperson),<br>Paul Berkemeier,<br>Robert Hussey<br>and Anne Smith | Nil |
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|  |  |  | <p>Per Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.</p> <p><b>2. Water Management Act 2000</b></p> <p>Pursuant to Division 3 Environmental Planning and Assessment Regulation 2021, the proposal does not have concurrence from WaterNSW in accordance with Section 90 (2) of the Water Management Act 2000 – Water Management Work Approval.</p> <p>Per Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p> <p><b>3. State Environmental Planning Policy (Transport and Infrastructure) 2021</b></p> <p>Pursuant to Division 3 Environmental Planning and Assessment Regulation 2021, the proposal fails to provide information required to assess Clause 2.119 – Frontage to a Classified Road of State Environmental Planning Policy (Transport and Infrastructure) – Chapter 2 Infrastructure and therefore does not have concurrence from Transport for NSW (TfNSW) in accordance with Section 138 of the Roads Act 1993.</p> <p>Per Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p> <p><b>4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</b></p> <p>The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:</p> <p>a) Design Quality Principles: Principle 1 Context and Neighbourhood Character.</p> <p>a) Design Quality Principles: Principle 2 Built Form and Scale.</p> <p>b) Design Quality Principles: Principle 3 Density.</p> <p>c) Design Quality Principles: Principle 5 Landscape.</p> |  |  |
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|  |  |  | <p>d) Design Quality Principles: Principle 6 Amenity.</p> <p>e) Design Quality Principles: Principle 7 Safety.</p> <p>f) Design Quality Principles: Principle 9 Aesthetics.</p> <p>g) Apartment Design Guide: 3C Public Domain.</p> <p>h) Apartment Design Guide: 3D Communal and public open space.</p> <p>i) Apartment Design Guide: 3E Deep soil zones.</p> <p>j) Apartment Design Guide: 3G: Pedestrian Access.</p> <p>k) Apartment Design Guide: 4M Facades.</p> <p>l) Apartment Design Guide: 4N Roof Design.</p> <p>m) Apartment Design Guide: 4O Landscape design.</p> <p>n) Apartment Design Guide: 4P Planting on Structures.</p> <p>o) Apartment Design Guide: 4V Water management and conservation.</p> <p>Per Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.</p> <p><b>5. Parramatta Development Control Plan 2011</b></p> <p>The proposal is unsatisfactory, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:</p> <p>a) Section 2.4.8 Public Domain.</p> <p>b) Section 3.2.1 Building Form and Massing.</p> <p>c) Section 3.2.2 Building Façade and Articulation.</p> <p>d) Section 3.2.3 Roof Design.</p> |  |  |
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|  |  |  | <p>e) Section 3.2.5 Streetscape.</p> <p>f) Section 3.1.3 Building Height.</p> <p>g) Section 3.1.3 Front Setback.</p> <p>h) Section 3.1.3: Side Setback.</p> <p>i) Section 3.1.3 Rear Setback.</p> <p>j) Section 3.1.3: Landscaped Area.</p> <p>k) Section 3.1.3: Deep Soil.</p> <p>l) Section 3.3.6 Water Sensitive Urban Design.</p> <p>m) Section 3.4.1 Culture and Public Art.</p> <p>Per Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.</p> <p><b>6. Suitability of the Site</b></p> <p>The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.</p> <p>Per Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979</p> <p><b>7. Public Interest</b></p> <p>The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.</p> <p>Per Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.</p> |  |  |
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| LPP<br>20 June<br>2023 | 5.5 | DA/797/2022 -<br>D08969576 | 4 Stringer Place,<br>OATLANDS NSW 2117<br>(Lot 18 DP 206883) | <p>(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.</p> <p>(b) Further, that the Parramatta Local Planning Panel, exercising the function of the consent authority, approve development consent to DA/797/2022 for the alteration and additions to the existing dwelling subject to conditions of consent in Attachment 1 with the following amendment to condition 14 :</p> <p>“Fencing along the side and front boundaries must not impede flood water conveyance and must therefore be proposed with an open or pool style base to the 1% AEP flood level. Retaining walls are not supported within the 1% AEP flood affected area. Compliance with the above must be clearly indicated on the detailed stormwater and architectural plans submitted to the Principal Certifying Authority for approval prior to the release of a Construction Certificate.”</p> <p>REASONS FOR APPROVAL</p> <p>1. Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP) , that has demonstrated that:</p> <p>a. compliance with cl 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and</p> <p>b. there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>The Panel is satisfied that:</p> <p>a. the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and</p> <p>b. the development is in the public interest because it is consistent with the objectives of cl 4.3 (height of buildings) of the LEP and the objectives for development in the R2 zone; and</p> <p>c. the concurrence of the secretary has been assumed.</p> | Julie Walsh<br>(Chairperson),<br>Paul Berkemeier,<br>Robert Hussey<br>and Anne Smith | Nil |
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|                        |     |              |   | <ol style="list-style-type: none"> <li>2. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental Plan 2011 and generally satisfies the requirements of all applicable planning controls.</li> <li>3. The development will be compatible with the emerging and planned future character of the area.</li> <li>4. The development will provide housing needs for the community within a low-density residential environment.</li> <li>5. Approval of the application is in the public interest.</li> </ol>  |  |     |
| LPP<br>18 July<br>2023 | 5.1 | DA/1007/2022 | 12 Lloyd George Avenue,<br>WINSTON HILLS (Lot 234<br>DP 235090) | <p>(a) <b>That</b> the Panel, exercising the function of the consent authority, <b>refuse</b> development consent to DA/1007/2022 for the demolition of existing structures, removal of trees and construction of a two storey dwelling including basement parking at 12 Lloyd George Avenue, Winston Hills for the reasons stated in <b>Attachment 1</b>.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR REFUSAL</b></p> <p><b>Parramatta Local Environmental Plan 2011 (PLEP 2011)</b></p> <ol style="list-style-type: none"> <li>1. The proposed development exceeds the permissible maximum floor space ratio as prescribed in Clause 4.4.</li> <li>2. A Clause 4.6 Statement was not submitted to justify the variation to Clause 4.4 Floor Space Ratio of the PLEP 2011.</li> <li>3. The proposed development fails to satisfactorily meet the objectives of the R2 Low Density Residential zone pursuant to Clause 2.3 of the PLEP 2011.</li> <li>4. The proposed development fails to adequately respond to the objectives of Clause 6.2 Earthworks of the PLEP 2011.</li> </ol> <p><i>In relation to section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979</i></p> <p><b>Parramatta Development Control Plan 2011 (PDCP 2011)</b></p> <ol style="list-style-type: none"> <li>1. Pursuant to Section 2.4.6, the proposed development fails to adequately respond to the natural topography of the subject site and adjoining properties.</li> </ol> | Mary-Lynne Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kerrily McDermott | Nil |

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|  |  |  |  | <ol style="list-style-type: none"> <li>2. Pursuant to Section 2.4.8, the proposed development fails to adequately respond to the transition from the public reserve to the development.</li> <li>3. Pursuant to Section 3.1.3, the proposed fails to comply with the required floor space ratio.</li> <li>4. Pursuant to Section 3.1.3, the proposed development does not comply with the required rear setback.</li> <li>5. Pursuant to Section 3.1.3, the proposed development fails to provide an adequate deep soil zone.</li> <li>6. Pursuant to Section 3.2.1, the bulk and scale of the proposed development is considered to be not suitable for the site and does not positively respond to the surrounding context.</li> <li>7. Pursuant to Section 3.2.2, the proposed building façade and articulation is not considered to be compatible with the existing character of the streetscape.</li> <li>8. Pursuant to Section 3.2.3, the proposed roof design is considered to be not appropriate for the locality.</li> <li>9. Pursuant to Section 3.2.5, the proposed development fails to adequately address the existing streetscape.</li> <li>10. Pursuant to Section 3.2.6, the proposed fence is considered to be not in keeping with the streetscape.</li> <li>11. Pursuant to Section 4.2.4, the proposed development fails to address the controls pertaining to the Winston Hills Special Character Area.</li> </ol> <p><i>In relation to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979</i></p> <p><b>Suitability of the Site</b></p> <p>The proposed development exhibits an excessive built form as demonstrated by the non-compliant floor space ratio applicable to the site and that the proposed development does not respond to the topography of the site.</p> <p><i>In relation to section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979</i></p> <p><b>Submissions</b></p> <p>The issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.</p> <p><i>In relation to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979</i></p> |  |  |
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|                        |     |                              |   | <p><b>Public Interest</b></p> <p>The proposed development is not site responsive and for that reason and the reasons given above would result in an inappropriate residential dwelling that is not in the public interest.</p> <p><i>In relation to section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979</i></p>  |  |     |
| LPP<br>18 July<br>2023 | 5.2 | DA/858/2022 -<br>D09003077   | 20 Smith Street,<br>PARRAMATTA NSW 2150<br>(LOT 31 DP 804472)                     | <p>(a) <b>That</b> the Panel, exercising the function of the consent authority, <b>approve</b> development consent to DA/858/2022 for the 'alterations and additions and change of use of the ground floor and levels 1 and 2 from retail/office premises to a pub' on land at 20 Smith Street, Parramatta.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR APPROVAL</b></p> <ol style="list-style-type: none"> <li>1. The development is permissible in the B3 Commercial Core zone pursuant to PLPP 2011 and generally satisfies the requirements of the applicable planning framework.</li> <li>2. The development will be compatible with the emerging and planned future character of the area.</li> <li>3. The development will promote a land use that provides a facility to meet the day to day needs of Parramatta Council occupants.</li> <li>4. The proposal provides a non-residential land use that has amenity impacts that can be appropriately managed.</li> <li>5. The development is in the public interest because it is consistent with the objectives of for development in the B3 Commercial Core zone.</li> <li>6. For the reasons given above, approval of the application is in the public interest.</li> </ol> | Mary-Lynne Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kerrily McDermott | Nil |
| LPP<br>18 July<br>2023 | 5.3 | DA/915/2016/E<br>- D09003089 | 2-8 River Road West,<br>PARRAMATTA NSW 2150<br>(CP SP 94898, Lot 3 DP<br>1223735) | <p>(a) <b>That</b> the Parramatta Local Planning Panel, exercising the function of the consent authority, <b>refuse</b> the requested modification to DA/915/2016/E to intensify the approved restaurant by increasing the hours of operations, allow outdoor dining and allow live entertainment.</p>  | Mary-Lynne Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kerrily McDermott | Nil |

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|                        |     |                            |   | <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR REFUSAL</b></p> <p><b>1. Parramatta Development Control Plan 2011</b></p> <p>a) The modified proposal is inconsistent with the following clauses:</p> <p style="padding-left: 20px;">I. Part 3.3.4 – Acoustic Amenity; and</p> <p style="padding-left: 20px;">II. Part 3.4.4 – Safety and Security.</p> <p><b>2. Environmental Planning and Assessment Regulation 2021</b></p> <p>a) The modified proposal failed to provide satisfactory owner's consent, in accordance with Section 98(1)(b) of the <i>EP&amp;A Regulation 2021</i>.</p> <p><b>3. Environmental Planning and Assessment Act 1979</b></p> <p>a) The modified proposal has non-compliances with <i>Parramatta Development Control Plan 2011</i>. Accordingly, the proposal fails to satisfy the matters of consideration prescribed under s4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>b) The modified proposal is therefore not considered to be in the public interest and also fails to satisfy s4.15(1)(b), (d), and (e) of the <i>Environmental Planning and Assessment Act 1979</i></p> |   |     |
| LPP<br>18 July<br>2023 | 5.4 | DA/900/2022 -<br>D09026536 | 32 Honiton Avenue,<br>CARLINGFORD NSW<br>2118 (Lot 5 DP 205980) | <p>(a) <b>That</b>, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i>, <b>refuse</b> DA/900/2022 for the reasons stated in <b>Attachment 1</b>.</p> <p>(b) <b>Further, that</b> submitters are advised of the decision.</p> <p><b>REASONS FOR REFUSAL</b></p> <p>Pursuant to Section 4.16(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i>:</p> <p>(a) <b>That</b> the Parramatta Local Planning Panel (PANEL), exercising the functions of Council, <b>refuse</b> development consent to DA/900/2022 for the demolition, tree removal and construction of a centre-based child care</p>   | Mary-Lynne<br>Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kirrily McDermott | Nil |

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|  |  |  | <p>facility to accommodate 67 children with ground and basement level parking for 17 cars at 32 Honiton Avenue, Carlingford 2118 for the following reasons:</p> <p><b>1. State Environmental Planning Policy (Transport and Infrastructure) 2021 and Child Care Planning Guideline August 2017</b></p> <p>a) Pursuant to Sections 4.15(1)(a)(i) and (b) of the <i>Environmental Planning and Assessment Act 1979</i>, the development proposal does not meet compliance and/or consist of insufficient information to determine its compliance with <i>Part 3 Matters for consideration</i> and <i>Part 4 Applying the National Regulations to development proposals</i> of the <i>Child Care Planning Guideline August 2017</i> with respect to the following:</p> <ol style="list-style-type: none"> <li>1. Site selection and location;</li> <li>2. Local character, streetscape and the public domain interface;</li> <li>3. Building orientation, envelope and design;</li> <li>4. Landscape;</li> <li>5. Visual and acoustic privacy;</li> <li>6. Traffic, parking and pedestrian circulation;</li> <li>7. Storage space requirements;</li> <li>8. Laundry, toilet and nappy change facilities;</li> <li>9. Ventilation and natural light;</li> <li>10. Natural environment;</li> <li>11. Administrative space;</li> <li>12. Effective building design to facilitate supervision of children;</li> <li>13. Emergency and evacuation procedures;</li> <li>14. Outdoor space requirements; and</li> <li>15. Fencing and shade structure device/details.</li> </ol> <p><b>2. Parramatta Local Environmental Plan 2011</b></p> <p>a) Pursuant to Section 4.15(1)(a)(i), (b) and (c) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following matters of the <i>Parramatta Local Environmental Plan 2011</i>:</p> |  |
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|  |  |  |  | <p>i. <u>Clause 1.2(2)(h) – Aims of Plan</u>: The development fails to enhance the amenity and characteristics of the established residential area in terms of the site selection, design and location.</p> <p>ii. <u>Objectives of R2 Low Density Residential</u>: The proposed non-residential land use has not taken into consideration the context and setting of the subject site in order to minimise the impact on the amenity of a low density residential environment. The proposed built form and design is not considered to be consistent with the existing context and setting.</p> <p>iii. <u>Clause 6.2 Earthworks</u>: The development proposal was not accompanied with a geotechnical report that adequately addresses the excavation conditions, measures, geotechnical parameters for the design of the foundations and potential impacts onto adjoining properties. In addition, a cut and fill plan quantifying the extent of the proposed earthworks throughout the site was not provided.</p> <p><b>3. Parramatta Development Control Plan 2011</b></p> <p>a) Pursuant to Section 4.15(1)(a)(iii), (b) and (c) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following sections of the <i>Parramatta Development Control Plan 2011</i>:</p> <p>i. <u>Sections 2.4.3</u>: A geotechnical investigations report and a detailed earthworks plan (cut and fill) have not been provided in order to assess the suitability of the extent of such works including the potential of sub-terrain water and the impact of such works on the neighbouring/surrounding properties.</p> <p>ii. <u>Sections 3.1.1, 5.2.3.2 and Table 3.1.3.1</u>: The proposed front, secondary and side setbacks, and the number of storeys proposed are not considered to be suitable for the site.</p> |  |  |
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|  |  |  |  | <p>iii. <u>Sections 3.2.1, 3.2.2, 3.2.3, and 3.2.5:</u> The built form is considerably out of scale with the established residential setting, and it has not taken into consideration of the topography, condition and constraints of the site. The built form will generate undesirable bulk and scale onto the streetscape and locality.</p> <p>iv. <u>Sections 2.4.6 and 3.2.5:</u> The proposed street presentation to Honiton Avenue, Coleman Avenue and Clover Close is a negative aspect of the proposal. The proposed building is not consistent with the established residential setting.</p> <p>v. <u>Section 3.2.6:</u> The proposed acoustic fences along the Honiton Avenue and Coleman Avenue property boundaries (as indicated in the Environmental Noise Impact Assessment Report) are excessive in height, generates undesirable visual impacts and does not provide a positive interface between private and public domains.</p> <p>vi. <u>Section 3.3.5:</u> The proposed development will significantly overshadow the western neighbouring properties' internal living areas and private open space, and the proposed indoor play areas will not achieve natural cross-ventilation as the submitted acoustic report relies on the windows to be closed during the use of amplified music or noisy group activities.</p> <p>vii. <u>Section 3.3.7:</u> The submitted on-going waste management plan has not been adequately prepared and is not in accordance with <i>Section 9 of Council's Waste Management Guidelines for new Development Applications 2016.</i></p> <p><b>4. Operational Matters</b></p> <p>a) Pursuant to Section 4.15(1)(b) and (c) of the <i>Environmental Planning and Assessment Act 1979</i>, a detailed Operational Plan of Management and a detailed evacuation management plan were submitted but not adequate and therefore the potential</p> |  |  |
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|                        |     |                            |  | <p>impacts of the development proposal onto the surrounding properties cannot be adequately assessed.</p> <p><b>5. Suitability of the site</b></p> <p>a) Pursuant to Section 4.15(1)(b) and (c) of the <i>Environmental Planning and Assessment Act 1979</i>, the site is not considered suitable for the proposed development.</p> <p>b) Pursuant to Section 4.15(1)(d) and (e) of the <i>Environmental Planning and Assessment Act 1979</i>, the adverse impacts generated by the development due to non-compliance with the applicable planning controls is not beneficial within the development site or to the established residential community and as such, it is not considered to be in the wider public interest.</p> <p><b>6. Submissions</b></p> <p>In relation to section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i>, the issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.</p> |  |     |
| LPP<br>18 July<br>2023 | 5.5 | DA/226/2023 -<br>D09031873 | 7-9 Wentworth Street<br>PARRAMATTA NSW 2150<br>(Lot 422 DP 746665) | <p>(a) <b>That</b> the Parramatta Local Planning Panel, exercising the function of the consent authority, <b>approve</b> Development Application DA/226/2023 seeking consent for the internal and external alterations and additions to the existing office building to facilitate the use of Levels 1-4 as City of Parramatta administration offices at Lot 422, DP 746665, No. 7 Wentworth Street, Parramatta subject to conditions of consent in <b>Attachment 1</b>.</p> <p><b>REASONS FOR APPROVAL</b></p> <ol style="list-style-type: none"> <li>1. The development is permissible pursuant to Paramatta Local Environmental Plan 2023.</li> <li>2. The development is consistent with the objectives of the MU1 – Mixed Use zone.</li> </ol>  | Mary-Lynne Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kirrily McDermott | Nil |

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|                        |     |                            |   | <p>3. The development is compatible with the existing development on the subject site and will not significantly alter the existing built form, or the surrounding locality.</p> <p>4. For the reasons given above, approval of the application is in the public interest.</p>   |   |     |
| LPP<br>18 July<br>2023 | 5.6 | DA/834/2022 -<br>D09036481 | 23 King Street, DUNDAS<br>VALLEY NSW 2117 (LOT<br>1094 DP 36696)            | <p>The Panel is not yet satisfied with the adequacy of the traffic safety assessment within the vicinity of the childcare centre.</p> <p>The Panel is especially concerned about the close proximity to the public school rear access/carriageway from King Street. The Panel heard from local residents, who stated that this access is used by both pedestrians and vehicles and sometimes is used two-way. On occasion vehicles have been witnessed reversing out onto King Street. At that point, it appears to reverse onto a marked crossing which the locals explained was used by school children and parents and therefore likely to be used by childcare attendees as well.</p> <p>Therefore an additional report addressing the context of likely morning and afternoon traffic when the childcare is in use taking into account traffic into both the school and its various Out of School Hours Care is requested.</p> <p>The Panel is also concerned at the impact of overshadowing of number 21 King Street and requires further assessment of the shadow in accordance with Parramatta Development Control Panel 2021.</p> | Mary-Lynne<br>Taylor (Chair)<br>Richard Thorp<br>Tony Reed<br>Kirrily McDermott   | Nil |
| LPP<br>15 Aug<br>2023  | 5.1 | DA/888/2022                | Road reserve on 28<br>Cambridge Street,<br>EPPING NSW 2121 (CP<br>SP 97647) | <p>(a) That the Parramatta Local Planning Panel, exercising the function of the consent authority, grant development consent to DA/888/2022 for the installation of an advertising enabled EV charging station ancillary to an existing electrical substation on the Cambridge Street Road Reserve subject to the conditions in the assessment report as amended below:</p> <p>a. Changes to Condition 5 and 6 – to insert reference to requirements of the two relevant Government Agencies being located in Part G and Part H. Insert the recommended Conditions by relevant authorities in a new Part G and Part H of the consent.</p>  | Stephen<br>O'Connor<br>(Chairperson)<br>Sue Francis<br>Tony Reed<br>Peter Halburn | Nil |

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|                           |      |           |  | <ul style="list-style-type: none"> <li>b. Changes to Condition 8 – to end condition 8 after the word “consent”.</li> <li>c. Deletion of Condition 11.</li> <li>d. Changes to Condition 28 – to add the words “and repair any damage” at the end of the Condition.</li> <li>e. Change to Condition 31 – to delete the words “and use of the on-street carparking bay”. Also, add the words “prior to commencement of the use after the word “agreement” where it first occurs in the condition.</li> </ul> <p>(b) Further, that the objector be advised of the Panel’s decision.</p> <p>REASONS FOR DETERMINATION</p> <ol style="list-style-type: none"> <li>1. The proposed development provides a suitable EV charging facilities on an existing Ausgrid owned substation which addresses applicable planning controls.</li> <li>2. The development will not create adverse impacts onto the locality and will remain compatible with the existing area.</li> <li>3. The proposed development incorporates sufficient measures to safeguard parking amenity.</li> <li>4. The development will provide a use that accommodates the needs of the existing and future residents, workers, and visitors of Parramatta.</li> <li>5. For the reasons given above, approval of the application is in the public interest.</li> </ol> <p>The Panel’s decision was unanimous.</p> |   |   |
| COUNCIL<br>28 Aug<br>2023 | 13.3 | D08994051 | Adoption of Parramatta<br>Harmonisation DCP 2023 | <ul style="list-style-type: none"> <li>(a) That Council note that a total number of 58 submissions were made in response to the exhibition of the draft Harmonisation Development Control Plan (DCP) which are summarised at Attachment 3.</li> <li>(b) That Council repeal the five DCPs that currently apply to parts of the City of Parramatta and adopt the updated draft Harmonisation</li> </ul>  | Lord Mayor<br>Councillor Pandey<br>and Clrs Valjak,<br>Siviero, Green,<br>Wang, Wearne,<br>Humphries, | DLM<br>McLean<br>Clrs<br>Darley,<br>Esber,<br>Prociv, |

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|                       |     |             |   | <p>DCP (which will form Parramatta DCP 2023) contained at Attachment 1 for finalisation noting the amendments made following the public exhibition detailed at Attachment 4 subject to the removal of Section 5.4.3 All Electric Buildings of the draft Harmonisation DCP and the subsequent required section renumbering and administrative changes.</p> <p>(c) That Council:</p> <ol style="list-style-type: none"> <li>i. adopt the administrative amendments to the stand-alone DCPs for Wentworth Point, Homebush Bay West and Carter Street precincts provided at Attachment 2 for finalisation, and</li> <li>ii. advise the Department of Planning and Environment of the decision at (c) i) and where required obtain its approval for the amendments.</li> </ol> <p>(d) That Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.</p> <p>(e) That Council commence a further review of the DCP provisions relating to electric buildings for development outside the CBD and report the findings to Council. The review should consider whether requiring all-electric (gas-free) developments outside the Parramatta CBD is appropriate. The review should consider the role this policy change could play in achieving targets in Council's current Environmental Sustainability Strategy 2017 (and Draft Environmental Sustainability Strategy 2023), and NSW Government's Net Zero Plan.</p> | Garrard and Noack                         | Bradley & Davis |
| LPP<br>21 Sep<br>2023 | 5.1 | DA/314/2023 | 52 Hammers Road,<br>NORTHMEAD NSW 2152<br>(Lot 23 DP 1053952) | <p>A. That the Parramatta Local Planning Panel, exercising the functions of Council pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, refuse DA/314/2023 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal is unsatisfactory in terms of traffic and parking, in particular it will exacerbate the existing traffic conditions on Hammers Road and result in an unsafe situation for proposed users of the centre and the public.</li> </ol>  | Julie Walsh<br>David Johnson<br>Tony Reed | Nil             |

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|  |  |  |  | <p>2. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 Educational Establishments:</p> <p>a) Clause 3.22 – Concurrences for certain development. The proposal does not comply with the minimum requirements for unencumbered outdoor play areas for a 76 place childcare centre.</p> <p>b) Clause 3.26 – Non-discretionary development standards does not provide the minimum unencumbered outdoor play areas for a 76 place childcare centre.</p> <p>c) Childcare Planning Guidelines Part 3.1 Site selection and location</p> <p>d) Childcare Planning Guidelines Part 3.2 Local character, streetscape and the public domain interface</p> <p>e) Childcare Planning Guidelines Part 3.3 Building orientation, envelope and design</p> <p>f) Childcare Planning Guidelines Part 3.4 Landscaping</p> <p>g) Childcare Planning Guidelines Part 3.5 Visual and acoustic privacy</p> <p>h) Childcare Planning Guidelines Part 3.6 Noise and Air Pollution</p> <p>i) Childcare Planning Guidelines Part 3.8 Traffic, Parking and Pedestrian Circulation</p> <p>j) Education and Care Services National Regulations Part 4.1 Indoor space requirements (storage areas)</p> <p>k) Education and Care Services National Regulations Part 4.3 Toilet and hygiene facilities</p> |  |  |
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|  |  |  |  | <p>l) Education and Care Services National Regulations Part 4.4 Ventilation and natural light</p> <p>m) Education and Care Services National Regulations Part 4.6 Nappy change facilities</p> <p>n) Education and Care Services National Regulations Part 4.7 Premises designed to facilitate supervision</p> <p>o) Education and Care Services National Regulations Part 4.9 Outdoor space requirements</p> <p>p) Education and Care Services National Regulations Part 4.10 Natural environment</p> <p>q) Education and Care Services National Regulations Part 4.11 Shade</p> <p>r) Education and Care Services National Regulations Part 4.12 Fencing</p> <p>s) Education and Care Services National Regulations Part 4 4.13 Soil assessment</p> <p>3. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas.</p> <p>a) Clause 2.1 – The proposal does not meet the aims of the chapter as it does not provide a landscape plan that demonstrates the protection and preservation of amenity of nonrural areas through preservation of trees and other vegetation.</p> <p>4. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy</p> |  |  |
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|  |  |  |  | <p>(Resilience and Hazards) 2021 – Chapter 4 Remediation of Land:</p> <p>a) Clause 4.6 Contamination and remediation to be considered in determining development application.</p> <p>5. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2023:</p> <p>a) Clause 2.1 – the development is inconsistent with the aims of Parramatta Local Environmental Plan 2023</p> <p>b) Clause 2.3 - the development is inconsistent with the zone objectives of the R2 Low Density Residential zone</p> <p>6. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:</p> <p>a) Section 2.4.4 Land Contamination</p> <p>b) Section 2.4.6 Development on Sloping Land</p> <p>c) Section 2.4.7 Biodiversity</p> <p>d) Section 2.4.8 Public Domain</p> <p>e) Section 3.2.1 Building Form and Massing</p> <p>f) Section 3.2.2 Building Façade and Articulation</p> <p>g) Section 3.2.5 Streetscape</p> <p>h) Section 3.2.6 Fences</p> <p>i) Section 3.1.3 Front Setback</p> <p>j) Section 3.1.3 Side Setback</p> <p>k) Section 3.1.3 Rear Setback</p> <p>l) Section 3.1.3: Deep Soil</p> <p>m) Section 3.3.3 Visual and Acoustic Privacy</p> <p>n) Section 3.3.5 Solar Access and Cross Ventilation</p> <p>o) Section 3.4.2 Access for People with Disabilities</p> <p>p) Section 3.6.3 Accessibility and Connectivity</p> <p>q) Section 5.2.3.2 Child Care Centres - Child Care Centres in Residential Zones</p> |  |  |
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|                       |     |           |   | <p>r) Section 5.2.3.4 Child Care Centres – Access and Parking<br/> s) Section 5.2.3.5 Child Care Centres – Acoustic and Visual Privacy<br/> t) Section 5.2.3.7 Child Care Centres – Outdoor Areas</p> <p>7. The proposal fails to satisfy the relevant considerations under<br/> Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.</p> <p>8. The proposal fails to satisfy the relevant considerations under<br/> Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.</p> <p>B. Further, that submitters are advised of the decision.</p>  |   |     |
| LPP<br>21 Sep<br>2023 | 5.2 | DA/7/2023 | 7 Yates Avenue DUNDAS VALLEY (Lots 599/600, DP 36700) | <p>(a) That the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, refuse development consent to DA/7/2023 for the amalgamation of two separate land parcels, tree removal, demolition of existing structures and construction of a two storey 83 place centre-based childcare facility with 22 parking spaces on the lower ground floor at 7 Yates Avenue, Dundas Valley.</p> <p>(b) Further, that submitters are advised of the decision.</p> <p>REASONS FOR REFUSAL</p> <p>1. State Environmental Planning Policy (Transport and Infrastructure) 2021 and Child Care Planning Guideline August 2017</p> <p>(a) Pursuant to Sections 4.15(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, the development proposal does not meet compliance with Clause 3.26 Centre based childcare – non-discretionary development standard. The</p> | Julie Walsh<br>David Johnson<br>Tony Reed<br>Warrick McLean | Nil |

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|  |  |  |  | <p>proposal fails to provide the required areas for unencumbered indoor and outdoor space.</p> <p>(b) Pursuant to Sections 4.15(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, the development proposal does not meet compliance and/or consist of insufficient information to determine its compliance with Part 3 Matters for consideration and Part 4 Applying the National Regulations to development proposals of the Child Care Planning Guideline August 2017 with respect to the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Site selection and location;</li> <li><input type="checkbox"/> Local character, streetscape and the public domain interface;</li> <li><input type="checkbox"/> Building orientation, envelope and design;</li> <li><input type="checkbox"/> Landscape;</li> <li><input type="checkbox"/> Visual and acoustic privacy;</li> <li><input type="checkbox"/> Indoor space requirements</li> <li><input type="checkbox"/> Storage space requirements;</li> <li><input type="checkbox"/> Toilet and hygiene facilities;</li> <li><input type="checkbox"/> Administrative space;</li> <li><input type="checkbox"/> Effective building design to facilitate supervision of children;</li> <li><input type="checkbox"/> Emergency and evacuation procedures;</li> <li><input type="checkbox"/> Outdoor space requirements; and</li> <li><input type="checkbox"/> Fencing.</li> </ul> <p>2. Parramatta Local Environmental Plan 2011</p> <p>(a) Pursuant to Section 4.15(1)(a)(i), (b) and (c) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following matters of the Parramatta Local Environmental Plan 2011:</p> <ul style="list-style-type: none"> <li>i. Clause 1.2(2)(h) – Aims of Plan: The development fails to ensure that development does not detract from the operation of local or regional road systems.</li> <li>ii. Clause 6.2 – Earthworks: The development propose excessive fill on site that impacts on the amenity of neighbouring properties.</li> </ul> |  |  |
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|  |  |  |  | <p>3. Parramatta Development Control Plan 2011</p> <p>(a) Pursuant to Section 4.15(1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet compliance and/or consist of insufficient information to determine its compliance to the following sections of the Parramatta Development Control Plan 2011:</p> <ul style="list-style-type: none"> <li>i. Sections 3.1.1 and Table 3.1.3.1: The proposal does not provide the required area for landscaping.</li> <li>ii. Section 3.2.5: Due to insufficient information regarding the front fence, a full and proper assessment on the streetscape design could not be completed.</li> <li>iii. Section 3.2.6: The proposed acoustic fences along the side and rear boundaries (as indicated in the Environmental Noise Impact Assessment Report) are excessive in height, generates undesirable visual impacts and does not provide a positive interface between private domains.</li> <li>iv. Section 3.3.3: The submitted acoustic report provides insufficient information and does not adequately address the impacts of the proposal on neighbouring properties. The recommendations in the report impact on the efficient operation of the centre.</li> <li>v. Section 5.2.3.5: The proposal does not provide sufficient information in the acoustic report for Council's experts to properly assess the acoustic amenity impacts of the development.</li> <li>vi. Section 5.2.3.6: The proposal does not provide sufficient information to properly calculate indoor play areas and for Council's experts to properly assess areas for safe food preparation.</li> </ul> <p>4. Overshadowing</p> |  |  |
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|  |  |  | <p>Insufficient information has been provided to determine whether overshadowing impacts are acceptable.</p> <p>5. Traffic and Parking</p> <p>Given the nature of the Yates Avenue road width and the fact that the access driveway to the basement carpark is at 90 degrees, access into and out of the driveway would restrict through traffic movement in Yates Avenue. Further, development of the site as planned would result in a significant increase of on - street parking further restricting through traffic movement, and significantly reduce residents amenity.</p> <p>6. Operational Matters</p> <p>(a) Pursuant to Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, a detailed Operational Plan of Management and a detailed evacuation management plan were submitted but not adequate and therefore the potential impacts of the development proposal onto the surrounding properties cannot be adequately assessed.</p> <p>7. Suitability of the site</p> <p>(a) Pursuant to Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development.</p> <p>(b) Pursuant to Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, the adverse impacts generated by the development due to non-compliance with the applicable planning controls is not beneficial within the development site or to the established residential community and as such, it is not considered to be in the wider public interest.</p> <p>8. Submissions</p> <p>(a) Pursuant to Section 4.15(1)(a(iii)) of the Environmental Planning and Assessment Act 1979, the issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.</p> |  |  |
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