



**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 13 Feb 2023	12.5	DA/932/2021	Parramatta Light Rail Stage 2 – Environmental Impact Statement (EIS) 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 Bradley, Darley, Davis, Esber, Green, Humphries, Macleay, Noack, Pandey, Proxiv, Siviero, Valjak and Wang	Nil

			<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 15 Feb 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, (Chairperson), Michael Evesson, Tony Reed and Robert Warry.	Nil

				administrative nature that may arise during the plan finalisation process, relating to the Planning Proposal.		
LPP 21 Feb 2023	5.1	DA/158/2017/A	49 North Rocks Road, NORTH ROCKS, NSW, 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

				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 21 Feb 2023 (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 Haliburn.	Nil

				<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 27 Feb 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 Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Proxiv, Siviero, Valjak, Wang and Wearne	Nil

				<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 27 Feb 2023	13.3 A	F2022/00105	<p>Post Exhibition - Finalisation of the Riverside Theatre Planning Proposal following consideration 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 Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Proxiv, Siviero, Valjak, Wang and Wearne</p>	Nil

				administrative nature that may arise during the plan finalisation process, relating to the Planning Proposal.		
COUNCIL 13 Mar 2023	13.3	F2023/00371	Parramatta City Centre Local Infrastructure Contributions Plan – Amendment No 1 - Phillip 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 Bradley, Darley, Davis, Garrard, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak and Wang	Nil
LPP 21 Mar 2023	5.1	DA/745/2018/A - D08883254	21-23 Norfolk Road, EPPING (Lot 4 DP 8487, 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 (Chairperson), Paul Berkemeier, David Johnson and Kirrily McDermott.	Nil



				<p>5. The modified proposal will have an adverse impact on the heritage conservation area contrary to clause 5.10 of Hornsby 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 4 April 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 11 April 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

				<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 18 April 2023	5.1	DA/823/2022	62 Boundary Street, PARRAMATTA NSW 2150 (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 18 April 2023	5.2	DA/14/2023	7-7B St Andrews Street & 79-79A Kissing Point 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

			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 18 April 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

				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 16 May 2023	5.1	DA/837/2022 - D08933640	183 Macquarie Street, PARRAMATTA (Lot A DP 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 (Chairperson), Steve Driscoll, Lindsay Fletcher, Tiffany Yip.  The Panel decision was 3 in favour and 1 against.	1
LPP 16 May 2023	5.2	DA/116/2023 - D08950394	73 Murray Farm Road CARLINGFORD NSW 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;  1. Non-compliance with the unencumbered open space requirements of Education and Care Services National Regulation (4.9);  2. Non-compliance with off street car parking and vehicular access requirements of:  (a) The Hills Development Control Plan 2012 Part B Section 2.14.14 and  (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.  3. Non-compliance with Stormwater Management requirements of The Hills DCP Part B Section 2.12 Stormwater Management.  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 (Chairperson), Steve Driscoll, Lindsay Fletcher, Tiffany Yip.	Nil

				<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 22 May 2023	13.5	F2022/03176 - 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

				<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 29 May 2023	2.1	F2022/01755 - D08986913	71-73 Thomas Street Parramatta - Land and Environment Court Appeal 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 (Chairperson), David Johnson, Tony Reed and 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>											
LPP 20 June 2023	5.1	DA/84/2018/A - D08966215	9 -15 Elder Road, DUNDAS NSW 2117 (Lot 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> <b>Consent No.:</b> <b>Property Address:</b>                       <b>Lot 10 DP 1130429</b> <b>9-15 Elder Road, DUNDAS NSW</b> <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"> <thead> <tr> <th>Document(s)</th> <th>Prepared By</th> <th>Dated</th> </tr> </thead> <tbody> <tr> <td>Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B.</td> <td>Resonate Acoustics</td> <td>21 December 2017</td> </tr> <tr> <td>Plan of Management</td> <td>Dundas Sports Club</td> <td>2021</td> </tr> </tbody> </table>	Document(s)	Prepared By	Dated	Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B.	Resonate Acoustics	21 December 2017	Plan of Management	Dundas Sports Club	2021	Julie Walsh (Chairperson), Paul Berkemeier, Robert Hussey and Anne Smith	Nil
Document(s)	Prepared By	Dated													
Acoustic Report, Project No. S16749 Ref. No. S16749RP2, Revision B.	Resonate Acoustics	21 December 2017													
Plan of Management	Dundas Sports Club	2021													

				<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.  <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.  <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.  <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.  <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.  <b>Reason:</b> To ensure the protection of the tree(s).  <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).  <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.  <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.  <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

<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.

			<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 20 June 2023	5.2	DA/964/2022 - D08963953	14 Windermere Avenue, NORTHMEAD NSW 2152 (Lot 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 (Chairperson), Paul Berkemeier, Robert Hussey and Anne Smith	Nil

				<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 20 June 2023	5.3	DA/960/2022 - D08954684	188 Church St, PARRAMATTA NSW 2150 (Lot 23 DP 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 (Chairperson), Paul Berkemeier, Robert Hussey and Anne Smith	Nil

			<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 20 June 2023	5.4	DA/210/2023 - D08988645	132 Victoria Road, NORTH PARRAMATTA NSW (Lot 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 (Chairperson), Paul Berkemeier, Robert Hussey 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 20 June 2023	5.5	DA/797/2022 - D08969576	4 Stringer Place, OATLANDS NSW 2117 (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 (Chairperson), Paul Berkemeier, Robert Hussey 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 18 July 2023	5.1	DA/1007/2022	12 Lloyd George Avenue, WINSTON HILLS (Lot 234 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) Richard Thorp Tony Reed Kerrily McDermott	Nil

				<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 18 July 2023	5.2	DA/858/2022 - D09003077	20 Smith Street, PARRAMATTA NSW 2150 (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) Richard Thorp Tony Reed Kirrily McDermott	Nil
LPP 18 July 2023	5.3	DA/915/2016/E - D09003089	2-8 River Road West, PARRAMATTA NSW 2150 (CP SP 94898, Lot 3 DP 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) Richard Thorp Tony Reed Kirrily McDermott	Nil

				<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 18 July 2023	5.4	DA/900/2022 - D09026536	32 Honiton Avenue, CARLINGFORD NSW 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 Taylor (Chair) Richard Thorp Tony Reed Kirrily McDermott	Nil

			<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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				<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p><b>3. Parramatta Development Control Plan 2011</b></p> <ul style="list-style-type: none"> <li>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>: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> </ul>		
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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 18 July 2023	5.5	DA/226/2023 - D09031873	7-9 Wentworth Street PARRAMATTA NSW 2150 (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) Richard Thorp Tony Reed Kirrily McDermott	Nil

				<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 18 July 2023	5.6	DA/834/2022 - D09036481	23 King Street, DUNDAS VALLEY NSW 2117 (LOT 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 Taylor (Chair) Richard Thorp Tony Reed Kirrily McDermott	Nil
LPP 15 Aug 2023	5.1	DA/888/2022	Road reserve on 28 Cambridge Street, EPPING NSW 2121 (CP 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 O'Connor (Chairperson) Sue Francis Tony Reed Peter Haliburn	Nil

				<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> <ul 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> </ul> <p>The Panel’s decision was unanimous.</p>		
COUNCIL 28 Aug 2023	13.3	D08994051	Adoption of Parramatta 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 Councillor Pandey and Clrs Valjak, Siviero, Green, Wang, Wearne, Humphries,	DLM McLean Clrs Darley, Esber, Prociv,

				<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 21 Sep 2023	5.1	DA/314/2023	52 Hammers Road, NORTHMEAD NSW 2152 (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 David Johnson Tony Reed	Nil

				<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 4.13 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  s) Section 5.2.3.5 Child Care Centres – Acoustic and Visual Privacy  t) Section 5.2.3.7 Child Care Centres – Outdoor Areas</p> <p>7. 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>8. 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>B. Further, that submitters are advised of the decision.</p>		
LPP 21 Sep 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 David Johnson Tony Reed Warrick McLean	Nil

				<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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LPP 17 October 2023	5.1	DA/837/2022 - D09087089	OUTSIDE PUBLIC MEETING: 183 Macquarie St, PARRAMATTA (Lot A, DP 375159)	<p><b>DETERMINATION</b></p> <p>Pursuant to Section 4.16 of the <i>Environmental Planning and Assessment Act, 1979</i>:</p> <p>(a) The Parramatta Local Planning Panel declined to grant a 4 week extension, to the development application to allow further information to be provided by the applicant.</p> <p>(b) The Parramatta Local Planning Panel, exercising the function of the consent authority, <b>refuse</b> development consent to DA/837/2022 for the Construction of a 12-storey mixed use building containing ground and first floor retail/commercial space and 76 Co-Living rooms over one level of basement storage on land at 183 Macquarie St, Parramatta for the following reasons:</p> <p><b>1. Unsuitable Site –</b></p> <p><b>a. Site Size –</b> The site does not meet the minimum lot size development standard for co-living housing in section 69(1)(b)(ii) of the Housing SEPP 2021. Specifically, the proposed variation is excessive, leads to further development non-compliances and sets a poor precedent.</p> <p><b>b. Site Frontage –</b> The development does not comply with Section 6.3.2 of the Parramatta Development Control Plan 2011 regarding the minimum site frontage for sites in the CBD. Specifically, the development has provided a 10.6m frontage rather than the 35m required which does not allow for achievement of the objectives.</p> <p><b>c. Site Isolation –</b> The development does not comply with Section 3.7.2 of the Parramatta Development Control Plan 2011. Specifically, the proposal would isolate the adjoining site to the west, compromising its ability to accommodate a development of the allowable density while complying with the relevant controls. No evidence has been provided to demonstrate the applicant made a reasonable attempt to amalgamate the subject site with the adjoining lot.</p> <p><b>d. Suitability of the site –</b> The site is not considered suitable for this development as per 4.15(1)(c) of the <i>Environmental Planning and Assessment Act 1979</i>. Specifically, the proposed utilization of an undersized site results in unacceptable impacts on built form and amenity.</p> <p><b>2. Unacceptable Standard of Accommodation –</b></p>	Stephen O'Connor (Chairperson) Michael Evesson Michael Mason Peter Haliburn	Nil
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				<ul style="list-style-type: none"> <li>a. <b>Solar Access</b> – A majority of the proposed units would not receive any direct sunlight at mid-winter which is contrary to the provision of Clause 3.3.5 of the Parramatta DCP 2011.</li> <li>b. <b>Ventilation</b> – The applicant has not demonstrated that the units off the light well will receive adequate mechanical ventilation. Further, the lack of side setbacks denies the opportunity to provide the units with natural cross ventilation.</li> <li>c. <b>Outlook</b> – The privacy screens to the windows off the light well and the proximity to the adjoining built form result in poor outlook for those units which is contrary to the requirements of clause 6.3.2 of the Parramatta DCP 2011.</li> <li>d. <b>Floor to floor heights</b> – The development does not comply with Section 6.3.3.4 of the Parramatta Development Control Plan 2011 regarding floor-to-floor heights. Specifically, the development has not provided the required 3.1m floor to floor heights for residential levels nor the required 3.8m floor to floor heights for the commercial levels.</li> <li>e. <b>Motorcycle Parking</b> - The development has not provided adequate motorcycle parking spaces as per Section 69(1)(h) of the Housing SEPP 2021. Specifically, the one proposed space is insufficient and will conflict with the use of the space as a café and a loading dock at other times. This provision also does not comply with 6.9.2 of the Parramatta Development Control Plan 2011.</li> <li>f. <b>Safety</b> – The development does not comply with section 3.4.2 and 3.4.4 of the Parramatta Development Control Plan 2011. Specifically, the development does not demonstrate that it can provide adequate safe and obvious access for residents via the loading dock.</li> <li>g. <b>CPTED</b> – The development does not comply with Section 3.4.4 of the Parramatta Development Control Plan 2011 regarding</li> </ul>		
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				<p>appropriate security and safety for residents. Specifically, the open loading dock provides concealment and entrapment points.</p> <p><b>h. Car Parking</b> – The development is inconsistent with Section 3.6.2 of the Parramatta Development Control Plan 2011 relating to minimum car parking requirements. Specifically, the proposal does not provide adequate and safe parking space for use by the building manager at all times as it will be used as a café for part of the day.</p> <p><b>3. Unacceptable Built Form –</b></p> <p><b>a. Building Separation</b> – The design of the building does not comply with the separations requirements under Section 69(2)(b) of the Housing SEPP 2021. Specifically, the setbacks to both the eastern and western boundaries do not comply with sections 2F/3F of the Apartment Design Guidelines and result in unacceptable impacts on, and set a poor precedent for, built form.</p> <p><b>b. Active Street Frontage / Waste Management</b> – The proposal does not comply with section 7.8 of the Parramatta Local Environmental Plan 2011 and Section 3.3.7 and 6.3.4 of the Parramatta Development Control Plan 2011 as the development does not provide an appropriate active street frontage and a loading dock. Specifically, the proposed loading dock/café does not meet the requirements of the controls and the uses conflict with each other.</p> <p><b>c. Desired Future Character / General Design Objectives</b> – The design of the building is not consistent with the desired future character of the precinct as required under Section 69(2)(f) of the Housing SEPP 2021. Specifically, the setbacks and street wall are not as per the requirements of Parts 6.1 and 6.3 in the Parramatta DCP 2011.</p>		
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				<p><b>4. Unacceptable Impacts on Public Domain and Adjoining Properties</b></p> <p><b>a. Outlook</b> – The lack of side setbacks will result in unacceptable loss of outlook for residents of the adjoining approved dwellings at 189 Macquarie Street, contrary to the requirements of clause 6.3.2 of the Parramatta DCP 2011.</p> <p><b>b. Shore Lining</b>– The open loading dock does not define the street edge for vision impaired users of the public domain, contrary to clause 3.4.2 of the Parramatta Development Control Plan 2011.</p> <p><b>5. Insufficient Approvals and Concurrence –</b></p> <p><b>a. Transport for NSW (TfNSW) Concurrence</b> – As required under Section 2.99 of the SEPP (Transport and Infrastructure) 2021 concurrence has not been provided from TfNSW. This is required as the development proposes excavation below 2m within 25m measured horizontally of a rail corridor (Parramatta Light Rail).</p> <p><b>b. Transport for NSW (TfNSW) Support</b> – As required under section 2.118 of the SEPP (Transport and Infrastructure) 2021 support has not been given by TfNSW. This is required for all development with a frontage to a Classified Road. Further, approval has not been granted from TfNSW as per section 138 of the Roads Act 1993. This is due to potential conflicts with the operation of the Parramatta Light Rail on Macquarie St.</p> <p><b>c. Planning Secretary Concurrence</b> – The development does not comply with section 7.25 of the Parramatta Local Environmental Plan 2011 as concurrence has not been provided from the Planning Secretary for state infrastructure.</p> <p><b>6. Insufficient Information</b></p>		
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				<p><b>a. Public Domain</b> – The development does not comply with section 2.4.8 of the Parramatta Development Control Plan 2011. Specifically, the applicant has not been submitted detailed public domain plans as per Council requirements.</p> <p><b>b. Acid Sulfate Soil</b> - The development does not comply with section 6.1 of the Parramatta Local Environmental Plan 2011. Specifically, the applicant has not submitted an Acid Sulfate Soil management plan and has not adequately addressed the provisions within this section.</p> <p><b>7. Impacts on built environment</b> – The development will lead to environmental impacts to the surrounding built environment and does not meet 4.15(1)(a)(i) or (ii) of the <i>Environmental Planning and Assessment Act 1979</i> as detailed in this report.</p> <p><b>8. Public Interest</b> – The development is not suitable as it is not in the public interest as per 4.15(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>(c) Council advise those who made a submission of the determination.</p>		
LPP 17 oct 2023	5.2	DA/330/2023 - D09112790	OUTSIDE PUBLIC MEETING: 135 Victoria Road, PARRAMATTA NSW 2150 (Lot 46 DP 8016)	<p>(a) The Parramatta Local Planning Panel, exercising the function of Council pursuant to Section 4.16 of the <i>Environmental Planning and Assessment Act 1979</i>, <b>refuse</b> DA/330/2023 for the reasons stated in Attachment 1.</p> <p>(b) That the submitter is to be advised of the decision.</p>	Stephen O'Connor (Chairperson) Michael Evesson Michael Mason Peter Haliburn	Nil
LPP 17 oct 2023	5.3	DA/516/2022 - D09133628	PUBLIC MEETING 8-12 Manson Street TELOPEA NSW 2117	<p>(a) The Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:</p> <p>I. That compliance with the development standard for height would be unnecessary upon reflection of the unique context and scale of the site and natural constraints present and,</p> <p>II. That the proposed noncompliance will result in negligible visual impact to adjoining properties and the streetscape and,</p>	Stephen O'Connor (Chairperson) Michael Evesson Michael Mason Peter Haliburn	Nil

				<p>III. That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed noncompliance is visually minor and is predominantly directed towards the centre of the building and not readily viewed from the streetscape.</p> <p>(b) Further the Parramatta Local Planning Panel, exercising the function of the consent authority, grant deferred commencement consent to development consent DA/516/2022 for demolition, tree removal and construction of a six storey residential flat building, comprising of 48 residential units over basement carparking and associated civil and landscaping works on land at 8-12 Manson Street, Telopea subject to conditions of consent in Attachment 1, amended as per the report dated 16 October 2023 and an extra condition as follows '<i>Landscape Management and Maintenance</i>' be included as part of the Body Corporate responsibilities.</p> <p>(c) Further that the submitters are advised of the Panel's decision.</p> <p><b>REASONS FOR APPROVAL</b></p> <ol style="list-style-type: none"> <li>1. To facilitate the orderly implementation of the objectives of the <i>Environmental Planning and Assessment Act 1979</i> and the aims and objectives of the relevant Council Planning Instrument.</li> <li>2. The proposal is permissible in the R4 High Density Residential zone and is satisfactory when considered against Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>3. The development will be compatible with the emerging and planned future high density character of the area.</li> <li>4. The development will provide housing and employment that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.</li> <li>5. Approval of the application is in the public interest.</li> </ol>		
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				6. The deferred commencement consent will allow the legal arrangements for the proposed drainage easement on adjoining land to be finalised.		
LPP 17 October 2023	6.1	RZ/7/2022	Pre-Gateway Planning Proposal for land at 45 Macquarie Street, Parramatta	<p>The Local Planning Panel resolved to make the following recommendations to Council:</p> <p>(a) That Council approve the Planning Proposal for land at 45 Macquarie Street, Parramatta, which seeks to reduce the curtilage of the archaeological site identified on Schedule 5 of the PLEP 2023 (SP94346, SP94348 &amp; SP94349) to be consistent with the State Heritage Register (SHR) listing of the item, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE).</p> <p>(b) That the Planning Proposal be forwarded to the DPE for a Gateway Determination.</p> <p>(c) That Council requests the DPE that Council be authorised to exercise its plan-making delegations for this Planning Proposal.</p> <p>(d) Further, that Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.</p>	Stephen O'Connor (Chairperson) Michael Evesson Michael Mason Peter Haliburn	Nil
LPP 8 November 2023	5.1		Gateway Request: Planning Proposal, draft Planning Agreement and draft Site-Specific Development Control Plan at 263-273 Pennant Hills Road and 18 Shirley Street, Carlingford	<p>The Local Planning Panel acknowledges that the site is the largest privately owned residential development site within the Carlingford Precinct and is in close proximity to the proposed Carlingford Light Rail Station. The Panel further notes the significant public benefits proposed as part of the proposal.</p> <p>The Panel advice is:</p> <p>(a) That subject to the matters in (b) below, the Panel endorses the Council Officer's recommendations as contained in the report.</p>	Julie Walsh (Chairperson) Paul Berkemeier Tony Reed Kirrily McDermott	Nil

				<p>(b)</p> <p>(i) Further consideration be given to adjusting the massing of the buildings on the Pennant Hills Road frontage to improve the visual impact and overshadowing.</p> <p>(ii) Further detailed modelling be undertaken to confirm the statement by the applicant's town planner at the panel meeting that overshadowing to the buildings on the other side of Pennant Hills Road (346-362 Pennant Hills Road) will not be increased by more than 17% as described in the Apartment Design Guide.</p> <p>(iii) The provision of car parking appears excessive and should be reviewed.</p> <p>(iv) That Council initiate urban design and planning studies to guide future growth in the Carlingford Precinct.</p>		
LPP 21 Nov 2023	5.1		PUBLIC MEETING: 67 Kent Street, EPPING NSW 2121 (LOT 11 DP 3908)	<p>(a) That the Parramatta Local Planning Panel, exercising the function of the consent authority, grant development consent to DA/669/2022 for 'demolition of existing structures, tree removal and construction of a 60 place childcare centre basement parking' on land at 67 Kent Street, Epping, subject to the conditions in the Council report.</p> <p>(b) That submitters are advised of the decision.</p> <p><b>REASONS</b></p> <ol style="list-style-type: none"> <li>1. The development is permissible in the R2 Low Density Residential zone pursuant to Parramatta Local Environmental Plan 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 residents.</li> <li>4. The proposal provides a non-residential land use that has amenity impacts that can be appropriately managed.</li> </ol>	Julie Walsh (Chairperson) Steve Driscoll Robert Hussey Ian Gilbertson	Nil

				<p>5. The development is in the public interest because it is consistent with the objectives for development in the R2 Low Density Residential zone.</p> <p>6. For the reasons given above, approval of the application is in the public interest.</p>		
	5.2		68 Kirby St, RYDALMERE NSW 2116	<p>(a) That the Parramatta Local Planning Panel, exercising the functions of Council under Section 4.16 of the <i>Environmental Planning and Assessment Act 1979</i>, <b>REFUSE</b> development consent for the following reasons :</p> <p>(a) Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to satisfy Section 3.23 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 as it does not comply with the relevant provisions in the Child Care Planning Guideline, dated October 2021, as follows:</p> <ul style="list-style-type: none"> <li>i. Design Principle 1 – Context</li> <li>ii. Design Principle 2 – Built-Form</li> <li>iii. Design Principle 3 – Adaptive Learning Spaces</li> <li>iv. Design Principle 4 – Sustainability</li> <li>v. Design Principle 6 – Amenity</li> <li>vi. Design Principle 7 – Safety</li> <li>vii. Consideration C1 – Amenity viii. Consideration C2 – Site Suitability</li> <li>viii. . Consideration C5 – Local Character and Streetscape</li> <li>ix. Consideration C11 – Amenity Impacts</li> <li>x. Consideration C12 – Scale xii. Consideration C13 – Front Setback (including Secondary Front Setback)</li> <li>xi. Consideration C14 – Side and Rear Setbacks</li> <li>xii. Consideration C15 – Secure Access Points xv. Consideration C16 – Accessibility xvi. Consideration C21 – Visual Privacy</li> <li>xiii. Consideration C22 – Acoustic Privacy</li> <li>xiv. Consideration C23 – Acoustic Report</li> <li>xv. Consideration C30 – Car Parking Rate</li> <li>xvi. Consideration C32 – Traffic Report</li> <li>xvii. . Consideration C35 – Safety and Connectivity</li> <li>xviii. Consideration C37 – Car Parking Design</li> </ul>	Julie Walsh (Chairperson) Steve Driscoll Robert Hussey Ian Gilbertson	Nil

				<p>(b) Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the relevant provisions of the LEP, as follows:</p> <ul style="list-style-type: none"> <li>i. Clause 1.2.(2)(k) – that the proposal involves a structure that is not appropriate and not complementary to the low density residential character of the area</li> <li>ii. Clause 2.3(2) – that the proposal adversely impacts the neighbouring properties with the elevated outdoor play area 2 and full-height windows of indoor play area, raising visual privacy concerns; has a built-form that is not consistent with the low density residential setting of the locality and traffic implications with the inadequate vehicular access in the parking area and the parking shortfall.</li> <li>iii. Clause 6.2 – that the proposal involves unreasonable 1m fill at the north-western corner of the indoor play area 3, outside the footprint of the basement that would impact the future use and redevelopment of the land as the fill would be the future existing ground level of the land. The fill also promotes overlooking and contributes to the bulk of the development.</li> </ul> <p>(c) Pursuant to Section 4.15(1)(a)(iii) 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, as follows:</p> <ul style="list-style-type: none"> <li>i. Part 2.4.2 – Water Management – inadequate stormwater management system proposed</li> <li>ii. Part 2.4.6 – Development on Sloping Land – earthworks proposed, in particular, the fill of 1m at the north-western corner of the facility has not been minimised and that the design has failed to consider the topography of the land</li> </ul>		
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				<p>iii. Part 2.4.8 – Public Domain – the proposal has failed to give regard to the proposed development’s interface with the public domain</p> <p>iv. Part 3.2.1 – Building Form and Massing – the proposed development’s three-storey building and non-compliant rear and secondary street front setbacks present unacceptable bulk and scale that is not consistent with the existing and desired future character of the locality</p> <p>v. Part 3.2.2. – Building Façade and Articulation - the proposed façade, in particular the secondary street front, presents an appearance of a multi-dwelling housing development (townhouse) with the vertical feature walls that provide an illusion of having at least three separate tenancies</p> <p>vi. Part 3.2.3 – Roof Design – the proposed roof does not allow for an effective transition of roof forms with the roof forms of neighbouring properties</p> <p>vii. Part 3.2.5 – Streetscape – the proposal has failed to be designed with regard to the character of the low density residential setting of the area and that the non-compliant secondary street front setback is not consistent with the established streetscape</p> <p>viii. Part 3.2.6 – Fences – the proposed balustrades on the outdoor play areas fronting the secondary street that act as the boundary fence will have a height that is more than 1.8m</p> <p>ix. Part 3.3.3. – Visual and Acoustic Privacy – the levels of the outdoor play area 2 and indoor play area 3, raised by at least 1m off the ground, present unreasonable visual privacy concerns onto the western and northern neighbours; the proposed acoustic privacy measures are not acceptable, in particular the clear acoustic fencing on the western edge of the outdoor play area, encouraging overlooking</p>		
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				<p>x. Part 3.3.6 – Water Sensitive Urban Design – that the proposal has failed to satisfy Council’s stormwater management system controls with inadequate design</p> <p>xi. Part 3.3.7 – Waste Management – that the proposal has failed to satisfy Council’s waste management requirements due to the inadequate manoeuvring and driveway grade for service vehicles</p> <p>xii. Part 3.4.2 – Access for People with Disabilities – that the proposal has failed to address accessibility within the facility with inadequate documentation</p> <p>xiii. Part 3.4.4 – Safety and Security – that the proposed pedestrian access points off Acacia Street do not have connected pedestrian pathway within Council verge</p> <p>xiv. Part 3.6.2 – Parking and Vehicular Access – that the proposal has failed to provide adequate car parking within the site</p> <p>(b) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal will have adverse impacts on to the natural and built environment with the excessive built-form, non-compliant rear and secondary street front setbacks.</p> <p>(c) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal will have adverse social impacts due to the following:</p> <ul style="list-style-type: none"> <li>i. Inadequate parking spaces on the site that would have traffic implications.</li> <li>ii. Visual privacy concerns to the western and northern neighbours due to the elevated outdoor play area 2 and indoor play area 3.</li> </ul> <p>(d) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not</p>		
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				<p>considered suitable for the proposed development due to the following:</p> <ul style="list-style-type: none"> <li>i. As the proposed number of children to be given care in the facility drives the requirement to have a lower ground level that protrudes by at least 1m off the ground, consequently raising the levels of outdoor play area 2 and indoor play area 3.</li> <li>ii. The location of the site and the secondary street being a cul-de-sac does not allow vehicle parking shortfall and that surrounding road networks are not able to accommodate on-street parking.</li> </ul> <p>(e) Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest due to the following:</p> <ul style="list-style-type: none"> <li>i. The non-compliance with the relevant provisions in the SEPP (Transport &amp; Infrastructure) 2021, referencing the Child Care Planning Guideline, Parramatta LEP 2023 and Parramatta DCP 2011, demonstrates that the proposed development is not in the public interest.</li> <li>ii. The proposal does not satisfy the objectives of the zone and the Child Care Planning Guideline, referenced in the SEPP (Transport &amp; Infrastructure) 2021.</li> </ul> <p>(b) THAT submitters are advised of the decision.</p>		
	5.3		PUBLIC MEETING: 23 King Street, DUNDAS NSW 2117 (LOT 1094 DP 36696)	<p>(a) The Parramatta Local Planning Panel, exercising the function of the consent authority, <b>REFUSES</b> development application DA/834/2022 for 'demolition of existing structures, tree removal and construction of a 2 storey 44 place centre based childcare centre with 11 spaces of at grade parking' on land at 23 King Street, Dundas Valley development consent for the following reasons:</p> <ul style="list-style-type: none"> <li>1. The site is unsuitable for the proposed use as it willacerbate an existing unsafe situation in terms of traffic and pedestrian safety having regard to in particular the close proximity of the school single lane driveway from King Street which is open</li> </ul>	Julie Walsh (Chairperson) Steve Driscoll Robert Hussey Ian Gilbertson	Nil

				<p>from 7 am to 6.30 pm from Monday to Friday and also the close proximity to the pedestrian crossing.</p> <p>(b) That submitters are advised of the decision.</p> <p><b>REASONS:</b></p> <p>This development application was deferred from a previous Local Planning Panel meeting on 18 July 2023 based on concerns arising from local residents who stated that the access to the school from King Street is used by both pedestrians and vehicles on a two way basis and that vehicles had been witnessed reversing out on King Street. The Panel inspected the site and heard from all parties registered to address the Panel on this item. Notwithstanding the additional traffic report, (which acknowledges the existing suboptimal conditions), the Panel was not satisfied with the potential cumulative traffic and pedestrian safety impacts the proposal would have on the existing situation.</p>		
	5.4		150 - 152 Briens Road, NORTHMEAD NSW 2152 (Lot 11 DP 1160038)	<p><b>PANEL DECISION</b></p> <p>The Parramatta Local Planning Panel <b>DEFERS</b> determination of this development application to enable the following to occur:</p> <ol style="list-style-type: none"> <li>1. The obtaining of legal advice as to whether there is power to grant a drainage easement over the Council land which appears on its face to be Community Land under the <i>Local Government Act 1993</i> particularly having regard to the court of appeal decision in <i>Aussie Skips Recycling Propriety Ltd v Strathfield Municipal Council (2020) NSWCA 292</i>.</li> <li>2. The provision of the information sought in proposed deferred commencement Conditions 2 to 6 of Schedule 1.</li> </ol> <p><b>REASONS</b></p> <ol style="list-style-type: none"> <li>1. In relation to the proposed drainage easement which is a fundamental requirement of approval, the Panel is not satisfied, on the information available, that there is legal power to grant this easement over the Council land.</li> </ol>	Julie Walsh (Chairperson) Steve Driscoll Robert Hussey Ian Gilbertson	Nil

				2. In relation to the remaining proposed deferred commencement Conditions, the Panel is not satisfied with these matters as subject to deferred commencement Conditions where is no certainty with the outcome at the point of granting consent. The Panel needs to be satisfied following the provisions of these reports etc that the proposal is satisfactory in terms of storm water, drainage, flooding, public domain matters and landscape outcomes. This information should be provided prior to determination of the development application so the impacts can be appropriately considered.		
	6.1		Railway 51 Pty Limited v Parramatta City Council DA 880 -2021 Land and Environment Court Proceedings 2023/87203	<p>(a) Council resolve the Class 1 appeal by way of a section 34 conciliated agreement.</p> <p>(b) Council to 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, subject to any minor amendments considered necessary by Council's solicitors which do not authorise any intensification of the use of the propose development and which may be approved by the court.</p>	Julie Walsh (Chairperson) Steve Driscoll Robert Hussey Ian Gilbertson	Nil
LPP 19 December 2023	5.1		OUTSIDE PUBLIC MEETING:140 Alfred Street, HARRIS PARK NSW 2150 (LOT 22 DP 16064)	<p>1. The Parramatta Local Planning Panel, following consideration of written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011, <b>APPROVED</b> a variation to cl. 4.3 (height of buildings) as:</p> <ul style="list-style-type: none"> <li>a) compliance with cl 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances.</li> <li>b) there are sufficient environmental planning grounds to justify contravening the development standards.</li> <li>c) the applicant's written request adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and</li> <li>d) 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 R3 Medium Density Residential zone; and</li> <li>e) the concurrence of the secretary has been assumed.</li> </ul> <p>2. The Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the Environmental Planning and Assessment Act 1979, <b>GRANTS</b> development consent to DA/405/2023 for construction of a dwelling including a flood refuse facility subject to the conditions of</p>	Stephen O'Connor (Chairperson) Lindsay Fletcher Tony Reed Anne Smith	Nil

				<p>consent in Attachment 1 with the following two conditions being modified as follows:</p> <p><b>Condition 18</b> Plans shall be amended to the Shelter in Place facility to be large enough to accommodate 4 people, being no smaller than 24.6m<sup>2</sup> (inclusive of the toilet area) and suitably design and equipped with services such as drinking water, toilet and other provisions for a stay by all occupants for up to 72 hours.</p> <p><b>Condition 47</b> Prior to the issue of the Occupation Certificate, the applicant must create restrictions on the title of the subject property as follows:</p> <ul style="list-style-type: none"> <li>a) A restriction that highlights the 100-year ARI flood zone identified in the floor report prepared by BMB Engineering, project No. FSR1961/022, issue V1, dated 05/04/2023 preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone; and</li> <li>b) A restriction on the use of the Shelter In Place above the PMF located within the building. The Shelter In Place must be kept free of impediments for use as a Shelter In Place during a flood event.</li> </ul> <p>City of Parramatta Council is to be the Authority whose consent is required to release, vary or modify these restrictions.</p> <p><b>REASONS</b></p> <ol style="list-style-type: none"> <li>1. The development is permissible in the R3 Medium Density Residential zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.</li> <li>2. The development will be compatible with the emerging and planned future character of the area.</li> <li>3. The development will provide housing that accommodates the needs of the existing and future residents of Parramatta.</li> </ol>		
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				4. For the reasons given above, approval of the application is in the public interest.		
LPP 19 December 2023	5.2		PUBLIC MEETING: 1 Tracey Avenue, CARLINGFORD NSW 2118 (Lots 26 DP 225990)	<p>1. The Parramatta Local Planning Panel (PLPP), exercising the functions of Council, <b>REFUSES</b> development consent to DA/424/2023 for demolition of existing structures, tree removal and construction of a 74 place two-storey childcare centre over basement parking at 1 Tracey Avenue, Carlingford.</p> <p>2. The submitters are to be advised of the decision.</p> <p><b>REASONS</b></p> <p>1. In accordance with Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4.</p> <p>2. The proposal does not comply with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 - Educational Establishments and Child Care Facilities:</p> <ol style="list-style-type: none"> <li>a) 3.22 Concurrence of the Regulatory Authority</li> <li>b) 3.23 Centre-based child care facility-matters for consideration by consent authorities</li> <li>c) 3.26 Non – Discretionary Development Standards</li> </ol> <p>3. The proposed development is inconsistent with the following under the Child Care Planning Guideline:</p> <ul style="list-style-type: none"> <li>• Childcare Planning Guidelines Part 2 – Design Quality Principles</li> <li>• Childcare Planning Guidelines Part 3.1 Site selection and location</li> <li>• Childcare Planning Guidelines Part 3.2 Local character, streetscape and the public domain interface</li> <li>• Childcare Planning Guidelines Part 3.3 Building orientation, envelope and design</li> <li>• Childcare Planning Guidelines Part 3.4 Landscaping</li> <li>• Childcare Planning Guidelines Part 3.5 – Visual &amp; Acoustic Privacy</li> <li>• Childcare Planning Guidelines Part 3.8 Traffic, Parking and Pedestrian Circulation</li> </ul>	Stephen O'Connor (Chairperson) Lindsay Fletcher Tony Reed Anne Smith	Nil

				<ul style="list-style-type: none"> <li>• Education and Care Services National Regulations Part 4.1 Indoor space requirements</li> <li>• Education and Care Services National Part 4.7 Premises designed to facilitate supervision</li> <li>• Education and Care Services National Regulations Part 4.9 Outdoor space requirements</li> <li>• Education and Care Services National Regulations Part 4.10 Natural environment</li> <li>• Education and Care Services National Regulations Part 4.11 Shade Education and Care Services National Regulations – 25 Education and Care Services National Regulations - Part 4.13 Soil Assessment.</li> </ul> <p>4. The proposed development is inconsistent with the following provisions of the Hills Development Control Plan 2012:</p> <ol style="list-style-type: none"> <li>i. Part B, Section 2.4 Site analysis,</li> <li>ii. Part B, Section 2.5 Streetscape &amp; character,</li> <li>iii. Part B, Section 2.12 Stormwater Management,</li> <li>iv. Part B, Section 2.14.1 Rear Setback,</li> <li>v. Part B, Section 2.14.5 Landscaping,</li> <li>vi. Part B, Section 2.14.14 Car Parking and Vehicular access,</li> <li>vii. Part B, Section 2.15 Fencing</li> <li>viii. Part B Section 2.34 Centre Based Child Care Facilities – Additional Controls</li> <li>ix. Part C, Section 2.1.1 Parking,</li> <li>x. Part C, Section 2.7.3 Pedestrian Circulation and Safety,</li> <li>xi. Part C, Section 2.8 Landscaping,</li> <li>xii. Part C, Section 3.1 Landscaping</li> </ol> <p>5. In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is not suitable for the site.</p> <p>6. In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not in the public interest.</p>		
LPP 19 December 2023	5.3		PUBLIC MEETING: 5 Mary Street, NORTHMEAD NSW 2152 (Lot 43 DP 8884)	1. The Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the <i>Environmental Planning and Assessment Act 1979</i> , <b>REFUSES</b> development consent for DA/517/2023 for the	Stephen O'Connor (Chairperson) Lindsay Fletcher	Nil

			<p>Demolition of all structures, tree removal and construction of a 90 place two-storey childcare centre over basement parking on land at 5 Mary Street, Northmead.</p> <p>2. The submitters are to be advised of the decision.</p> <p><b>REASONS</b></p> <p>1. In accordance with Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal does not comply with the requirements of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4</i>.</p> <p>2. In accordance with Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal does not comply with the requirements to the following clauses of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 - Educational Establishments and Child Care Facilities</i>:</p> <ul style="list-style-type: none"> <li>• 3.26 Non-Discretionary Development Standards</li> <li>• Childcare Planning Guidelines Part 2 – Design Quality Principles</li> <li>• Childcare Planning Guidelines Part 3.1 Site selection and location</li> <li>• Childcare Planning Guidelines Part 3.2 Local character, streetscape and the public domain interface</li> <li>• Childcare Planning Guidelines Part 3.3 Building orientation, envelope and design</li> <li>• Childcare Planning Guidelines Part 3.4 Landscaping</li> <li>• Childcare Planning Guidelines Part 3.8 Traffic, Parking and Pedestrian Circulation</li> <li>• Education and Care Services National Regulations Part 4.1 Indoor space requirements</li> <li>• Education and Care Services National Regulations Part 4.2 Laundry and hygiene facilities</li> <li>• Education and Care Services National Regulations Part 4.3 Toilet and hygiene facilities</li> <li>• Education and Care Services National Regulations Part 4.7 Premises designed to facilitate supervision</li> <li>• Education and Care Services National Regulations Part 4.8 Emergency and Evacuation Procedures</li> </ul>	<p>Tony Reed Anne Smith</p>	
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				<ul style="list-style-type: none"> <li>• Education and Care Services National Regulations Part 4.9 Outdoor space requirements</li> <li>• Education and Care Services National Regulations Part 4.10 Natural environment</li> <li>• Education and Care Services National Regulations Part 4.11 Shade</li> <li>• Education and Care Services National Regulations – 25 Education and Care Services National Regulations – Part 4.13 Soil Assessment</li> </ul> <p>3. In accordance with Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal does not comply with the requirements to the following clauses of the <i>Parramatta Local Environmental Plan 2023</i>:</p> <ul style="list-style-type: none"> <li>a) Clause 1.2 Aims of Plan</li> <li>b) The proposed development exceeds the prescribed maximum height of building of 9 metres. No clause 4.6 objection has been lodged.</li> <li>c) Clause 6.2 Earthworks: The development proposes excessive excavation on site that impacts on the amenity of neighbouring properties.</li> </ul> <p>4. In accordance with Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal does not comply the following parts of The Hills Development Control Plan 2012:</p> <ul style="list-style-type: none"> <li>a) Part B, Section 2.4 Site analysis,</li> <li>b) Part B, Section 2.5 Streetscape &amp; character,</li> <li>c) Part B, Section 2.12 Stormwater Management,</li> <li>d) Part B, Section 2.14.2 Site coverage,</li> <li>e) Part B, Section 2.14.3 Building Height</li> <li>f) Part B, Section 2.14.5 Landscaping,</li> <li>g) Part B, Section 2.14.7 Cut and Fill,</li> <li>h) Part B, Section 2.14.8 Building Materials,</li> <li>i) Part B, Section 2.14.10 Solar Access</li> <li>j) Part B, Section 2.14.14 Car Parking and Vehicular access,</li> <li>k) Part B, Section 2.16 Waste Management</li> <li>l) Part B Section 2.34 Centre Based Child Care Facilities – Additional Controls</li> <li>m) Part C, Section 2.1.1 General (Parking),</li> <li>n) Part C, Section 3.1 Landscaping</li> </ul> <p>5. In accordance with Section 4.15(1)(c) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal is not suitable for the site.</p>		
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				<p>6. In accordance with Section 4.15(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal is not in the public interest.</p> <p>7. Pursuant to Section 4.15(1)(b) and (c) of the <i>Environmental Planning and Assessment Act 1979</i>, an Operational Plan of Management has been submitted however lacks detail and a sufficient detailed evacuation management plan has not been submitted and therefore the potential impacts of the development proposal onto the surrounding properties cannot be adequately assessed.</p>		
LPP 19 December 2023	5.4		<p>OUTSIDE PUBLIC MEETING: 5 Boundary Street, GRANVILLE NSW 2142 (Lot 8 DP 939772)</p>	<p>1. The Parramatta Local Planning Panel, exercising the functions of Council under section 4.16 of the Environmental Planning and Assessment Act 1979, <b>GRANTS</b> development consent for DA/959/2022 for the demolition, tree removal and construction of a four-storey residential flat building comprising 7 dwellings and basement parking subject to the conditions in Attachment 1 modified as follows:</p> <p>Conditions 44 and 67 to be deleted and accordingly renumbering of the conditions is required.</p> <p><b>REASONS</b></p> <p>1. The development is permissible in the R4 zone pursuant to the Parramatta Local Environmental 2011 and State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development 2002 and satisfies the requirements of all applicable planning standards controls.</p> <p>2. The development will be compatible with the emerging and planned future character of the area.</p> <p>3. The development will provide housing that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.</p> <p>4. For the reasons given above, approval of the application is in the public interest.</p>	<p>Stephen O'Connor (Chairperson) Lindsay Fletcher Tony Reed Anne Smith</p>	Nil
LPP 20 December 2023	5.1		<p>Confidential - Land and Environment Court</p>	<p>That delegation be granted to the Chief Executive Officer of the City of Parramatta Council who in turn may sub-delegate to Council Officers nominated by the Chief Executive Officer, to negotiate and enter into an</p>	<p>Stephen O'Connor (Chairperson)</p>	Nil

			<p>proceedings - 73 Murray Farm Road Carlingford</p>	<p>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 conditions of consent in Attachment 2 of the confidential report dated 20 December 2023, subject to the following amendments to conditions 62 and 82 as set out below, which do not authorise any intensification of the use of the proposed development and which may be approved by the Court. This delegation includes minor amendments to conditions of consent.</p> <p>Condition 62  <i>Within six months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's Noise Policy for industry and the Association of Australia Acoustical Consultants-Guidelines for Childcare Centre Acoustic Assessment and submitted to Council for consideration.</i></p> <p><i>This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable level and that any mechanical plant does not give rise to offensive noise as defined under the Protection of the Environment Operations Act. If compliance is not achieved, correction action has to be taken within three months to achieve compliance at no cost to Council and a further acoustic compliance assessment is to be submitted to Council within three months.</i></p> <p><i>Reason: To protect the area from offensive noise.</i></p> <p>Condition 82  <i>Compliance with the plan of management prepared by Brosnan and Moore, revision number 3, dated 23 October 2023, is to be complied with for the operation of the Childcare Centre.</i></p> <p><i>Should an updated plan of management be produced, the updated plan is to be provided to Council for approval.</i></p> <p><i>Reason: To comply with requirements of the plan management.</i></p> <p><b>REASONS:</b></p> <p>1. Having regard to the legal opinion given by Bartier Perry that the appeal has poor prospects of success given the amended application.</p>	<p>Robert Hussey  Ian Gilbertson</p>	
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				<p>2. Having regard to the concerns raised in public submissions and given that these concerns have been adequately addressed.</p> <p>3. Due to the lack of any expert evidence to support a refusal based on the amended application (and risk of an adverse costs order) it is agreed that the Council resolve the Class 1 appeal by way of a section 34 conciliated agreement.</p>		
LPP 20 December 2023	5.2		Confidential - Land and Environment Court Proceedings - 79-79A Kissing Point Road and 7 St Andees Street Dundas	<p>That delegation be granted to the Chief Executive Officer of the City of Parramatta Council who in turn may sub-delegate to Council Officers nominated by the Chief Executive Officer, to 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 the without prejudice conditions of consent in Attachment 2 in the report dated 20 December 2023, subject to the modification to conditions as set out below, which do not authorise any intensification of the use of the proposed development and which may be approved by the Court. This delegation includes minor amendments to the conditions of consent.</p> <p>Condition 26 to be deleted.</p> <p>Condition 28 to be deleted.</p> <p>Condition 32 to be amended as follows: <i>The approved plans must be submitted to Sydney Water to undertake a detailed review of the following:</i></p> <p>1. <i>That affect or are likely to affect any of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Wastewater pipes larger than 300mm in size</i></li> <li>• <i>Pressure wastewater pipes</i></li> <li>• <i>Drinking water or recycled water pipes</i></li> <li>• <i>Our property boundary</i></li> <li>• <i>An easement in our favour</i></li> <li>• <i>Stormwater infrastructure within 10m of the property boundary.</i></li> </ul> <p>2. <i>Where the building plan includes:</i></p> <ul style="list-style-type: none"> <li>• <i>Construction of a retaining wall over, or within the zone of influence of our assets</i></li> <li>• <i>Excavation of a basement or building over, or adjacent to, one of our assets</i></li> </ul>	Stephen O'Connor (Chairperson) Robert Hussey Ian Gilbertson	Nil

				<ul style="list-style-type: none"> <li>• <i>Dewatering – removing water from solid material or soil. The detailed review is to ensure that:</i></li> <li>• <i>our assets will not be damaged during, or because of the construction of the development</i></li> <li>• <i>we can access our assets for operation and maintenance</i></li> <li>• <i>your building will be protected if we need to work on our assets in the future.</i></li> </ul> <p><i>The developer will be required to pay Sydney Water for the costs associated with the detailed review.</i></p> <p><i>Reason: Per Sydney Water requirements</i></p> <p>Condition 66 to be deleted.</p> <p>Condition 81 to be amended by inserting the following words at the end of the first sentence “<i>commencing on site.</i>”</p> <p>Condition 108 to be amended by inserting the following BASIX certificate number “<i>1351314M_03 dated 13 December 2023.</i>”</p> <p>Condition 114 to be amended by inserting the following words at the end of the condition “<i>have been complied with.</i>”</p> <p>Condition 131 to be amended by inserting the following sentence at the end of the condition “<i>The easement must be provided prior to issuing an occupation certificate.</i>”</p> <p><b>REASONS</b></p> <ol style="list-style-type: none"> <li>1. Having regard to the legal opinion given by Chris Campbell of Council’s Legal Services Unit that the appeal has poor prospects of success given the amended application.</li> <li>2. Having regard to the concerns raised in public submissions and given that these concerns have been adequately addressed.</li> <li>3. Due to the lack of any expert evidence to support a refusal based on the amended application (and risk of an adverse costs order) it is agreed that the Council resolve the Class 1 appeal by way of a section 34 conciliated agreement.</li> </ol>		
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