

DATE OF DETERMINATION	10 December 2024
DATE OF PANEL DECISION	6 December 2024
DATE OF PANEL BRIEFING	10 October 2024
PANEL MEMBERS	Abigail Goldberg (Chair), Brian Kirk, Joe Woodward
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 October 2024 and 5 December 2024.

MATTER DETERMINED

PPSSCC-491 – City of Parramatta – DA/573/2023 – 1 Grand Avenue, Camellia - Demolition of an existing hardstand area and construction and use of two warehouse or distribution centres to operate 24 hours a day 7 days a week. The development includes associated earthworks, construction of an ancillary office space, at grade car parking for 238 vehicles, private access road, loading bays, landscaping, business identification signage, café, two drainage basins and enhancement of Parramatta River Foreshore through the provision of a publicly accessible pedestrian pathway and foreshore planting. This is integrated development under Section 91(2) of the Water Management Act 2000 and s.205 of the Fisheries Management Act 1994.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2023 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 – Building Height is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 – Building Height of the LEP and the objectives for development in the E5 Heavy Industrial zone; and
- c) the concurrence of the Secretary has been assumed/provided.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report which are summarised below:

The application was deferred by the panel on 10 October 2024, subsequent to which the applicant made amendments to address areas of non-compliance. The key changes are:

- *consideration of the Parramatta River Flood Study*
- *relocation of a Council stormwater pipe*
- *an amended Remediation Action Plan which more comprehensively addresses how the contaminated spoil will be safely maintained within the existing and proposed capping*
- *revised Vegetation Riparian Zone design which more carefully responds to the riverbed and overland flow flooding*
- *increased building height to respond to flooding.*

Council reviewed the amended information and is satisfied that the application sufficiently addresses the applicable environmental planning instruments and is recommended for approval subject to conditions as outlined in council's report.

Subsequent to this report, Council strengthened condition 160 following panel discussion in order to improve the rigour of this requirement and better ensure against potential acoustic impacts.

The panel considers the application has now been satisfactorily assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration relevant state and local planning controls. On balance the panel considers the applicant's response to the objectives and controls of the applicable planning framework to be adequate and supports approval subject to the recommended conditions of consent with amendment to condition 160 as mentioned above and detailed below.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendment to condition 160 as below (in red) and attached:

Warehouse Operating Hours (Trial Period)

160. The warehouses are permitted to operate 24 hours a day 7 days a week for a trial period of 12 months from the date **warehousing** operations begin. **The operator of the site is to notify Council in writing of the date warehousing operations begin, and this notification is to occur no later than seven (7) days from the commencement of operation.**

Prior to this 12-month period finishing, a modification or development application is to be submitted to Council if the operator of the site wishes to implement this trial on a permanent basis or some variation thereof. The modification or development application is to be submitted with detailed acoustic testing results that demonstrate what impacts during the trial period the operation of this site had upon the residential property at 2B Grand Ave, Camellia.

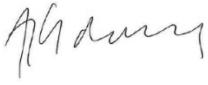
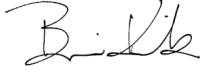

If the acoustic testing results show that the residential property at 2B Grand Ave, Camellia has been negatively affected, the modification or development application is to include details of proposed amelioration measures, whether those are proposed changes to the conduct of business activities on the site, the installation of acoustic structures, or some combination of both.

Should such an application not be made, or if made **and** not be approved, standard business hours of 8am-5pm **(seven days a week)** will apply.

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Brian Kirk 
Joe Woodward 	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSCC-491 – City of Parramatta – DA/573/2023
2	PROPOSED DEVELOPMENT	Demolition of an existing hardstand area and construction and use of two warehouse or distribution centres to operate 24 hours a day 7 days a week. The development includes associated earthworks, construction of an ancillary office space, at grade car parking for 238 vehicles, private access road, loading bays, landscaping, business identification signage, café, two drainage basins and enhancement of Parramatta River Foreshore through the provision of a publicly accessible pedestrian pathway and foreshore planting. This is integrated development under Section 91(2) of the Water Management Act 2000 and s.205 of the Fisheries Management Act 1994.
3	STREET ADDRESS	1 Grand Avenue, Camellia
4	APPLICANT/OWNER	Applicant: Keylan Consulting/ The Trustee for Grand Avenue Trust Owner: Billbergia Group
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Parramatta Local Environmental Plan 2023 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2023 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment reports: 1 October 2024 and 5 December 2024 • Clause 4.6 variation requests: Height of Buildings • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 19 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Sameer Pandey, Georgina Valjek ○ <u>Council assessment staff</u>: Paul Sartor, Myfanwy McNally, Claire Stephens ○ <u>Applicant representatives</u>: Sammy Hamilton, Berta Saleh, Paul Addison, Michael Woodland, Pdraig Scollard, Patrick Pace, Peter Tullemans

		<ul style="list-style-type: none"> • Final briefing to discuss council’s recommendation: 10 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Steve Murray ○ <u>Council assessment staff</u>: Paul Sartor, Myfanwy McNally ○ <u>Applicant representatives</u>: Sammy Hamilton, Berta Saleh, Paul Addison, Michael Woodland, Padraig Scollard, Patrick Pace, Peter Tullemans • eDetermination Circulation of Papers: 5 December 2024
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report