

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 27 March 2019.

PRESENT:

David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

IN ATTENDANCE:

Karl Okorn, Michael Lawani, Olivia Yana, Clare Burke, Rithy Ang, Bianca Chiu, Sohail Faridy, Sommer Ammar, Laith Jammal.

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:35a.m.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ADDRESS BY INVITED SPEAKERS:

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Byungog Choi	Development Application for 22 Austral Avenue, Westmead
Ziad Boumelhem	Development Application for 45-47 Hyde Park, Berala
Vithya Senthilrajan	Development Application for 22 Austral Avenue, Westmead
Edward Knust	Development Application for 22 Austral Avenue, Westmead
Naibu Tokieda	Development Application for 70 Cardigan Street, Guildford
Tanuja Sharma	Development Application for 22 Austral Avenue, Westmead
Vivek Angari	Development Application for 70 Cardigan Street, Guildford
Thamilpria Ravi	Development Application for Shop 27/22 Northumberland Road, Auburn

Jonathon Wood	Development Application for 70 Cardigan Street, Guildford
Jonathon Wood	Development Application for 22 Austral Avenue, Westmead
Jonathon Wood	Development Application 7 Birmingham Street, Merrylands
Joe Saba	Development Application 7 Birmingham Street, Merrylands
Scott Xu	Development Application for 22 Austral Avenue, Westmead

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 1:20p.m.

The closed session of the meeting here opened at 1:21p.m.

ITEM EELPP011/19 - DEVELOPMENT APPLICATION - 45-47 HYDE PARK RD,
BERALA

RESOLVED:

1. That Development Application No. DA-145/2018 for Demolition of the existing structures and construction of a two storey boarding house comprising 27 rooms (including a manager's room) over basement carparking on land at 45 - 47 Hyde Park Road, BERALA be deferred commencement approved subject to attached conditions.

2. Amendment to DC5 as follows:

DC5. Communal Living Room

The ground floor internal common area, to the north of boarding room G01, is to be deleted and retained as circulation area.

The boarding room G03 together with part of the proposed communal room is to be converted into a communal living room that is available to all lodgers for recreational purposes. The communal living room is to be accessible.

Boarding room G04 is to be utilised as a manager's room with appropriate open space being provided adjacent to this room.

3. The Amendment to Condition 3 as follows:

Auburn DCP 2007 - LGA Wide

A sum of **\$ 87,697.84** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	<u>Amount</u>
Community Facilities	\$21,625.09
Public Domain	\$47,828.78
Accessibility and Traffic	\$13,172.29
Administration	\$5,071.68
TOTAL	\$87,697.84

Reason: to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

4. Amendment to Condition 7 as follows:

7. Maximum occupancy

The boarding house is approved to accommodate a maximum of 48 lodgers (excluding the boarding house manager). Boarding rooms G01, G02, 101 and 102 are not permitted to be occupied by more than 1 adult lodger at any one time. All other boarding rooms are not permitted to be occupied by more than 2 adult lodgers at any one time.

A schedule showing the boarding room number and the number of lodgers permitted to be accommodated in each must be displayed near the entrance of the premises. The schedule shall include the name and a 24 hour contact telephone number of the owner and/or the boarding house manager. Each boarding room must be clearly numbered in accordance with the schedule.

Reason:- to confirm the terms of approvals and to comply with the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

5. Amendment to condition 82 as follows:

82. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plans approved in condition 1, shall not be used for any other purpose. In this regard, a minimum of fourteen (14) parking spaces shall be provided within the basement for this development and shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

6. Amendment to condition 83 as follows:

83. Number of Car Parking Spaces

A minimum of 14 off-street car parking spaces are to be provided to the development. The spaces are to be suitably sealed, marked, drained and freely accessible at all times.

Carparking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures.

Reason:- to ensure there is sufficient car parking for the development.

Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer's report and the recommendation however the amended conditions will satisfy the provisions of SEPP ARH and retain one (1) boarding house room.

ITEM EELPP012/19 - DEVELOPMENT APPLICATION FOR SHOP 27/22
NORTHUMBERLAND ROAD, AUBURN

RESOLVED:

1. **That Development Application No. DA-249/2018 for the change of use and fitout of an existing commercial tenancy (Unit 27) for a tutoring centre and associated business identification signs on land at Shop 27/22 Northumberland Road, AUBURN NSW 2144 be approved subject to attached conditions.**

2. **Amendment to Condition 4 as follows:**

Signage

The proposed under awning sign (Sign No. 2) shall be relocated to provide a minimum distance of 1.5 metres from the existing signage for Unit 26 and proposed Sign 1 shall be removed.

Details demonstrating compliance shall be submitted to and approved by the **Principal Certifying Authority prior to the issue of a Construction Certificate.**

Reason:- to ensure sufficient distance between existing and proposed signs are provided.

Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer's report and the recommendation. The Panel has considered the submissions from the objectors to the development and considers that the conditions will satisfactorily address those concerns.

ITEM EELPP013/19 - DEVELOPMENT APPLICATION - 70 CARDIGAN STREET, GUILDFORD

RESOLVED:

1. That Development Application No. 2018/293 for demolition of existing structures, consolidation of two lots into 1 lot and construction of a 4 storey boarding house accommodating 11 rooms and a manager's room, over basement parking accommodating 6 parking spaces and 2 motorcycle spaces on land at 70 Cardigan Street Guildford be refused for the reasons listed in the draft determination.
2. That those persons who lodged a submission in respect of the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer's report and the recommendation.

ITEM EELPP014/19 - DEVELOPMENT APPLICATION FOR 22 AUSTRAL AVENUE, WESTMEAD

RESOLVED:

1. Development Application 2018/283/1 for demolition of existing structures and construction of a two storey, 38 place child care centre over basement parking accommodating 16 parking spaces on land at 22 Austral Avenue, Westmead, be Approved, subject to the attached conditions, provided at Attachment 1; and
2. The insertion of Condition 158 A as follows:

158 A. (Prior to Occupation) Operational Management Plan

An Operational Management Plan (OMP) shall be prepared and submitted to Council for approval. The plan shall detail how the Childcare Centre will be managed to minimise impacts on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:

- a) Drop off and pick up time is staged and occurs within the basement carpark area,
- b) Encourage staff and parents to use public transport,
- c) Advice parents to not park outside neighbouring properties and respect residents' amenity,
- d) Regular monitoring of off-street and on-street parking,
- e) Tandem parking spaces shall be allocated to long term staff.
- f) The noise management plan prepared by Rodney Stevens Acoustics, Reference R180121NMP2, Revision 1, dated 1 March 2019 – as amended to satisfy Condition 15;
- g) Any other conditions of this consent relevant to operational management of the centre.

3. The amendment of Condition 168 as follows:

168. Operational Management Plan

Compliance with the Operational Management Plan (OMP) (refer to condition 158A) throughout the life of this consent.

4. The amendment of Condition 169 as follows:

The Operational Management Plan shall be reviewed on regular basis to ensure all road safety and amenity conditions are adequately addressed. Any proposed changes to the OMP are to be submitted to and approved by Council.

That the applicant and those persons who lodged a submission in respect of the application be notified of the determination of the application.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Council Officer's report and the recommendation. The Panel has considered the submissions from the objectors to the development and considers that the conditions, including a reduction in number of children, will satisfactorily address those concerns.
2. The Panel considers that the Operational Management Plan should incorporate all proposed conditions of consent that will address concerns relating to parking, noise and other amenity impacts and that the OMP should be approved by Council prior to the occupation of the centre.

ITEM EELPP015/19 - DEVELOPMENT APPLICATION 7 BIRMINGHAM STREET,
MERRYLANDS

RESOLVED:

That Development Application 2017/226/1 for demolition of existing structures; construction of a 4 storey residential flat building comprising 6 units under Affordable Rental Housing SEPP 2009; at-grade parking accommodating 5 carparking spaces be refused as per the reasons within the draft notice of determination provided at Attachment 1.

For: David Ryan (Chairperson), Tony Tuxworth, Michael Ryan and Milorad Rosic.

Against: Nil.

Reasons for Decision:

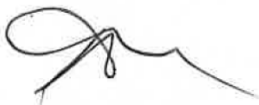
1. The Panel generally agrees with the Council Officer's report and the recommendation.

The closed session of the meeting here closed at 2:52p.m

The open session of the meeting here opened at 2:53p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 3:02p.m.

Signed:



David Ryan
Chairperson