

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

PRESENT:

Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

IN ATTENDANCE:

Karl Okorn, Monica Cologna, Diep Hang, Glen Weekley, Olivia Yana, Esra Calim, Somer 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 11:30a.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>
Brad Delapierre	Development Application 5-7 Bransgrove Street and 1-3 Irwin Place, Wentworthville
Alan Thompson	Development Application for 15 Hyacinth Street, Greystanes
Marilyn Power	Development Application for 15 Hyacinth Street, Greystanes
Jonathon Wood	Development Application for 15 Hyacinth Street, Greystanes
Geoff Burton	Development Application for 15 Hyacinth Street, Greystanes
Raymond Ishak	Development Application for 15 Hyacinth Street, Greystanes
Peter Israel	Development Application for 2-22 Willian Street, Granville

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel.

The open session of the meeting here closed at 11:57a.m.

The closed session of the meeting here opened at 11:58a.m.

ITEM EELPP020/19 - DEVELOPMENT APPLICATION 5-7 BRANSGROVE STREET
AND 1-3 IRWIN PLACE, WENTWORTHVILLE

RESOLVED:

1. **That Development Application 2018/123/1 for demolition of existing structures, consolidation of 4 lots into 1 lot, construction of a 5 storey residential flat building over basement parking accommodating 48 units and 47 parking spaces under Affordable Rental Housing SEPP 2009, be approved under Deferred Commencement, subject to the attached conditions, provided at Attachment 5.**

2. The Panel notes the minor increase in height and has considered the applicants written request to vary the development standard pursuant to clause 4.6. The Panel considers that the Clause 4.6 request is well founded, and that the minor variation to the development standard is acceptable in the circumstances of the case and will not result in any unacceptable environmental impacts.

3. **Amendment to condition 35 Affordable Housing as follows:**

A minimum of thirteen (13) units, being units 1, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 and Unit 3 (53.51m²) as identified on the plans listed in condition 2; shall be nominated for the purpose of affordable housing prior to the issue of Construction Certificate.

4. **Amendment to condition 38 Accessibility as follows:**

Prior to the issue of a Construction Certificate, plans must be submitted to the Principal Certifying Authority, indicating that the new development has been designed to comply with Adaptable Housing requirements as per AS4299-1995 – *Adaptable Housing*. In this regard, Units 3, 8, 13, 18, 23, 28, 33 and 38 as identified on the plans listed in condition 2 shall be nominated as adaptable units.

5. **Amendment to condition 160 Restriction as to User as follows:**

For a period of at least 10 years from the date of the issue of the Occupation Certificate:

- i) A minimum of 1,075.81m² of the gross floor area (being Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 as identified on the plans listed in condition 2) must be used for the purpose of affordable housing as defined for the purposes of State Environmental Planning Policy (Affordable Rental Housing) 2009; and

- ii) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
 - a) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (i) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.
 - b) The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6 (1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

6. Amendment to condition 161 as follows:

A restriction as to user must be registered, before the date of the issue of the Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, to ensure that the requirements of Condition 160, requiring the use of Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 as identified on the plans listed in condition 2 (being a minimum GFA of 1,075.81m²) for the purpose of affordable housing under the Affordable Rental Housing SEPP 2009, that accommodation must be managed by a registered community housing provider.

Documents giving effect to the creation of a Restriction on Use must be submitted to the Council for approval prior to lodging with Land and Property Information NSW. The terms of the instruments are to be to the satisfaction of Council.

Council is to be named in the instrument as the only party authorised to release, vary or modify the instrument.

Registered title documents showing the covenants and restrictions must be submitted to and approved by Council prior to the issue of any Occupation Certificate.

The restriction to use and any associated documentation must be prepared and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining legal advice on the restriction terms, the cost and expense of negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents.

7. Amendment to condition 164 Use for Affordable Housing as follows:

Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 as identified on the plans in condition 2 (being minimum GFA of 1,075.81m²); must be used for the purposes of affordable housing under the Affordable Rental Housing SEPP 2009, and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of 10 years from the date of the issue of the occupation certificate

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.
Against: Nil.

Reason:

1. The Panel generally concurs with the Council Officer's report and recommendation subject to a minor refinement to the conditions as set out above.

ITEM EELPP021/19 - DEVELOPMENT APPLICATION FOR 15 HYACINTH STREET, GREYSTANES

RESOLVED:

- 1. That Development Application 2018/284/1 for demolition of existing structures and construction of a two storey, 26 place child care centre over basement parking accommodating 10 parking spaces on land at 15 Hyacinth Street, Greystanes, be Approved as a deferred commencement consent, subject to the below deferred commencement conditions and conditions provided at Attachment 1.**
- 2. Deferred commencement conditions**
 - a. Car space numbered 10 (visitor) on drawing number 05 (floor plans) is to be deleted and that portion of the basement is to be cut back accordingly. The corresponding ground area is to be provided for deep soil planting and be suitably landscaped, including one mature canopy tree capable of achieving a height of 6 metres.
 - b. The width of car space 4 (staff) on drawing number 05 (floor plans) is to be increased to 2.7 metres.
- 3. Amendment to condition 168 as follows:**

For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation; including the operation of all plant and machinery; are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.
- 4. Amendment to conditions 139 and 177 Operational Management Plan as follows:**

An Operational Management Plan (OMP) shall be prepared and submitted to Council prior to the issue of an Occupation Certificate and be approved by Council's Manager Development Assessment and reviewed on a regular basis. The plan shall detail how the Childcare Centre will be managed to minimise

impact on neighbouring properties (particularly on-street parking). The OMP should include but not be limited to the below:

- a) Drop off / pick up time is staged and occurs within the basement carpark area,
- b) Encourage staff and parents to use public transport,
- c) Advise parents to not park outside neighbouring properties and respect residents' amenity,
- d) Regular monitoring of off-street and on-street parking,
- e) The Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15, and
- f) Any other conditions of this consent relevant to operational management of the centre.

The Operational Management Plan (OMP) shall be reviewed on regular basis to ensure all road safety conditions are adequately addressed. Any changes to the OMP are to be submitted to and approved by Council's Manager Development Assessment.

5. Amendment to Condition 179 as follows:

Nine (9) on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 15 Hyacinth Street, Greystanes.

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

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

Reason:

1. The Panel generally concurs with the Council Officer's report and recommendation subject to the amendments to the conditions as set out above.
2. The Panel notes the extensive amount of impervious area proposed and having regard to the reduction in the approved number of children, it is considered appropriate to reduce the number of basement car spaces and allow a corresponding increase in the amount of area for deep soil planting on the site.
3. The Panel has considered the objections raised and considers that the proposal is appropriate having regard to the provisions of State Environmental Planning policy (Educational Establishments and Childcare Facilities) 2017 subject to conditions as modified above.

ITEM EELPP022/19 - PLANNING PROPOSAL REQUEST FOR 2-22 WILLIAM STREET, GRANVILLE

RESOLVED:

The Panel recommends that:

1. Council proceed with the preparation of a Planning Proposal for 2-22 William Street, Granville (Lots 18 – 31 DP 2371 and SP 31488), with the following development standards:
 - a floor space ratio of 1.7:1; and
 - a maximum building height of 16m;
2. A voluntary planning agreement be negotiated between Council and the Proponent to ensure a public benefit is derived from the uplifting value that this planning proposal will achieve.
3. Council prepare site specific development controls that prohibit rooftop communal open space, specify the maximum number of storeys, and ensures an appropriate transition in built form between the higher density development on the site and neighbouring low density dwellings.
4. The proponent undertake the following, prior to any demolition approval if allowed:
 - prepare an archival recording of the heritage item at 10 William Street as per the NSW OEH Guideline *How to prepare archival records of heritage items*;
 - organise for an interpretation strategy to be prepared by a qualified heritage consultant for the group of three cottages at 6, 8 and 10 William Street, and for this strategy to be integrated into any proposed development in accordance with *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*, and the NSW OEH documents namely *Interpreting Heritage Places and Items Guidelines 2005*, and the *Heritage Interpretation Policy 2005*. The interpretation strategy should also integrate the reuse of any salvaged material; and
 - organise for a qualified heritage consultant to prepare a list of items and materials to be salvaged. Any material identified for salvaging should be photographed, tagged and catalogued by a heritage consultant and stored until reused in a secure, weather-proof location. The location of the storage should be ascertained by the proponent in consultation with Cumberland Council.

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

Against: Nil.

The closed session of the meeting here closed at 1:50p.m

The open session of the meeting here opened at 1:51p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 1:55p.m.

Signed:



Julie Walsh
Chairperson