

Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 8 May 2019.

PRESENT:

Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Milorad Rosic.

IN ATTENDANCE:

Monica Cologna, Sohail Faridy, Michael Lawani, Olivia Yana, Claire Burke, Daniel Anderson, Harley Pearman, Somer Ammar and 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 was a declaration of interest;

Mr Stuart McDonald declared an interest in the Development Applications for 1 Peggy Street, Mays Hill and 3-9 Peggy Street, Mays Hill as the architects for these applications are also architects for a project which his firm is involved on another site, in another local government area. His firm did not engage the architects, this firm have no business relationship with them and have no financial interests in the project. Nonetheless, Mr McDonald believes that there is a potential for a perception of conflict. As a result he will take no part in the determination of the two applications. Mr Chris Young will take over as Chairperson for these matters.

ADDRESS BY INVITED SPEAKERS:

The Panel allowed all speakers on item LPP030/19, 17 Brooks Circuit, Lidcombe to be brought forward in the order of speakers to address the Panel at the commencement of the forum.

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

<u>Speakers</u>	<u>Item No. Subject</u>
Eugene Sarich	Section 4.55(2) Modification for 10 Guernsey Road, Guildford
Harry Henshaw-Hill	Development Application for 1 Peggy Street, Mays Hill
Jonathon Wood	Development Application for 1 Peggy Street, Mays Hill

Harry Henshaw-Hill	Development Application for 3-9 Peggy Street, Mays Hill
Jonathon Wood	Development Application for 3-9 Peggy Street, Mays Hill
Xing Wei	Development Application for 216 William Street, Granville
John Macphail	Development Application for 216 William Street, Granville
Charles Hill	Development Application for 216 William Street, Granville
Anthony El-Hazouri	Development Application for 17 Brooks Circuit, Lidcombe
Jonathon Wood	Development Application for 17 Brooks Circuit, Lidcombe
Graham Locke	Development Application for 17 Brooks Circuit, Lidcombe
Paul Sant	Development Application for 17 Brooks Circuit, Lidcombe
Lisa Brien	Development Application for 17 Brooks Circuit, Lidcombe
Tony Oldfield	Auburn and Lidcombe Town Centres Planning Controls Strategy
Kerryn Stanton	Auburn and Lidcombe Town Centres Planning Controls Strategy

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 further persons presented themselves.

<u>Speakers</u>	<u>Item No. Subject</u>
Hong Shi	Auburn and Lidcombe Town Centres Planning Controls Strategy

Stuart McDonald left Chambers for items LPP027/19 and LPP028/19 as he has declared a conflict of interest, Chris Young was appointed the acting Chairperson for both items.

The open session of the meeting here closed at 12:55pm.

The closed session of the meeting here opened at 12:56pm.

ITEM LPP026/19 - SECTION 4.55(2) MODIFICATION FOR 10 GUERNSEY ROAD,
GUILDFORD

RESOLVED:

1. That development application DA 2012/122/3 for modification to remove trial period requirements and increase hours of operation of an existing sex services premises to 24 hours and 7 days a week be approved at 10 Guernsey Road Guildford subject to the recommended conditions and a single consolidated consent incorporating all conditions including the amendments be issued.

For: Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Milorad Rosic.

Against: Nil.

Reasons for Decision

1. The Panel accepts that the Modification Application is substantially the same development as that approved.
2. The Council has received no complaints regarding the use of the premises.
3. The proposed 24 hour trial period will provide the opportunity for the Council and Community to assess acceptability.
4. Subject to the recommended conditions of approval it is anticipated that the trial period is unlikely to have any unacceptable impacts given the location within an established industrial area.

ITEM LPP027/19 - DEVELOPMENT APPLICATION FOR 1 PEGGY STREET, MAYS HILL

RESOLVED:

1. That Development Application 2018/278 for demolition of existing structures, construction of a 4 storey residential flat building over 2 levels of basement parking including new ramps on the adjoining site (3-9 Peggy Street) providing access into the proposed basements; accommodating 16 residential units and 34 parking spaces at 1 Peggy Street Mays Hill be approved as a deferred commencement subject to the conditions within the draft notice of determination provided at Attachment 4.
2. The Panel notes the minor increase in FSR 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. Insertion of Condition 2A as follows:

2A. The area indicated on the plans as open corridor on levels 1, 2 and 3 be not enclosed without the approval of Council.

For: Chris Young (Acting Chairperson), Michael Ryan and Milorad Rosic.

Against: Nil.

Stuart McDonald left Chambers for the duration of this item due to the outlined conflict of interest. As a result, Chris Young was appointed as the acting Chairperson.

Reasons for Decision

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

ITEM LPP028/19 - DEVELOPMENT APPLICATION FOR 3-9 PEGGY STREET, MAYS HILL

RESOLVED:

1. That Development Application 2017/563/1 for which seeks consent for demolition of existing structure, consolidation of 4 lots into 1 lot and construction of a part 4, part 5 storey residential flat buildings over lower ground and basement parking accommodating 59 units and 65 parking spaces under Affordable Rental Housing SEPP 2009 at 3-9 Peggy Street Mays Hill, be Approved via 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. Condition 3 Schedule A be amended by replacing 15 metres with 9 metres.
4. Condition 2 of Schedule B be amended with the deletion of the following wording "Correspondence from Cumberland Police Area Command, dated 9 May 2018 (copy attached), and all conditions contained therein"
5. That the applicant and those persons who lodged a submission in respect of the application be notified of the determination of the application.

For: Chris Young (Acting Chairperson), Michael Ryan and Milorad Rosic.

Against: Nil.

Note: Stuart McDonald left Chambers for the duration of this item due to the outlined conflict of interest. As a result, Chris Young was appointed as the acting Chairperson.

Reasons for Decision

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 LPP029/19 - DEVELOPMENT APPLICATION FOR 216 WILLIAM STREET,
GRANVILLE

RESOLVED:

1. That Development Application No. DA-348/2018 for the demolition of existing dwelling and associated structures and construction of three storey boarding house over basement parking and landscaping on land at 216 William Street Granville be deferred commencement approved subject to attached conditions.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.
3. Amendment to condition 77 as follows:

Compliance with Arborist Report

The recommendations of the Arboriculture Impact Assessment prepared by Craig Kenworthy (Sydney Landscape Consultants) and dated 12/10/18, shall be complied with at all times. Further to the recommendations, the following is required:-

- Engaging a Project Arborist (AQF 5) to certify the tree protection measures that are implemented as per section 8.1, 8.2 & 8.3 for Tree Numbered 11.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the commencement of any site works and issue of the Construction Certificate as relevant to the particular recommendation.

Reason:- to ensure the protection of existing trees on the site.

4. Replace condition 78 as follows:

78A. Tree 10 is not to be transplanted as proposed but rather replaced with a new minimum 3 metre high Livistona Australis in its proposed new location as shown on the Landscape Plan.

78B. Tree 1 to be replaced with Melalueca armillaris to be specified in height/size by Council Officers.

2. Add new condition 86A as follows:

All parking spaces shall be used for the residents and visitors only and shall not be sublet or used for any other purpose.

3. Replacement of condition 86 with the following:

At least 7 car parking spaces and 7 motorbike parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' only in conjunction with the occupation of the building/premises.

For: Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Milorad Rosic.

Against: Nil.

Reasons for Decision

1. The proposal substantially complies with the relevant boarding house provisions of State Environmental Planning Policy "Affordable Rental Housing" 2009 (SEPP ARH).
2. While acknowledging the additional floor space possible under SEPP ARH, over and above the FSR controls of the Parramatta LEP, the Panel notes that the development complies with the height of buildings development standard and the Parramatta DCP setback and landscaping controls.
3. The Panel has considered the written submissions and verbal submissions at the Panel meeting, particularly in relation to car parking. The Panel notes that the provision of car parking is in accordance with, and in fact exceeds the Parramatta DCP requirements for boarding houses and so accepts the provision of car parking cannot be a reason for refusal.
4. The Panel has amended the landscaping conditions with the objective of improved landscaping outcomes, including new advanced trees to be planted.
5. The proposal, subject to the amended conditions, is considered to be an acceptable development in the context of the High Density Residential R4 zone and will not result in any unacceptable impacts.

ITEM LPP030/19 - DEVELOPMENT APPLICATION FOR 17 BROOKS CIRCUIT,
LIDCOMBE

RESOLVED:

1. That Development Application No 110/2018 for alterations and fitout works to the existing building for use as a mixed use development incorporating a neighbourhood supermarket, liquor shop, cafe, medical centre, and restaurant to operate 7:00 a.m. to 10:00 p.m. seven (7) days a week and four (4) retail tenancies to operate 9:00 a.m. to 6:00 p.m. seven (7) days a week on land at 17 Brooks Circuit Lidcombe be approved, subject to conditions as outlined in the attachment provided.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.
3. Insert conditions as follows:

Condition 41A

The restaurant kitchen must close no later than 9pm each night, with last meal orders to occur prior. All patrons must exit the premises no later than the approved closing time of 10pm. The use of the premises, including all post trading clean up must cease and the restaurant must be unoccupied by any persons by 10:30pm.

Condition 41B

The cafe kitchen must close no later than 9pm each night, with last meal orders to occur prior. All patrons must exit the premises no later than the approved closing time of 10pm. The use of the premises, including all post trading clean up must cease and the cafe must be unoccupied by any persons by 10:30pm.

Condition 41C

All activities for all approved uses, including but not limited to deliveries and waste collection must occur within the approved hours of operation with the exception of approved clean up hours under conditions 41A and 41B.

For: Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Milorad Rosic.

Against: Nil.

Reasons for Decision

1. The Panel considered the written submissions, and the verbal submissions at the meeting, including concerns regarding car parking and resident suggestions for a resident parking scheme. The Panel notes recommended condition 54 addresses the potential for time-limited parking along Brooks Circuit and Main Avenue,

subject to a future parking assessment report, and prior to the issue of any Occupation Certificate.

2. The Panel acknowledges and accepts the Council Officer's advice within the assessment report that DA176/2006 included the provision of on street public car parking spaces to meet the demand generated by the future use of the buildings within the heritage precinct.
3. The Panel is of the opinion that the proposed commercial uses, subject to the conditions of consent as amended by the Panel, including more stringent requirements regarding the operation of the restaurant and café detailed in conditions 41A and 41B, are appropriate in the B1 Zone and are suitable adaptive reuses of the heritage buildings. The commercial use of these buildings is an acknowledged component of the master planning of the overall site.
4. The Panel notes that the fit out of the restaurant requires a separate Development Application (DA). The Panel recommends that the Council Officers, in assessing the future DA, require documentation regarding the patron capacity and appropriately limit the maximum number of patrons as a condition of the Development Consent.

ITEM LPP031/19 - AUBURN AND LIDCOMBE TOWN CENTRES PLANNING CONTROLS STRATEGY

RECOMMENDATION:

1. **The Panel recommends Deferral of this item for consideration at a future meeting in June 2019 with the date to be determined by Council Officers.**

For: Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Milorad Rosic.

Against: Nil.

Reasons for Decision

1. To provide the opportunity for the Panel to fully consider the proposed strategy.

The closed session of the meeting here closed at 3:46pm

The open session of the meeting here opened at 3:47pm. The Chairperson and Acting Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 4:02pm.

Signed:



Stuart McDonald
Chairperson