

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 24 July 2019.

PRESENT:

Julie Walsh (Chairperson), Brian Kirk, Larissa Ozog and Allan Ezzy.

IN ATTENDANCE:

Karl Okorn, Michael Lawani, Sohail Faridy, Nighat Aamir, Sarah Pritchard, Glenn Apps, Roy Wong, Esra Calim, Olivia Shields 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 11:35a.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>
Adam Byrnes	Development Application for 7 Linden Street Toongabbie
Martin Salaverri	Development Application for 2 Kingsland Road, Berala
Andre Mulder & Glenn Francis	Development Application for 9-19 Mary Street, Auburn
Tony Oldfield	Development Application for 9-19 Mary Street, Auburn
Kerryn Stanton	Development Application for 9-19 Mary Street, Auburn
Adam Byrnes	Development Application for 14, 16 & 18 Good Street, 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 12:37p.m.

The closed session of the meeting here opened at 12:38p.m.

ITEM LPP049/19 - DEVELOPMENT APPLICATION FOR 7 LINDEN STREET
TOONGABBIE

RESOLVED:

1. That DA 2019/52 for demolition of existing structures and construction of a 5 storey boarding house with 24 boarding rooms and 1 manager's room, part undercroft, part basement parking for 13 cars and 5 motorcycle spaces pursuant to SEPP ARH 2009 be approved subject to the conditions provided in the draft notice of determination amended as follows:
 - a. Condition 53, 54, 85, 86 and 88 are to be amended to delete the words "the trees indented on the endorsed plans as being retained/transplanted" or similar and include the words "Tree 1 (*Eucalyptus tereticornis*) as specified in the Arborist Report prepared by Mark Bury Consulting dated 7th May 2019".
 - b. Amendment of Condition 134 by inserting the words "as defined under SEPP (Affordable Rental Housing) 2009 after the word "boarding house" in the first line.
 - c. Amendment of Condition 140 to replace the reference to "Holroyd Local Environment Plan 2013" with the "SEPP (Affordable Rental Housing) 2009".
 - d. Amendment to Condition 14 to delete "minus credit for the existing 3 bedroom dwelling" and change contribution amount to \$165,525.00.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: Julie Walsh (Chairperson), Brian Kirk, Larissa Ozog and Allan Ezzy.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Planning Officer's report subject to the amendments to the conditions as listed above.

ITEM LPP050/19 - DEVELOPMENT APPLICATION FOR 2 KINGSLAND ROAD,
BERALA

RESOLVED:

1. That Development Application No. DA-103/2019 for Demolition of existing dwelling house and construction of a 2 storey boarding house development

comprising 12 boarding rooms and on site car parking for 6 vehicles on land at 2 Kingsland Road, Berala be granted deferred commencement approval subject to conditions in the draft notice of determination as amended by the Panel:

- a. **Addition of Condition 20A: A covenant restricting use of the premises as a boarding house is to be registered on title prior to an Occupation Certificate being issued or commencement of the building operating as a boarding house, whichever happens first. All costs of the preparation and registration of any associated documentation are to be borne by the applicant.**
- b. **Addition of Condition 20B: The accommodation of the building must be used as a boarding house as defined in SEPP (Affordable Rental Housing) 2009 and not for the purposes of hotel, motel, serviced apartments, tourist accommodation or the like.**
- c. **Addition of Condition 20C: The owner and/or their representative such as a building manager or agent are not permitted to advertise or organise for short term or share accommodation in the building.**
- d. **Amend deferred commencement condition DC2 to include:**
 - d. **The fencing associated with the triangular section at the corner of Kingsland Road and Campbell Street shall have a maximum height of 1.2m. The fence shall be a semi transparent (maximum 50% solid) palisade style.**
 - e. **Front fencing to Kingsland Road and Campbell Street (where not mentioned in previous conditions) shall have a maximum height of 1.2m and shall be a semitransparent (maximum 50% solid) palisade style.**
- e. **Delete Condition 92.**

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

For: Julie Walsh (Chairperson), Brian Kirk, Larissa Ozog and Allan Ezzy.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Planning Officer's report subject to the amendments to the conditions as listed above.

ITEM LPP051/19 - DEVELOPMENT APPLICATION FOR 9-19 MARY STREET,
AUBURN

RESOLVED:

1. That Development Application No. DA-92/2019 for Alterations and additions to approved 12 storey mixed use building (DA-52/2017) at 13-19 Mary Street, Auburn including the construction of an additional 12 storey mixed use building component at 9-11 Mary Street, Auburn which will accommodate a total of 157 residential units (41 x 1 bedroom, 90 x 2 bedroom and 26 x 3 bedroom units), 5 x commercial suites, 1 x office suite over part 4 part 5 level basement for 288 vehicles on land at 9-19 Mary Street, AUBURN NSW 2144 be deferred for the following reasons:
 - a. To allow the applicant to make the following design changes:
 - i. The applicant to submit a redesign of the internal layout of each floor to minimise the number of bedrooms sharing a common wall with the living areas of adjoining units. In the event that a redesign of any particular unit is not practicable then the applicant is to submit a construction methodology statement demonstrating how noise transfer from living area to bedroom is to be controlled.
 - ii. The walls to the studies on level 1-4 shall be removed and that area opened up to become part of the living space.
 - iii. The 4 storage spaces adjoining the central columns within basement levels 1, 2, 3 and 4 shall be removed and relocated as storage cages within each basement to improve visibility when manoeuvring through the basement.
 - b. to enable the applicant to provide clarification on the following matters:
 - i. whether the submitted clause 4.6 request requires amendment having regard to the applicant's advice that the maximum RL will be RL64.90.
 - ii. the maximum GFA and FSR of the development.
 - c. to enable consideration of the relationship of the conditions under development consent DA52/2017 for 13-19 Mary Street Auburn and the conditions recommended for the subject development application.
 - d. Council Officers are to provide to the Panel a complete set of recommended conditions for the proposed development having regard to the information received in response to a-c above.
2. The Panel may determine the application electronically.
3. Persons whom have lodged a submission in respect to the application be notified of the above decision of the Panel.

For: Julie Walsh (Chairperson), Brian Kirk, Larissa Ozog and Allan Ezzy.

Against: Nil.

Reasons for Decision:

1. The Panel is not satisfied with the internal layout of units, having regard to objective 4H-2 of the Apartment Design Guide addressing acoustic privacy.
2. The Panel requires clarification with regard to the maximum height and FSR of the proposed development.
3. The Panel requires clarification that the recommended conditions of consent do not conflict with the conditions of consent for DA-52/2017.

ITEM LPP052/19 - DEVELOPMENT APPLICATION FOR 14, 16 & 18 GOOD STREET, WESTMEAD

RESOLVED:

1. **That Development Application 2019/3/1 for the demolition of existing structures and construction of a six (6) storey residential flat building, comprising 38 residential units, over two (2) levels of basement containing 39 parking spaces and 1 car wash bay pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be Approved via Deferred Commencement, subject to the conditions, contained in the draft notice of determination, subject to 2 below.**
2. **Addition of Deferred Commencement Condition 11 in Schedule A:**

The party wall between bedrooms of units 3, 10, 17, 24 and associated adjoining units 4, 11, 18 and 25 be treated with acoustic seals such that the noise transmission into the bedrooms is minimised.
3. **That the applicant and those persons who lodged a submission in respect to the application be notified of the determination of the application.**

For: Julie Walsh (Chairperson), Brian Kirk, Larissa Ozog and Allan Ezzy.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Planning Officer's report subject to the amendment to the conditions as listed above.

The closed session of the meeting here closed at 3:02p.m.

The open session of the meeting here opened at 3:03p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 3:05p.m.

Signed:



Julie Walsh
Chairperson