

Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 14 August 2019.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, David Ryan and Irene Simms.

IN ATTENDANCE:

Karl Okorn, Michael Lawani, Esra Calim, Harley Pearman, Roy Wong, Diep Hang, Rennie Rounds 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 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>
Mr Mohsen Hayek	LPP053/19 Development Application – 58-60 Berwick Street, Guilford
Mr Eli Gescheit	LPP054/19 – Section 4.56 Modification Application – 331 Blaxcell Street, South Granville
Mr Nigel Merryweather	LPP054/19 – Section 4.56 Modification Application – 331 Blaxcell Street, South Granville
Mr Patrick Hurley	LPP057/19 – Section 4.56 Modification Application – 1/181 McCredie Road, Guilford West

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 the following people presented themselves:

<u>Speakers</u>	<u>Item No. Subject</u>
Ms Holly Duan	LLP055/19 – 40-42A Park Road, Auburn

Ms Lu Liao

LLP055/19 – 40-42A Park Road, Auburn

The open session of the meeting here closed at 12:00p.m.

The closed session of the meeting here opened at 12:01p.m.

ITEM LPP053/19 - DEVELOPMENT APPLICATION - 58-60 BERWICK STREET,
GUILDFORD

RESOLVED:

- 1. That Development Application 2019/11/1 for demolition of existing structures and construction of a 4 storey building comprising of a 76 place child care centre on the ground floor with 18 residential units above with two basement car parking levels for 36 vehicles; pursuant to Affordable Rental Housing SEPP 2009 be refused for the reasons provided within the draft Notice of Determination contained in Attachment 8 as amended by the Panel.**
- 2. Amend the reasons so that reason 3 becomes reason 1**
- 3. Amendment to reason 4 as follows:**

Failure to demonstrate compliance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 23 – Matters for consideration by consent authorities

- 4.1 The proposed child care does not comply with the provisions of the Child Care Planning Guideline (CCPG) 2017 as listed under number 5 below.

Clause 25 – Non discretionary development standards

- 4.2 The location and the size of indoor and outdoor space of the proposed child care do not comply with the provisions of the CCPG 2017 as listed under number 5 below.

For: The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, David Ryan and Irene Simms.

Against: Nil.

ITEM LPP054/19 - SECTION 4.56 MODIFICATION APPLICATION - 331 BLAXCELL STREET, SOUTH GRANVILLE

RESOLVED:

- 1. That the modification application number 290/2017/A being a Section 4.56 application to modify an approved child care facility to provide additional general purpose rooms and a rooftop outdoor play area on land at 331 Blaxcell Street, South Granville be approved subject to the attached modified conditions as amended by the Panel.**
- 2. Condition 5 is amended as follows:**

5 - Operational Plan of Management

The premises shall be operated in accordance with the operational plan of management dated May 2019 subject to the following amendment. To include provisions relating to the ongoing maintenance of the play areas, in particular, the roof garden. The amended Operational Plan of Management shall be submitted to the Executive Manager Development and Building for approval prior to the issue of a Construction Certificate. Where there is any conflict between the provisions of the operational plan of management and specific conditions of this consent, the specific conditions of this consent shall prevail.

Reason: - to ensure on-going management of the Child care centre is in accordance with the operational plan of management.

For: The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, David Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

- 1. The Panel is in agreement with the Planning Officer's report and has added a condition relating to the ongoing maintenance of the roof garden.**
- 2. The Panel noted the applicants representatives confirmation that the additional outdoor space was not a precursor to any future proposal to increase the numbers of children and that the approved car parking will preclude any increase.**

ITEM LPP055/19 - DEVELOPMENT APPLICATION - 40 - 42A PARK ROAD, AUBURN

RESOLVED:

1. **We find the amended Clause 4.6 Variation to be well founded. The Panel is satisfied that the applicant's amended written request has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the development within the zone.**
2. **That Development Application No. DA-51/2019 for the demolition of existing dwellings and construction of a six storey residential flat building comprising 32 units above two levels of basement car parking for 36 vehicles, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 on land at 40-42A Park Road, AUBURN NSW 2144 be granted deferred commencement approval, subject to recommended conditions of consent at Attachment 1.**
3. **The Addendum Report to be attached.**
4. **Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

For: The Hon. Paul Stein AM (Chairperson) QC and Marjorie Ferguson.

Against: David Ryan and Irene Simms.

Due to the division amongst the Panel, the resolution was carried on the casting vote of the Chairperson, The Hon. Paul Stein AM QC.

Reasons for Decision:

1. **The majority supported the Planning Officer's report. We considered the issue of overshadowing of the adjacent property but on balance came to the conclusion that approval was appropriate in the circumstances of the context of the site and the orientation of the adjacent block of flats at 44 Park Road, Auburn.**
2. **David Ryan and Irene Simms support the approval of the development subject only to the amendment of the front setback to comply with the DCP in order to reduce the extent of overshadowing experienced by some units within number 44 Park Road, Auburn who also raised objections on this basis.**

ITEM LPP056/19 - DEVELOPMENT APPLICATION - 96 CHISWICK ROAD, AUBURN

RESOLVED:

That Development Application No. 122/2019 for ‘Demolition of a glasshouse, part of a perimeter wall, a timber wall, turnstiles and a pond and rock edging at the Auburn Botanic Gardens’ on land at 96 Chiswick Road, AUBURN be approved subject to the conditions in Attachment 1.

For: The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, David Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

- 1. The Panel is in agreement with the Planning Officer’s report and is satisfied in relation to the issue of heritage.**

ITEM LPP057/19 - SECTION 4.56 MODIFICATION APPLICATION - 1/181 MCCREDIE ROAD, GUILDFORD WEST

RESOLVED:

That Development Application 2007/105/5 a Section 4.56 modification application of a Court Approval application to an existing sex services premises to formalise unauthorised internal works, internal alterations and additions and increase number of sex workers from 11 to 12 be approved subject to the conditions within the draft notice of determination provided at Attachment 3.

For: The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, David Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

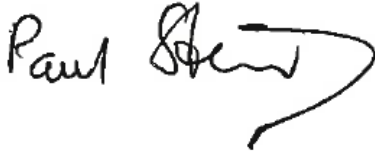
- 1. The Panel is in agreement with the Planning Officer’s report and notes that compliance action has been taken in relation to unauthorised works carried out on the premises.**

The closed session of the meeting here closed at 1:25p.m.

The open session of the meeting here opened at 1:26p.m. The Chairperson delivered the Cumberland Local Planning Panel’s resolutions to the Public Gallery.

The meeting terminated at 1:32p.m.

Signed:



The Hon. Paul Stein AM (Chairperson) QC
Chairperson