

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Tuesday 5 November 2019.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Brian Kirk, Marjorie Ferguson and Allan Ezzy AM.APM.JP.

IN ATTENDANCE:

Michael Lawani, Sarah Pritchard, Daniel Anderson, Stephen Peterson, Esra Calim 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 11:31a.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>				
Adrian Mason	Development	Application	277-289	Woodpark	Road, Smithfield
Emma Hansma	Development	Application	277-289	Woodpark	Road, Smithfield
Scott Bailey x4	Development	Application	277-289	Woodpark	Road, Smithfield
Jeff Buhler	Development	Application	277-289	Woodpark	Road, Smithfield
Peter Evans	Development Application - 45-47 Susan Street, Auburn				
Daniel Mcnamara	Wentworthville Town Centre Planning Proposal and Development Control Plan				

Sophy Purton

Planning Proposal Request for 55-57 Station Street and 6
Pritchard Street East, Wentworthville

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 1:23p.m.

The closed session of the meeting here opened at 1:24p.m.

ITEM LPP067/19 - DEVELOPMENT APPLICATION 277-289 WOODPARK ROAD ,
SMITHFIELD

RESOLVED:

1. **That Development Application No. 2018/321/1 for extension of hours of operation of existing manufacturing & warehouse use to carry out manufacturing 24 hours a day Monday to Friday and 7.00 am to 3.00 pm Saturday, and truck & external forklift movements 7.00 am to 7.00 pm Monday to Friday and construction of an acoustic wall on land at 277-289 Woodpark Road, Smithfield be approved, subject to attached conditions as amended by the Panel.**
2. **That the Environmental Protection Authority be advised of this determination.**
3. **That those persons who made a submission be advised of the determination.**
4. **The amendment to Condition 8 to read as follows:**

Acoustic Recommendations

All recommendations of the endorsed acoustic are to be separated listed in a document and provided to Council within 28 days from the date of this consent. All recommendations that do not require Construction Certificate approval are to be implemented/completed within three (3) months of the date of this consent.

5. **The amendment to Condition 9 to read as follows:**

The acoustic wall referred to in Section 6 of the Acoustic Report prepared by Be'nbow Environmental listed in Condition 2 is to be installed and completed within 6 months of the date of this consent. Note: Compliance with prior to Construction Certificate conditions is required before construction commences.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

5. The amendment to Condition 10 to read as follows:

Amended Plans to Certifying Authority

Amended plans/documents shall be submitted to the Certifying Authority, prior to the issue of a Construction Certificate to address the following issues:

- i. A Waste Management Plan is to be provided In accordance with section 11, Part A of Holroyd Development Control Plan 2013; and
- ii. A detailed landscape plan prepared by a qualified Landscape Architect/ Designer at a minimum scale of 1:100 must be prepared, and be consistent with all other endorsed plans and documents. The plan must also include the following:

Planting of 45 litre minimum container size trees to be installed and maintained within area of the site between the rear acoustic wall and rear property boundary. The location/tree planting spacing is to be advised by the Consulting Arborist/Landscape Designer to aesthetically screen the wall from adjoining residential properties. The species of these trees must be selected from the following list:

- *Eucalyptus moluccana* (Grey Box)
- *Eucalyptus tereticornis* (Forest Red Gum)
- *Corymbia maculata* (Spotted Gum)
- *Eucalyptus amplifolia* (Cabbage Gum)
- *Eucalyptus longifolia* (Woollybutt)
- *Syncarpia glomulifera* (Turpentine Tree).

6. The amendment to Condition 12 to read as follows:

Plan of Management

A detailed Plan of Management shall be submitted to the satisfaction of Cumberland Council's Executive Manager of Development and Building, within 1 month from date of this consent. Any amendments to the Plan of Management are not to be put into effect without the approval of Council, which must not be unreasonably withheld. The Plan of Management is to include, but not be limited to, the following:

- Loading and unloading of all vehicles including trucks;
- Truck management including truck waiting areas;
- Forklift refuelling location;
- Management of forklift noise during night time hours;
- Waste management and waste removal provision;
- Accident handling procedure;
- A complaint register is to be maintained noting each complaint and actions taken to address them. A copy of this register must be provided to Council upon its request; and
- Complaints Phone Hotline as per the following:

The occupier/operator is to develop a specific complaint procedure program to facilitate communication with neighbouring properties and the handling of complaints. This is to include at a minimum, a 24 hour, 7 day a week phone hotline to be established.

Details of the specific complaint procedure program for Jalco's Smithfield site is to be clearly visible at a minimum on Jalco's website, main reception building fronting Woodpark Road, Smithfield and business identification signage within the front setback of the premises.

The details shall include at a minimum details stating the hotline is available 24 hours, 7 days a week to anyone including the general public and list the contact phone number of the hotline. The details regarding the specific complaint procedure program including the hotline is to be updated immediately should the details/ hotline phone number change.

7. The amendment to Condition 30 to read as follows:

The tree/s identified as per the report prepared to satisfy condition 10(ii), as being retained/transplanted, shall be protected prior to and throughout the construction process in accordance with the relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

8. The amendment to Condition 55 to read as follows:

Within 9 months of date of this consent the site is to be inspected by a suitably qualified person and a noise compliance report is to be prepared and submitted to Council to confirm that the attenuation measures required to be installed/implemented under this consent are functioning as intended, and that the premises are complying with all noise requirements stipulated in this consent, and EPA General Terms of Approval notice, Notice No. 1584640, File No. SF19/36142, Dated 9 September 2019.

9. The amendment to Condition 59 to read as follows:

All recommendations of the Acoustic Report prepared by Benbow Environmental, Report No. 191094_NIA_Rev5, Revision 5, Dated 26 August 2019 must be adhered to at all times.

10. The amendment to Condition 66 to read as follows:

Hours of Operation

For the purposes of preserving the amenity of neighbouring occupations and residents, the operation of the premises is to be restricted to the following hours:

Internal manufacturing and internal fork-lift movements

- Monday to Friday: 24 hours
- Saturday: 7:00am to 3:00pm
- Sunday and Public Holidays: No work permitted

Transport (truck and external fork-lift movements)

- Monday to Friday: 7:00am to 7:00pm
- Saturday, Sunday and Public Holidays: No truck/external fork-lift movements on site permitted.

11. The amendment to Condition 79 to read as follows:

Storage of Materials

All industrial activities including, but not limited to, storage of materials (including pallets), loading and unloading, cleaning and maintenance and the like are to be confined within the eastern (storage warehouse) and the western warehouse (production warehouse) buildings and no such activity shall occur externally to the buildings unless shown on previously endorsed plans listed as per condition 80.

12. The Amendment to Condition 82 to read as follows:

Acoustic Wall

The acoustic wall and the plantings between the wall and the properties to the rear of the site are to be maintained and remain in place for the life of the development.

For: The Hon. Paul Stein AM (Chairperson) QC, Brian Kirk, Marjorie Ferguson and Allan Ezzy AM.APM.JP.

Against: Nil.

Reasons for Decision:

1. The Panel is of the opinion that this application be approved subject to strict conditions of consent. In this latter respect, the Panel has made a number of amendments to the draft conditions. Amongst those amendments, the Panel requires that all acoustic works be completed within 6 months from the date of this consent and further, within 9 months of the date of consent, all acoustic mitigation measures are satisfied and a noise compliance report is to be submitted to Council.

ITEM LPP068/19 - DEVELOPMENT APPLICATION - 45-47 SUSAN STREET, AUBURN

RESOLVED:

1. **That Development Application No. DA-251/2019 for demolition of existing structures and construction of a 2 storey boarding house comprising 31 single rooms, 2 double rooms, 1 manager's accommodation and 1 communal room over basement level car parking for 19 vehicles on land at 45-47 Susan Street, AUBURN NSW 2144 be approved subject to attached conditions listed in the attached schedule.**
2. **Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**
3. **The inclusion of Condition 5A to read as follows:**

The ground floor manager's room is to be combined with boarding room G-08 in order to provide suitable accommodation for a full-time resident boarding house manager.

The ground floor common room is to be expanded by the incorporation of boarding room G-11.

Amended architectural plans shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

4. **The amendment to Condition 8 to read as follows:**

Maximum occupancy

The boarding house is approved to accommodate a maximum of thirty-five (35) lodgers (excluding the boarding house manager). All boarding rooms must be occupied by a maximum of one (1) person except the two rooms marked as

'double rooms' on approved plans which may hold up to two (2) lodgers maximum.

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. The amendment to Condition 4 to read as follows:

Auburn DCP 2007 - LGA Wide

A sum of \$94,567.19 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	Amount
Community Facilities	\$23,319.02
Public Domain	\$51,575.38
Accessibility and Traffic	\$14,202.11
Administration	\$5,470.68
TOTAL	\$94,567.19

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.

6. The amendment to Condition 5 heading to read as follows:

Modification to Architectural Plans

The depth of the rear first floor balcony (*unit 1-09*) shall be reduced to a maximum of 0.5m. Amended architectural plans shall be submitted to and approved by **the Principal Certifying Authority prior to the issue of the Construction Certificate.**

Reason:- To minimise privacy impacts on adjoining premises.

For: The Hon. Paul Stein AM (Chairperson) QC, Brian Kirk, Marjorie Ferguson and Allan Ezzy AM.APM.JP.

Against: Nil.

Reasons for Decision:

1. The Panel is in general agreement with the Planning Officer's report. However, the Panel is of the view that the full-time manager needs to have adequate accommodation provided. Accordingly, the Panel has expanded the manager's room to include the adjacent single room. In addition, the Panel is of the view that inadequate common areas have been provided and has conditioned the expansion of the common room on the ground floor to include the adjacent single boarder's room.

ITEM LPP069/19 - WENTWORTHVILLE TOWN CENTRE PLANNING PROPOSAL
AND DEVELOPMENT CONTROL PLAN

PANEL'S RECOMMENDATION:

That it is recommended that the Cumberland Local Planning Panel:

1. **Note the outcomes of community consultation and the post consultation review.**
2. **Recommend that Council proceed further with the Planning Proposal in accordance with the recommended planning controls for the Wentworthville Town Centre.**

For: The Hon. Paul Stein AM (Chairperson) QC, Brian Kirk, Marjorie Ferguson and Allan Ezzy AM.APM.JP.

Against: Nil.

ITEM LPP070/19 - PLANNING PROPOSAL REQUEST FOR 55-57 STATION STREET
AND 6 PRITCHARD STREET EAST, WENTWORTHVILLE

PANEL'S RECOMMENDATION:

That Cumberland Local Planning Panel recommend that:

1. **The Planning Proposal Request proceed to the next stage of assessment and be reported to Council seeking a resolution to forward the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination subject to the recommendations below.**
2. **The Panel advises the Council that there is potential for a mismatch between maximum building height and maximum FSR on this site. The Panel recommends that site specific controls be formulated specifically with regards to boundary setbacks for each storey to ensure the expected development outcome is achieved.**
3. **The community representative was concerned about the impact on Friend Park adjacent to the proposed development in the Planning proposal.**

For: The Hon. Paul Stein AM (Chairperson) QC, Brian Kirk, Marjorie Ferguson and Allan Ezzy AM.APM.JP.

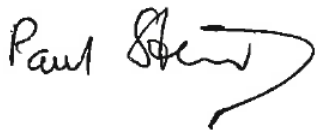
Against: Nil.

The closed session of the meeting here closed at 3:26 p.m.

The open session of the meeting here opened at 3:28p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 3:31p.m.

Signed:



The Hon. Paul Stein AM
Chairperson