

Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 11 March 2020.

PRESENT:

Stuart McDonald (Chairperson), Lindsay Fletcher, Larissa Ozog and Irene Simms.

IN ATTENDANCE:

Karl Okorn, Sohail Faridy, Glen Weekley, Elif Haliloglu, Rondy Chan, Esra Calim and Laith Jammal.

NOTICE OF LIVE STREAMING OF COUNCIL 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 11:30am.

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>
Neville Parsons	Development Application for 20 Dan Street, Merrylands
Ziad Ghenim	Development Application for 20 Dan Street, Merrylands

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

<u>Speakers</u>	<u>Item No. Subject</u>
Jawid Qasimi	Development Application for 20 Dan Street, Merrylands
David Wagluorn	45 Barcom Street, Merrylands
Tony Maurici	106-128 Woodpark Road, Smithfield
Tim Blythe	106-128 Woodpark Road, Smithfield

The open session of the meeting here closed at 12:49p.m.

The closed session of the meeting here opened at 12:50p.m.

ITEM LPP010/20 - DEVELOPMENT APPLICATION FOR 20 DAN STREET,  
MERRYLANDS

**RESOLVED:**

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- 1. That Development Application No. DA2019/432/1 for the Demolition of existing structures and construction of a two (2) storey 53 place child care facility over basement level car parking on land at 20 Dan Street MERRYLANDS NSW 2160 is refused for the reasons set out below.**

**REASON FOR REFUSAL**

1. 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

- 1.1 The proposed child care does not comply with the provisions of the Child Care Planning Guideline (CCPG) 2017 as listed under Section 3 below.
2. Failure to demonstrate compliance with Child Care Planning Guideline (CCPG) 2017 (pursuant to S.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

**Part 2 – Design quality principles**

- 2.1 The proposal does not respond appropriately to the context of the site, adjoining properties and the existing development in the vicinity. The site shares its boundaries with six (6) other residential properties and will have negative acoustic, traffic and safety impacts.
- 2.2 The facility does not provide adequate access to daylight within the indoor play areas which will require artificial lighting throughout the operation of the centre.
- 2.3 The entrance into the building lacks a catchment area for children and as a result, the proposed development will have adverse safety impacts on pedestrians and motorists.

**Part 3 – Matters for consideration**

Clause 3.1 – Site selection and location

- 2.4 The CCPG 2017 requires child care centres proposed in a residential zone to consider the traffic and parking impacts of the proposal on residential amenity. The proposal has been reviewed by Council's traffic department and considered to pose unacceptable traffic, safety and amenity impacts on the residential area.

- 2.5 As the site is located in a cul-de sac with a narrow street frontage, the design of the front setback is dominated by the driveway which is considered to be unsafe for children and parents entering and leaving the facility. No child catchment area is detailed on the plans within the front setback which is considered unsafe.
- 2.6 The site does not provide safe and accessible pedestrian access for people walking to the site including people accessing the site by public transport.

Clause 3.3 – Building orientation, envelope and design

- 2.7 The design of the facility restricts solar access to the indoor play areas for children aged 2-3 year olds. Having regard to this, artificial lighting will be utilised throughout the hours of operation.
- 2.8 The proposed development does not respond appropriately to the context of the site, the adjoining properties and the existing development in the streetscape. The site shares its boundaries with six (6) other residential properties and will have negative acoustic, traffic, safety and amenity impacts.

Clause 3.8 – Traffic, parking and pedestrian circulation

- 2.9 The aisle widths are not compliant with the relevant Australian Standards. As such, the basement parking is considered unacceptable that will further generate traffic and safety impacts.
- 2.10 As Burnett Street is the only connecting road for vehicular access into and out of Dan Street, the proposed development will result in additional cars turning into and out of Dan Street. This will result in a potentially dangerous situation for vehicles turning right into Burnett Street, particularly during peak periods. Additionally, Dan Street allows on-street parking along both sides which results in only one way traffic to flow at one given time. Consequently, this will increase the traffic within the local area.

The Traffic and Parking Impact Assessment Report submitted with the application is considered unsatisfactory as it provides inaccurate information regarding the width of Dan Street and the traffic flow of Burnett Street. Having regard to this, the report is unable to satisfactorily address site suitability.

**Part 4 – Applying the National Regulations**

Clause 4.1 – Indoor space requirements

- 2.11 Under the CCPG 2017 (Regulation 107 of E&CSN) a minimum of 0.3m<sup>3</sup> of external storage is to be provided per child. Access to the outdoor storage on the ground floor from the outdoor play areas has not been sufficiently demonstrated.

Clause 4.2 – Laundry and hygiene facilities

- 2.12 The size of the laundry proposed is not considered adequate with an area of 5m<sup>2</sup>. The Draft Child Care Planning Guideline recommends a minimum area of 8m<sup>2</sup> for laundries and the Building Code of Australia recommends 10m<sup>2</sup>. Having regard to this and the lack of storage provided within the laundry, the laundry is not adequate.

3. Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part A

– General Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 3.5 – Access, Manoeuvring and Layout

3.1 The design of the basement and car parking provided is unacceptable and fails to meet the relevant Australian Standards.

4.1.1. Sufficient sight distance is not provided for the accessible parking.

4.1.2. The aisle widths are not designed in accordance with the relevant Australian Standards.

4. Failure to demonstrate compliance with Holroyd Development Control Plan (HDCP) 2013, Part B – Residential Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 1.11 – Vehicular access and driveways

4.1 Due to the non-compliant aisle width within the basement parking, cars are unable to leave the site in a forward direction. This raises traffic and safety issues and is not considered acceptable.

5. Failure to demonstrate compliance with Holroyd Development Control Plan (HDCP) 2013, Part I – Child Care Centres Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 1 – Size, Density and Location

5.1 Child care centres should not be located having frontage to any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre. Dan Street is connected by Burnett Street which is a classified road under the HDCP 2013. The proposed development will result in additional cars turning into Dan Street from Burnett Street and furthermore increase the traffic within the local area.

5.2 Under Section 1, Part I of the HDCP 2013 child care centres shall not be located on an allotment within an entire residential cul-de-sac. The subject site is located within an entire residential cul-de-sac on Dan Street and results in unacceptable traffic, safety and amenity impacts. As such, will not be supported by Council.

Clause 2 – Vehicular access and parking

5.3 The Traffic and Parking Impact Assessment Report supporting the application was reviewed by Council and considered unsatisfactory. The report contains inaccurate information regarding the road width and the traffic flow on Burnett Street. As a result, the report has not satisfactorily demonstrated the site is suitable for the proposed development.

Clause 3 – Acoustic and visual privacy

5.4 The acoustic report submitted with the application has been reviewed by Council and considered generally satisfactory. However, the locations of the mechanical ventilation, including the air conditioning units, have not been detailed on the plans. As such, an assessment of the acoustic impacts of the proposal is unable to be assessed and will have amenity impacts on the neighbouring properties.

Suitability of the site for the proposed development

6. The subject site is not considered suitable for the proposed development due to the inadequacies detailed above (pursuant to s. 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.)

Environmental Impact

7. Due to the deficiencies detailed above, the likely environmental impacts of the proposed development are considered to be unacceptable (section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

Public Interest

8. Due to the deficiencies detailed above and submissions received, the approval of the proposed development would be contrary to the public interest (pursuant to s. 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act 1979.)

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

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, Larissa Ozog and Irene Simms.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel generally agreed with the reasons set out in the Council Officer's report, particularly in relation to traffic and safety impacts.

ITEM LPP011/20 - PLANNING PROPOSAL FOR CARDINAL GIRLROY VILLAGE - 45 BARCOM STREET , MERRYLANDS WEST

**PANEL'S RECOMMENDATION:**

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**That the Cumberland Local Planning Panel recommend that:**

1. **The planning proposal to amend the land use zoning, building height and Floor Space Ratio development standards, as well as introduce some limited non-residential floor space, has both site specific and strategic merit.**
2. **Given 1 above, the Planning Proposal request for Cardinal Gilroy Village, 45 Barcom Street, Merrylands West, be reported to Council, seeking resolution to forward a Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.**

3. **The Council consider amending the Planning Proposal to provide a range of building height standards across the site up to a maximum of 15 metres, rather than a blanket 20 metre standard, given both the built form context of the locality, the relationship to the adjoining heritage item to the West and the scale of adjoining residential development to the East and South-East in the R2 and R3 zones.**
4. **The Council consider amending the Planning Proposal by introducing a special provision limiting the quantum of non-residential floor space on the site so as not to compete with neighbouring commercial centres.**
5. **If the matter proceeds past gateway determination any subsequent site specific DCP should carefully consider the following matters:**
  - i. **retention of significant site trees and vegetation**
  - ii. **the location of internal roadways and orientation of dwellings adjacent to the R2 zone boundary; and**
  - iii. **the location of any non-residential component.**

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, Larissa Ozog and Irene Simms.

**Against:** Nil.

ITEM LPP012/20 - PLANNING PROPOSAL FOR 106-128 WOODPARK ROAD, SMITHFIELD

**PANEL'S RECOMMENDATION:**

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**That the Cumberland Local Planning Panel (CLPP) recommend that:**

1. **The Planning Proposal Request for 106-128 Woodpark Road, Smithfield has site specific merit, however, strategic merit has not been demonstrated at this stage.**
2. **The proposal as currently framed, will be establishing a new local centre, an outcome not contemplated in the District Plan or in the Council's Draft Local Strategic Planning Statement.**
3. **In view of 1 and 2 above the Panel recommends that Council not resolve to forward the Planning proposal for Gateway determination at this stage.**
4. **In the Council's further consideration of the matter, Council should seek from the proponent greater justification on the strategic merit of the proposal and a more thorough economic impact analysis that considers the introduction of the substantial quantum of commercial office floor space proposed as well as considers the impact of the proposed retail**

**floor space on the nearby B1 zoned local shops to the east, in proximity of Woodpark Road.**

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, Larissa Ozog and Irene Simms.

**Against:** Nil.

The closed session of the meeting here closed at 2:45p.m.

The open session of the meeting here opened at 2:47p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 2:53p.m.

Signed:



Stuart McDonald  
Chairperson