

Minutes of the Electronic Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 8 July 2020.

**PRESENT:**

Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**IN ATTENDANCE:**

Jai Shankar, Nighat Aamir, William Attard, Elif Haliloglu, Stephen Peterson, Michael Lawani, Fay Ong, Elma Sukurma, Ali Hammoud, Esra Calim, Olivia Shields and Rashika Rani.

**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>Subject</u>
Mairead Hawes	Development Application for 4-18 Mark Street, Lidcombe
Jeremy Swan	Development Application for 4-18 Mark Street, Lidcombe
Andre Mulder	Development Application for 4-18 Mark Street, Lidcombe
Hugh Halliwell	Development Application for 25A Crescent Street, Holroyd
Brad Delapierre	Development Application for 58 & 60 Berwick Street, Guildford
Joe El-Sabbagh	Modification Application for 81-83 Mountford Avenue, Guilford

The Chairperson enquired to those present in the Zoom call 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 12:43p.m.

The closed session of the meeting here opened at 1:20p.m.

ITEM LPP033/20 - DEVELOPMENT APPLICATION FOR 4-18 MARK STREET,  
LIDCOMBE

## PANEL DECISION

---

1. That the Clause 4.6 written request to vary the height of buildings development standard pursuant to Clause 4.3 of the Auburn Local Environmental Plan 2010 be supported.
2. That development application DA2019/229 seeking alterations and additions to an approved 10 storey mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe, and construction of an additional 8 to 11 storey mixed use building component, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of basement parking for 627, be approved, subject to the conditions contained in the draft notice of determination contained in Attachment 3 of the assessment report.
3. Condition 3 be amended to read as follows:

### Auburn DCP 2007: Section 7.11 Development Contributions

Development Contributions are payable in accordance with Auburn Council Section 7.11 Development Contribution Plan 2007, which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan. ~~and payment is to be made prior to the issue of any Construction Certificate.~~

A sum of ~~\$889048.58~~ \$1,294,176.93 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	\$218,026.65	\$317,037.84
Public Domain	\$482,207.66	\$701,176.49
Accessibility and Traffic	\$132,904.76	\$192,905.19
Administration	\$50,980.77	\$73,807.04
Employment Development	Generating \$4,928.74	\$9,250.37
<b>TOTAL</b>	<b>\$889,048.58</b>	<b>\$1,294,176.93</b>

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 16 Memorial Avenue, Merrylands or online at: [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

(Reason: To ensure that the development complies with the Auburn DCP 2007: Section 7.11 Development Contributions)

4. Condition 37 be amended to read as follows:

**37. DACCB03 - Section 7.11 Contribution**

A monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Auburn Development Contributions Plan 2007 (Amendment No. 2), is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Auburn Development Contributions Plan 2007 (Amendment No. 2) can be viewed on Council's website at [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au), or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments).

5. Condition 37A is inserted to read as follows:

**37A.DACCZ12 – COVID-19 Response Measures: Infrastructure Contributions – Timing of Payment**

A monetary contribution that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided below.

**If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.**

**The above does not prevent the entry into an arrangement with the Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the Auburn Development Contributions Plan 2007 (Amendment No. 2).**

**(Reason: Information).**

**6. Amend Condition 50 as follows:**

**A sign shall be erected in a suitable location on the external face of the building near the driveway entrance indicating where visitor and commercial parking is available on the site. The appropriate signage be provided on site to indicate customer parking for commercial tenancies. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.**

**For:** Stuart McDonald (Chairperson) and Marjorie Ferguson.

**Against:** John Brunton and Irene Simms.

The application was approved by the casting vote of the Chairperson.

**Reasons for Approval:**

1. The Panel has determined that, pursuant to Clause 4.6 of Auburn Local Environmental Plan 2010, the applicant's written request has adequately demonstrated that compliance with the height of building development standard under Clause 4.3 of Auburn Local Environmental Plan 2010 is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The proposal is consistent with the objectives of the height of buildings development standard under Clause 4.3 of the Auburn Local Environmental Plan 2010.
3. The proposal is consistent with the objectives of the B4 Mixed Use zone and in particular will provide high density residential development as well as commercial development that will contribute to economic growth and employment in the Lidcombe Town Centre.
4. The proposal is consistent with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide and has been determined by the Cumberland Design Excellence Panel to

exhibit design excellence in accordance with the Cumberland Design Excellence Policy.

5. The Panel has considered the matters raised in written submissions and has determined that these matters have either been adequately addressed in the design of the development or where not specifically addressed in the development are not of such weight as to warrant refusal of the application.
6. Subject to the recommended conditions of development consent as amended, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.
7. Taking into account reasons 1-6 above, approval of the application will be in the public interest.

### **Reasons for Non Support (John Brunton)**

The Clause 4.6 variation request is not supported because the applicant's written statement:

- Does not justify why compliance with the building height development standard is unreasonable or unnecessary;
- Does not show that the objectives of the building height development standard are achieved in relation to compatibility with the character of the locality; and
- Does not establish that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development fails to satisfy the objectives and design criteria of the Apartment Design Guide in relation to building separation, visual privacy, acoustic privacy, solar access, natural cross ventilation and common circulation.

### **Reasons for Non Support (Irene Simms)**

While I accept that the relocation of units to the northern section of the development is in response to the Design Excellence Panel recommendations, I do not believe that the proposal is consistent with the objectives of the height of buildings development standard under Clause 4.3 of under Auburn Local Environmental Plan 2010.

ITEM LPP034/20 – MODIFICATION APPLICATION FOR 185-187 GREAT WESTERN HIGHWAY, MAYS HILL

### **PANEL DECISION**

---

**That modification application MOD2020/0040 seeking alterations to an approved mixed use development at 185-187 Great Western Highway, Mays Hill, be approved, subject to the conditions contained in the draft notice of determination contained in Attachment 2 of the assessment report.**

**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel is satisfied that the development, as modified, is substantially the same development for which consent was originally granted.
2. The Panel is satisfied that the contravention of the building height development standard is minor, that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
3. The development, as modified, is consistent with the objectives of the height of building development standard under Clause 4.3 of the Holroyd Local Environmental Plan 2013.
4. The development, as modified, is consistent with the objectives of the B6 Enterprise Corridor zone of the Holroyd Local Environmental Plan 2013 and also consistent with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
5. The Panel is satisfied that the development as modified will not have any unreasonable impacts on the amenity of neighbouring properties or the locality, also noting that there were no written submissions in response to the public notification and advertising of the application.
6. Taking into account reasons 1-5 above, approval of the application will be in the public interest.

ITEM LPP035/20 - MODIFICATION APPLICATION FOR 1-3 BRANSGROVE STREET, WENTWORTHVILLE

**PANEL DECISION**

---

**That modification application No. MOD2019/5282 to modify floor levels, hydrant booster location, external finishes and stormwater disposal to approved residential flat building on land at 1-3 Bransgrove Street, Wentworthville NSW 2145 be approved, subject to conditions in Attachment 1 to the assessment report.**

**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel is satisfied that the development, as modified, is substantially the same development for which consent was originally granted.
2. The Panel is satisfied that the contravention of the building height development standard is minor, that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
3. The development, as modified, is consistent with the objectives of the height of buildings development standard of the Holroyd Local Environmental Plan 2013
4. The development, as modified, is consistent with the objectives of the R4 High Density Residential zone of the Holroyd Local Environmental Plan 2013 and also consistent with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide.
5. The Panel is satisfied that the development as modified will not have any unreasonable impacts on the amenity of neighbouring properties or the locality, also noting that there were no written submissions in response to the public notification and advertising of the application.
6. Taking into account reasons 1-5 above, approval of the application will be in the public interest.

ITEM LPP036/20 - DEVELOPMENT APPLICATION FOR 122 ROBERTSON STREET, GUILDFORD

**PANEL DECISION**

---

**That development application No. DA2020/0280 for the erection of a pergola at the rear on land at 122 Robertson Street Guildford NSW 2161 be approved subject to conditions attached to the assessment report.**

**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

**Reasons for Decision:**

1. The application is minor in nature and will have no unacceptable impacts on neighbouring properties or the locality.
2. The application is consistent with the Parramatta Local Environmental Plan 2011 and is generally consistent with the Parramatta Development Control Plan 2011.

3. Approval of the application is in the public interest.

ITEM LPP037/20 - DEVELOPMENT APPLICATION FOR 25A CRESCENT STREET,  
HOLROYD

### **PANEL DECISION**

---

1. That development application No. DA2020/0113 for replacement of an existing twin sided static advertising sign with a twin sided LED sign on land at 25A Crescent Street HOLROYD NSW 2142 be deferred pending the preparation and consideration by the Panel of a further report addressing the existing use rights as they apply to the application.
2. The further report is to be circulated to the Panel within 15 business days.
3. In the event that the Panel is satisfied regarding the establishment and exercise of existing use rights then the application will be determined by electronic means within 5 business days of receipt of the further report.

**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

#### **Reason for Decision:**

In order that the Panel may be satisfied regarding the history of approval on the site and the ability to grant consent.

ITEM LPP038/20 - DEVELOPMENT APPLICATION FOR 58 & 60 BERWICK STREET,  
GUILDFORD

### **PANEL DECISION**

---

1. That the Clause 4.6 written request to vary the development standard relating to building height as contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013 be supported.
2. That development application No. DA2019/0501 for demolition of existing structures, construction of a 4 storey residential flat building over basement parking accommodating 25 units and 22 car parking spaces under the Affordable Rental Housing SEPP 2009 on land at 58 & 60 Berwick Street GUILDFORD NSW 2161 be approved as a deferred commencement consent subject to conditions attached to the assessment report.
3. The “reason” given to Condition 130 be amended as follows:

“To ensure that the structure as built does not exceed the approved building height”.



**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel has determined that, pursuant to Clause 4.6 of Holroyd Local Environmental Plan 2013, the applicant's written request has adequately demonstrated that compliance with the height of building development standard under Clause 4.3 of Holroyd Local Environmental Plan 2013 is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The proposal is consistent with the objectives of the height of buildings development standard of Clause 4.3 of under the Holroyd Local Environmental Plan 2013.
3. The proposal is consistent with the objectives of the R4 High Density Residential zone of the Holroyd Local Environmental Plan 2013.
4. The proposal is consistent with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide as well as State Environmental Planning Policy (Affordable Rental Housing) 2009.
5. The Panel has considered the matters raised in written submissions and has determined that these matters have either been adequately addressed in the design of the development or where not specifically addressed in the development are not of such weight as to warrant refusal of the application.
6. Subject to the recommended conditions of development consent as amended, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.
7. Taking into account reasons 1-6 above, approval of the application will be in the public interest.

ITEM LPP039/20 – MODIFICATION APPLICATION FOR 81-83 MOUNTFORD AVENUE, GUILDFORD

**PANEL DECISION**

---

1. **That modification application No. MOD2019/5251 for alterations to an approved residential flat building and townhouse units including reconfiguration of the basement, changes to floor levels, modified roof**

**design and alteration to fencing and screening heights on land at 81-83 Mountford Avenue GUILDFORD NSW 2161 be approved subject to additional conditions listed in the schedule attached to the assessment report.**

**2. Amend of condition 123 (b) as follows:**

**In order to provide for a turning area for parking spaces 34 and 35 by way of use of the shared area of parking space 33, the location of the bollard in disabled space 33 is to be relocated centrally within that shared space closer to the eastern wall.**

**For:** Stuart McDonald (Chairperson), John Brunton, Marjorie Ferguson and Irene Simms.

**Against:** Nil.

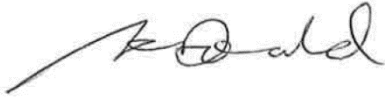
**Reasons for Decision:**

1. The Panel is satisfied that the development, as modified, is substantially the same development for which consent was originally granted.
2. The Panel is satisfied that the contravention of the building height development standard is minor, that compliance with the standard is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
3. The development, as modified, is consistent with the objectives of the height of buildings development standard of the Parramatta Local Environmental Plan 2011
4. The development, as modified, is consistent with the objectives of the R4 High Density Residential zone of the Parramatta Local Environmental Plan 2011, is consistent with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide and is consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009.
5. The Panel is satisfied that the development as modified will not have any unreasonable impacts on the amenity of neighbouring properties or the locality, noting that the matters raised in written submissions have either been adequately addressed in the design of the development or where not specifically addressed in the development are not of such weight as to warrant refusal of the application.
6. Taking into account reasons 1-5 above, approval of the application will be in the public interest.

The closed session of the meeting here closed at 3:37p.m.

The meeting terminated at 4:07p.m.

Signed:



Stuart McDonald  
Chairperson