

Minutes of the Electronic Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 12 August 2020.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog, David Ryan and Allan Ezzy AM APM.

IN ATTENDANCE:

Daniel Anderson, Jai Shankar, Michael Lawani, Harley Pearman, Esra Calim, Sarah Sheehan, 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 11:31a.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>
Sen Ly	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Catherine Largerlow	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Rick Morris	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Hayden Huy Gia Ly	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Muhammad Rashid	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Humna Rashid	Development Applications for both 1 and 3 Ostend Street, Lidcombe

Lynette Giglio	Development Applications for both 1 and 3 Ostend Street, Lidcombe
David Reily	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Brad Delapierre	Development Applications for both 1 and 3 Ostend Street, Lidcombe
Bruce Simpson	Planning Proposal for a Senior Housing Development, Corner Dunmore Street and Pendle Way, Pendle Hill
Daniel Dwyer	Planning Proposal for a Senior Housing Development, Corner Dunmore Street and Pendle Way, Pendle Hill
James Phillips	Planning Proposal for a Senior Housing Development, Corner Dunmore Street and Pendle Way, Pendle Hill
Belinda Bentley	Planning Proposal for a Senior Housing Development, Corner Dunmore Street and Pendle Way, Pendle Hill

The Chairperson enquired to those present in the Zoom meeting 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 12:54p.m.

The closed session of the meeting here opened at 1:21p.m.

ITEM LPP040/20 - ELECTRONIC DETERMINATION - MODIFICATION APPLICATION FOR 12-14 PRITCHARD STREET EAST, WENTWORTHVILLE

RESOLVED

This item was delegated back to Council Officer's to determine in accordance with the Ministerial Directions dated 30 June 2020.

ITEM LPP041/20 - ELECTRONIC DETERMINATION - MODIFICATION APPLICATION FOR 1 ROBILIARD STREET, MAYS HILL

RESOLVED

This item was delegated back to Council Officer's to determine in accordance with the Ministerial Directions dated 30 June 2020.

ITEM LPP042/20 - DEVELOPMENT APPLICATION FOR 1 OSTEND STREET,
LIDCOMBE

RESOLVED

- 1. That Development Application Number 2019/0504 for the demolition of existing structures and construction of a two storey boarding house comprising 10 rooms and at-grade car parking on land at 1 Ostend Street Lidcombe be approved as a deferred commencement consent subject to the following deferred commencement conditions and the ordinary conditions of consent contained in the attachment as amended by the Panel.**

Deferred Commencement Conditions

Deferred Commencement Approval

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule 'A'

DC1 Amended architectural and landscape plans

Amended architectural plans (2 sets) shall be submitted to the Council for approval showing the following amendments to the boarding house.

- a. The number of rooms within the development shall be reduced from twelve (12) to ten (10).
- b. The number of car parking spaces to be provided to the development shall be reduced from six (6) to five (5).
- c. The garbage bin store room shall be relocated to a more suitable location on the site and to improve the solar access to the communal room.
- d. The bike parking bay situated at the front of the building shall be relocated to the side of the building.
- e. The additional space created as a result of a reduction in the size of the building and car parking area shall become additional deep soil zone and landscaping for the site.

- f. In addition the landscaping plans shall be subsequently amended to show the following:-
- I. An increase in landscaping and deep soil zone along the northern side of the site being that area is 1.4 metres in width situated between the northern fence line and the boarding house building.
 - II. Two additional canopy trees being planted at the front of the site.

Reason: - To ensure satisfactory intensity of use.

DC2 Amended driveway plans

Amended architectural plans addressing shall address the following:

- a) Driveway grade shall be limited to 1 in 8 (12.5%).
- b) Circulation aisle width next to car parking space shall be a minimum of 6.3 metres.
- c) Vehicles should enter and leave the site perpendicular to the site boundary.
- d) A 2.5 metre x 2.5 metre splay shall be provided at the Nicholas Street and Ostend Street corner.

Reason:- to ensure the parking layout complies with AS2890.1

Conditions to be Amended

Conditions 15 & 16 is deleted and incorporated into deferred commencement consent.

Condition 22 - S7.11 contributions. Amount changed from \$31,231.70 to \$24,624.50

Condition 29 – Parking number changed from 6 to 5 car parking spaces with the deletion of space number 1 and replaced with deep soil.

Condition 75 - The maximum number of occupants/lodgers shall not exceed **sixteen (16)** at any time. Additionally, the maximum number of boarding rooms shall not exceed **ten (10)** being 6x2 double occupant rooms and 4x1 single occupant rooms as per the final approved plans.

Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time)

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

For: The Hon. Paul Stein AM QC (Chairperson), Larissa Ozog, David Ryan and Allan Ezzy AM APM.

Against: Nil.

Reasons for Decision:

1. The Panel is of the view that the size of the boarding house should be reduced to 10 rooms to lessen the intensity of the development and to provide improved landscaping and deep soil zone. Accordingly, the Panel has granted a deferred commencement consent subject to a number of conditions which have to be complied with by the Applicant. Of necessity a number of the recommended ordinary conditions of consent have had to be amended to be consistent with the deferred commencement conditions.
2. The Panel has taken into account the strength of the community views in opposition to the development but has come to the conclusion that the circumstances do not warrant a refusal.

ITEM LPP043/20 - DEVELOPMENT APPLICATION FOR 3 OSTEND STREET, LIDCOMBE

RESOLVED

1. **That Development Application Number 2019/0502 for the demolition of existing structures and construction of a two storey boarding house comprising 10 rooms and at-grade car parking on land at 3 Ostend Street Lidcombe be approved subject to conditions as listed in the attached schedule as amended by the Panel.**
2. **Persons who have lodged a submission in respect to the application be notified of the determination of the application.**
3. **Amendment of Condition 35 as follows:**

Amended landscape plan

An amended landscape plan shall be submitted to the Council or the accredited certifier for approval showing an increase in landscaping and deep soil zone along the northern side of the site being that area situated between the northern fence line and the boarding house building. The area of the communal open space shall incorporate soft landscaping. An additional canopy tree shall be planted in the front of the property.

(Reason: - to increase the landscaping and deep soil zone on site.)

Conditions which must be satisfied prior to the commencement of any development work.

4. **Amendment of Condition 9 as follows:**

Accommodation room sizes

Accommodation size of each boarding room (excluding any areas used for the purposes of private kitchen or bathroom facilities) shall be a minimum of 12 square metres where it is intended to be used by a single lodger (rooms 6 and 7) and a minimum of 16 square metres in any other case. The maximum boarding room size for each room must not exceed 25 square metres.

(Reason: - to ensure minimum and maximum room sizes are achieved.)

5. Conditions which must be satisfied prior to the commencement of demolition of any building or structure

For: The Hon. Paul Stein AM QC (Chairperson), Larissa Ozog, David Ryan and Allan Ezzy AM APM.

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Planning Officers report but has amended some conditions. The Panel is of the view that the development is permissible in an R2 zone.
2. The Panel has taken into account the strength of the community views in opposition to the development but has come to the conclusion that the circumstances do not warrant a refusal.

ITEM LPP044/20 - PLANNING PROPOSAL FOR A SENIOR HOUSING DEVELOPMENT, CORNER DUNMORE STREET AND PENDLE WAY, PENDLE HILL

RESOLVED

1. That the Cumberland Local Planning Panel recommend that the Planning Proposal Request be reported to Council, seeking a resolution to forward a Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination subject to the following comments and considerations:
 - a. The Panel is of the view that the Council should consider an RE1 zoning rather than RE2. However, should the Council be of the view that RE2 is more appropriate the Panel would urge the Council to require an easement for public access to this part of the site and the heritage buildings. In addition the Panel is of the opinion that Dunmore House should be utilised as a community facility.
 - b. Given that the detailed, peer reviewed design analysis accompanying the PP responds to the site specific heritage and contextual conditions through a wide range of heights (generally between 4 and 8 storeys) across the site, it appears more appropriate to apply a range of heights in the LEP more reflective of this design approach, rather than a single height (reflecting the greatest identified height) across the whole

site. This would appear to be more consistent with the approach taken for the adjoining Bond site.

This is particularly the case given that the Panel was advised that it is intended that a site specific DCP will be prepared to accompany the PP and there should be consistency between the LEP and DCP height controls.

Any such differentiated height controls should also trigger a review of the FSR standard to ensure there are no internal inconsistencies between the height and FSR standards across the various parts of the site.

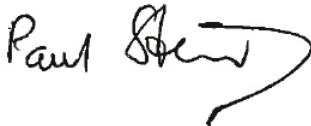
The Panel is also of the view that a height limit of 32m is in excess of what is required for an 8 storey building.

For: The Hon. Paul Stein AM QC (Chairperson), Larissa Ozog, David Ryan and Allan Ezzy AM APM.

Against: Nil.

The meeting terminated at 3:10p.m.

Signed:



Paul Stein AM QC
Chairperson