

Minutes of the Cumberland Local Planning Panel Briefing Meeting held on Wednesday 14 April 2021 at 11:00am.

PRESENT:

The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Irene Simms.

IN ATTENDANCE:

Jai Shankar, Harley Pearman, Nighat Aamir; Mark Assad, Fay Ong, Michael Lawani; Esra Calim, Olivia Shields and Rashika Rani.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ITEM LPP009/21 - MODIFICATION APPLICATION FOR 26-36 NORTHUMBERLAND ROAD, AUBURN

PANEL DECISION

- 1. That Modification Application MOD2020/0212 being a Section 4.56 Modification Application to reconfigure the basement layout, reconfigure and amalgamate apartments, alteration to commercial floor areas and service areas, increase in building height, alteration to communal open spaces and facade treatments of development consent 2018/62 on land at 26-36 Northumberland Road Auburn be approved subject to conditions as listed in the schedule attached to the assessment report.**
- 2. 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 QC (Chairperson), Lindsay Fletcher, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

The Panel generally agrees that the proposal is substantially the same development and agrees with the Planning Officer's report. The height variation is minor and has little or no adverse environmental impacts and remains consistent with the zone and development objectives. The Panel notes that the draft Cumberland LEP proposes to increase the height limit on this land to 38 metres with which the modified proposal would comply.

ITEM LPP010/21 - DEVELOPMENT APPLICATION FOR 22-24 PARK ROAD,
AUBURN

REPORT RECOMMENDATION:

1. That Development Application No. DA2020/0336 for Demolition of existing structures and construction of an 11 storey mixed use development comprising 10 levels of residential apartment units, ground floor retail/commercial tenancies and ground floor & basement car parking on land at 22 Park Road AUBURN NSW 2144 be approved as deferred commencement consent subject to conditions listed in Attachment 1.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

PANEL DECISION

1. That the Development Application No. DA2020/0336 for Demolition of existing structures and construction of an 11 storey mixed use development comprising 10 levels of residential apartment units, ground floor retail/commercial tenancies and ground floor & basement car parking on land at 22 Park Road AUBURN NSW 2144 be refused for the following reasons:
 - i. Failure to demonstrate compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development with regard to the following:-

3D – Communal and public Open Space

The location of the communal open space on the podium level does not provide opportunity for group or individual recreation and activities within the building.

3E – Deep Soil Zones

The proposed development does not provide any deep soil zone within the site that allows for and support healthy plant and tree growth.

3F – Visual Privacy

The communal open space and access paths are not adequately separated from the private open spaces and windows of apartments 106; 107 & 108 on the ground floor and therefore fails to satisfactorily provide adequate visual privacy to the future residents.

4A – Solar and Daylight Access

More than 15% of apartments (25%) will not receive adequate sunlight during mid-winter. The design does not correspond to the site orientation where daylight access could be maximised.

4O – Landscape Design

The landscaping proposed at the podium level does not promote planting growth and not likely to be viable nor contribute to the amenity of the intended occupants.

(Environmental Planning and Assessment Act 1979 (as amended) Sec. 4.15(1)(a)(i)).

- ii. Failure to demonstrate compliance with Auburn Development Control Plan (DCP) 2010, with regard to the following:

The maximum site coverage for residential flat development is 50% of the site area. However, the built upon area exceeds 50% of the site area. Given the proposed development also fails to provide a reasonable landscaped area for plant growth and deep soil zone, the excessive site coverage cannot be supported.

(Environmental Planning and Assessment Act 1979 (as amended) Sec. 4.15(1)(a)(iii)).

- iii. The development fails to appropriately address the design considerations of the Cumberland Design Excellence Panel with respect to the dominance of the driveway, concealed residential entry lobby, location of the communal open space, visual privacy, insufficient information to analyse “eye of the sun”, treatment of blank walls and overdevelopment of the site.

(Environmental Planning and Assessment Act 1979 (as amended) Sec. 4.15(1)(c)).

- iv. Based on the above deficiencies, the likely environmental impacts of the development are not considered acceptable as the proposal will likely to have adverse amenity impacts on the adjoining residential development.

Environmental Planning and Assessment Act 1979 (as amended) Sec 4.15 (1)(b)).

- v. Based on the above deficiencies, the site is not considered suitable for the development as proposed (pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979).

(Environmental Planning and Assessment Act 1979 (as amended) Sec 4.15 (1)(c)).

vi. Based on the above deficiencies and submissions received, approval of the proposed development would not be in the public interest

(Environmental Planning and Assessment Act 1979 (as amended) Sec 4.15 (1)(d) & (e)).

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Irene Simms.

Against: Nil.

The Panel notes that under the draft Cumberland LEP there is a possibility for a better planning outcome for the site.

ITEM LPP011/21 - DEVELOPMENT APPLICATION FOR 92 HAMPDEN ROAD, SOUTH WENTWORTHVILLE

PANEL DECISION

That Development Application No. DA2021/0064 for the demolition of existing structures and the construction of a two (2) storey detached dual occupancy with Torrens title subdivision into two (2) lots of land at 92 Hampden Road SOUTH WENTWORTHVILLE NSW 2145 be approved subject to the conditions attached to the assessment report.

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Irene Simms.

Against: Nil.

Reasons for Decision:

The Panel concurs with the Planning Officer's report. During the briefing on the matter the Panel was advised that the person with the conflict of interest had no involvement with the assessment of the application and the Panel were satisfied with this explanation.

ITEM LPP012/21 - DEVELOPMENT APPLICATION FOR 6-10 MANCHESTER STREET, MERRYLANDS

PANEL DECISION

- 1. That the Cumberland Local Planning Panel approve the variation to the Development Standard relating to building height as contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013 as the applicant's Clause 4.6 objection has adequately addressed the matters required to be**

demonstrated by Clause 4.6 (3) and the development will be in the public interest because it is consistent with the objectives of the Height Standard and the objectives of the R4 – High Density Residential zone.

- 2. That Development Application No. DA2020/0594 for Construction of a five (5) storey residential flat building comprising 33 units over basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 on land at 6 -10 Manchester Street MERRYLANDS NSW 2160 be approved as deferred commencement consent subject to conditions attached to the assessment report.**
- 3. 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 QC (Chairperson), Lindsay Fletcher, Michael Ryan and Irene Simms.

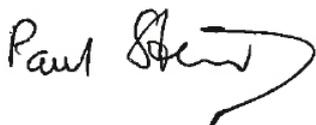
Against: Nil.

Reasons for Decision:

The Panel generally concurs with the Planning Officer's report. The Panel notes that in relation to the building height variation, one of the objectives of that development standard is to enable appropriate density to be achieved and given the affordable housing component, the height variation is justified to achieve both outcomes.

The meeting terminated at 12:05pm.

Signed:



The Hon. Paul Stein AM QC
Chairperson