

Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Tuesday 10 December 2019.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

IN ATTENDANCE:

Karl Okorn, Michael Lawani, Sarah Pritchard, Sohail Faridy, Brittany Mould, Nighat Aamir, Harley Pearman 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 11:30a.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>Item No. Subject</u>
Kaye Sismey	Section 4.55(1A) Modification Application for 84-88 Warren Road,Smithfield
Maurice Hawell	Section 4.55(1A) Modification Application for 84-88 Warren Road,Smithfield
Jonathon Wood	Section 4.55(2) Modification Application for 127-129 Great Western Highway, Mays Hill
Ramah Ati	Section 4.56 Application for 44-46 Pegler Avenue, South Granville
Brad Delapierre	Development Application for 284 - 288 Great Western Highway, Wentworthville
Jonathon Wood	Development Application for 11 Hilltop Road, Merrylands

Sophie Hale

Development Application for 11 Hilltop Road, 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 and no further persons presented themselves.

The open session of the meeting here closed at 12:33p.m.

The closed session of the meeting here opened at 12:34p.m.

ITEM LPP078/19 - DEVELOPMENT APPLICATION 2019/254/1- 43 IRRIGATION ROAD ,SOUTH WENTWORTHVILLE (LOT 32,DP 27474)

REPORT RECOMMENDATION:

- 1. That Development Application No. 2019/254/1 for Demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots on land at 43 Irrigation Road South Wentworthville be approved under deferred commencement, subject to the conditions contained in Attachment 1 of this report as amended by the Panel.**

- 2. The amendment to condition 11 to read as follows:**

Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:

- i. The unit 1 alfresco opening shall be fitted with a privacy screening along the west elevation to a minimum height of 1.5m from the finished floor level;
- ii. The unit 2 alfresco opening shall be fitted with a privacy screening along the east elevation to a minimum height of 1.5m from the finished floor level;
- iii. The internal door to the garage of both unit 1 and unit 2 shall be amended to provide either an outwards opening or sliding door to maintain a clear length and width for car parking;
- iv. The subdivision plan shall be amended to reflect the sum of the all lots as a total of 615.9sqm;
- v. Basix commitments including water tanks shall be consistently shown on all plans (including architectural plans and stormwater plans).
- vi. The external eastern and western first floor walls shall be articulated in the form of variation in colour and/or materials.

Reasons for Decision:

The Panel agrees with the Planning Officer's report and has added a condition to address the noncompliance with the wall length.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

Against: Nil.

ITEM LPP079/19 - SECTION 4.55(1A) MODIFICATION APPLICATION FOR 84-88 WARREN ROAD, SMITHFIELD

REPORT RECOMMENDATION:

1. That DA 2016/8/4 which seeks approval for permanent continuation of extended hours of operation and out of hours, limited vehicle access to commercial laundry, be approved subject to the conditions within the draft notice of determination provided at attachment 3.
2. That the persons who lodged a submission in respect of the application be notified of the determination.

Reasons for Decision:

1. The subject premises have had two (2) twelve (12) month trial periods (a total of 24 months) and no breaches have been established during that time.
2. The Panel has noted and examined the submissions made with respect to this application.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

Against: Nil.

ITEM LPP080/19 - SECTION 4.55(2) MODIFICATION APPLICATION FOR 127-129 GREAT WESTERN HIGHWAY, MAYS HILL

REPORT RECOMMENDATION:

That DA 2016/490/4 which seeks consent for internal and external alterations and additions including additional cleaner's storage and WC at upper basement level, reconfiguration of unit 31, changes to external materials and finishes, provision of a communal WC within the rooftop communal open space, and modifications to median strip requirements, be approved in part, subject to the conditions within the draft notice of determination provided at attachment 5.

Reasons for Decision:

The Panel agrees with the Planning Officer's Report.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

Against: Nil.

ITEM LPP081/19 - SECTION 4.56 APPLICATION FOR 44-46 PEGLER AVENUE,
SOUTH GRANVILLE

REPORT RECOMMENDATION:

1. That the Development Application number 454/2017/B being a Section 4.56 application for various modifications is approved subject to the conditions set out in Attachment 1.

Reasons for Decision:

1. The Panel agrees with the Planning Officer's report and is of the view that the height breach of the lift overrun should be supported.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

Against: Nil.

ITEM LPP082/19 - DEVELOPMENT APPLICATION FOR 284 - 288 GREAT WESTERN
HIGHWAY, WENTWORTHVILLE

REPORT RECOMMENDATION:

1. That the 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 2019/285/1 for demolition of existing structures and construction of a six storey residential flat building containing 49 units (6 x 1 bed/studio units, 39 x 2 bed units and 4 x 3 bed units) over a level of basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be approved as a deferred commencement consent, subject to the draft Conditions of Consent dated 10 December 2019 as amended by the Panel.
3. The deletion of Condition 14.
4. The Amendment to Condition 13 to read as follows:

Amended plans

Amended plans are required to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate, indicating the following changes:

- a) Deleted
- b) Deleted
- c) The balconies associated with Units 142, 143, 242 & 243 on Level 4 modified to have a minimum setback of 9m, as indicated in red on the approved plans.
- d) Clothes drying facilities if provided on the balconies of units be appropriately screened.
- e) The eastern and western walls of units; 115, 125, 135, 215, 225, 235 serving the kitchen shall be provided with non-openable highlight windows. The eastern and western wall of units 143 and 243 serving the bathroom be provided with highlight windows. The minimum sill height of those highlight windows shall be 1.5 metres from internal finished floor level.

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

Reasons for Decision:

The Panel agrees with the Planning Officer's report and has added additional conditions of Consent to improve the planning outcome of the development. The Panel has deleted Condition 14 as there is no parallel parking.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

Against: Nil.

ITEM LPP083/19 - DEVELOPMENT APPLICATION FOR 11 HILLTOP ROAD, MERRYLANDS

REPORT RECOMMENDATION:

That DA 2019/227 for alterations and fit out of an existing building to facilitate a 70 place centre based child care centre at 11 Hilltop Road, Merrylands be refused for the following reasons:

- i. **The proposal fails to satisfy the objectives of Clause 5.10 of the Holroyd Local Environmental Plan (LEP) 2013 in that the proposal does not conserve the heritage significance of the item including associated fabric setting and views.**
- ii. **The proposal fails to adequately consider and include the aims, objectives and controls of the Conservation Management Plan prepared in 2013 by Edwards Planning.**

- iii. The proposed development and use of the front garden for hardstand parking and access and the transplanting of the phoenix palms will adversely impact on the visual quality of the heritage item and its setting.
- iv. The proposed development fails to adequately take into account the internal and external heritage fabric of the item.
- v. The proposal fails to adequately comply with the Holroyd Development Control Plan 2013 (Parts A and I) in regard to location, parking and access requirements.
- vi. The proposal is unsuitable for the site pursuant to section 4.15 (c) of the Environmental Planning and Assessment Act 1979.
- vii. The proposal fails to provide adequate plans and information regarding the proposed scope of physical works and a lack of information in regards to the ongoing maintenance and restoration of the heritage item.
- viii. The proposed development will adversely affect the traffic flows on Hilltop Road and increase potential congestion in the immediate vicinity.
- ix. The proposed development includes a single point of ingress and egress which will create the potential for adverse safety conditions for pedestrians and vehicles on the site and adjacent street.
- x. The proposal fails to comply with the required unencumbered outdoor space under State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017.
- xi. The Proposal is contrary to the public interest pursuant to Section 4.15 (e) of the Environmental Planning and Assessment Act 1979.

That those persons who made a submission be notified of the determination.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog Chris Young and Paul Moulds AM.

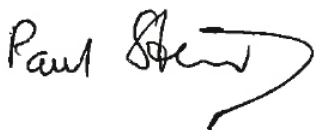
Against: Nil.

The closed session of the meeting here closed at 2:18p.m.

The open session of the meeting here opened at 2:20p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 2:23p.m.

Signed:



The Hon. Paul Stein AM
Chairperson