

Minutes of the Cumberland Local Planning Panel Meeting held at Electronic Zoom Meeting on Wednesday 09 September 2020.

PRESENT:

The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Chris Young and Allan G Ezzy AM APM

IN ATTENDANCE:

JAI SHANKAR, DIEP HANG, ROY WONG, MICHAEL LAWANI, ESRA CALIM, OLIVIA SHIELDS AND RASHIKA RANI.

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 11:31 a.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>
Mr Nolan Rose	Development Application for 95-97 Dahlia Street, Greystanes
Mr Joe Breidi	Development Application for 95-97 Dahlia Street, Greystanes
Mrs Marie Breidi	Development Application for 95-97 Dahlia Street, Greystanes
Ms Linda Silmalis	Development Application for 95-97 Dahlia Street, Greystanes
Mr Jonathon Wood	Development Application for 95-97 Dahlia Street, Greystanes
Mr Philip Camden	Development Application for 26 Mary Street, Auburn
Mrs Angela Di Matteo	Development Application for 26 Mary Street, Auburn
Ms Catherine Bruce	Development Application for 26 Mary Street, Auburn
Mrs Lisa Wrightson	Development Application for 26 Mary Street, Auburn

Mr Damien Thomson	Development Application for 26 Mary Street, Auburn
Nithiananthan Ariaratnam	Development Application for 3 & 5 Haig Street, Wentworthville
Nalinie Aiyelanathan	Development Application for 3 & 5 Haig Street, Wentworthville
Mr Lenox Tweneboa	Development Application for 3 & 5 Haig Street, Wentworthville
Mrs Jancey Rajkumar	Development Application for 3 & 5 Haig Street, Wentworthville
Mr Orhan Kaba	Development Application for 3 & 5 Haig Street, Wentworthville

The open session of the meeting here closed at 12:55p.m

The closed session of the meeting here opened at 1:15p.m.

ITEM LPP045/20 - DELEGATIONS FOR MODIFICATION APPLICATIONS

PANEL DECISION

- 1) The Panel note revised delegations to determine development applications arising from the s.9.1 direction made on 30 June 2020 and Council's resolution of 5 August 2020, whereby:
 - 1.1 Council staff have delegated authority to determine all applications under s.4.55(1) and s.4.55(1A).
 - 1.2 The Local Planning Panel is the consent authority for applications under s.4.55(2) that involve any of the following:
 - (a) where the applicant or land owner are any of:
 - (i) the Council,
 - (ii) a councillor,
 - (iii) a staff member principally involved in the exercise of functions under the Environmental Planning and Assessment Act 1979,
 - (iv) a member of the Commonwealth or NSW parliament,
 - (v) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person of any person referred to in (ii), (iii) or (iv),
 - (vi) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of a person who is a spouse or defacto partner of any person referred to in (ii), (iii) or (iv);
 - (vii) the spouse or defacto partner of any person referred to in (v) or (vi).
 - not being applications for any of the following:
 - internal alterations and additions to a building that is not a heritage item;
 - advertising signage;
 - maintenance and restoration of a heritage item; or
 - minor building structures projecting from the building facade over public land.
- (b) where 10 or more unique objections were received. NB if more than one round of notification took place, the cumulative number of submissions from all rounds of notification are counted;

- (c) a form of development that varies a provision of an environmental planning instrument that is a numerical development standard (irrespective that the variation does not require consideration under clause 4.6 of the Local Environmental Plan) by more than 10%; or
 - (d) a form of development that varies a provision of an environmental planning instrument that is a non-numerical development standard (irrespective that the variation does not require consideration under clause 4.6 of the Local Environmental Plan).
- 1.3 Council staff have delegated authority to determine all applications under s.4.55(2), other than those applications covered by 1.2 above.
- 1.4 Council staff have delegated power to determine all applications to modify a development consent under s.4.56 of the *Environmental Planning and Assessment Act 1979* other than those applications which would be determined by the Panel if the application was treated as a s.4.55(2) application, in which case the Panel is to be the consent authority.
- 2) That pursuant to s.2.20(8) of the Environmental Planning and Assessment Act 1979 (the Act), the Cumberland Local Planning Panel delegates to the General Manager, Director Environment and Planning, Executive Manager Development and Building, Coordinator Major Development Assessment and Coordinator Fast Track Development Assessment the power to provide day to day instructions and directions in respect of the conduct of appeals before the Land and Environment Court arising from determinations of the Panel including powers to determine whether or not to enter into a conciliated agreement or consent orders, noting procedures in place that:
- (a) the Panel chair will be notified of the receipt of an appeal and afforded an opportunity to provide any specific directions in respect of the appeal;
 - (b) Failing specific directions, Council will not provide the Panel with a copy of the Statement of Facts and Contentions prior to filing, but contentions raised within the Statement will reflect the Panel's determination of the application, including applicable grounds for refusal or conditions;
 - (c) as a general rule the Panel or its chair will not be approached for ongoing instructions, albeit the staff retain discretion to refer a matter to the Panel or its chair if they see fit; and
 - (d) The Panel chair will be provided with a precis of the outcome of conciliation conferences and judgments.

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Chris Young and Allan G Ezzy AM APM

Against: Nil.

ITEM LPP046/20 - DEVELOPMENT APPLICATION FOR 95-97 DAHLIA STREET,
GREYSTANES

PANEL DECISION

1. That Development Application No. DA2020/0207 for demolition of existing structures and construction of a two storey 66 place centre-based childcare facility over basement car parking be approved as a deferred commencement consent subject to attached conditions provided at Attachment 1 of the assessment report as amended by the Panel below:

- a. Condition 6 can be amended accordingly to read as follows:

DAGCA04 - Child Care Centre

- This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 66 children (0-5 years). The age group ratio for the Child Care Centre shall be as follows:
 - 0-2 years – 16 places
 - 2-5 years – 50 places

A separate approval and/or license will be required from the Department of Education and Communities (DEC) prior to commencement of operations. Compliance with the Education and Care Services National Regulations is required at all times.

(Reason: Clarify approved use)

- b. Condition 153 can be amended to read as follows:

153. DAOUE03 - Parking

At least 19 non-tandem visitor car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made freely available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

- c. Condition 29 can be amended to read as follows:

29. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- a) The two first floor meeting room windows along the northern elevation shall be amended to a minimum sill height of 1.5m measured from the finished floor level.

- b) The bin tug shall be securely located within the bin storage room with no obstructions manoeuvring bins to Council's collection point (e.g. door width, shared zones, bollards etc).
- c) A 2.1m high acoustic fence with 45° awning extending to 1m, as measured from the finished floor level of the outdoor play area, shall be constructed entirely within the subject property.
- d) All boundary fence on top of retaining wall with the fence height exceeding 2.4m as measured from the lower adjacent ground level, shall be constructed of transparent Perspex/lattice type of materials in its place.
- e) The landscape plan shall be amended to identify the location of trees, shrubs and groundcovers as detailed in the Planting Schedule. In particular appropriate shade trees shall be introduced into the western boundary landscaping.

(Reason: To ensure privacy is maintained between properties and appropriate shade in the form of trees is provided)

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, Chris Young and Allan G Ezzy AM APM

Against: Nil.

Reasons for Decision:

1. The Panel generally agrees with the Planning Officers report. The Panel has made some amendments to the conditions to improve the development. All of the submissions opposed to the development including the speakers at the public meeting have been taken into account.
2. The Panel notes that the Council's DCP provision relating to maximum 45 children is overridden by the relevant State Policy relating to childcare centres. Accordingly weight cannot be given to the DCP provision.

ITEM LPP047/20 - DEVELOPMENT APPLICATION FOR 26 MARY STREET, AUBURN

PANEL DECISION

- 1. That Development Application No. DA2020/0210 for Internal alterations to existing building at the front of the site for use as a medical centre (methadone clinic) on land at 26 Mary Street AUBURN NSW 2144 be refused for the reasons listed below:**

1. Off-street parking requirements

The provision of off-street parking does not comply with the parking requirements specified in Auburn Development Control Plan 2010 - Parking and Loading at section 2.0, D1 which requires new development to comply with the off-street parking requirement tables of the respective development in the Part.

Part 5.0, clause 5.1.4, D1 requires at least three (3) onsite spaces per surgery for a medical centre. The development proposes one (1) onsite space to be used by the development where a minimum of 6 is required. (Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*)

2. Suitability of the site

The subject site is not considered suitable for the development as proposed due to the significant departure of Council's onsite parking requirements and consequently is considered an over development of the site. (Section 4.15(c) of the *Environmental Planning and Assessment Act 1979*)

3. Public interest

Due to the deficiencies detailed above and the submissions received, approval of the proposed development would be contrary to the public interest (Section 4.15(1)(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: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Chris Young and Allan G Ezzy AM APM

Against: Nil.

ITEM LPP048/20 - DEVELOPMENT APPLICATION FOR 3 & 5 HAIG STREET,
WENTWORTHVILLE

PANEL DECISION

1. That Development Application No. DA2020/0145 for Demolition of existing structures and construction of a 56 place child care centre with at-grade car parking on land at 3 & 5 Haig Street WENTWORTHVILLE NSW 2145 be refused for the reasons listed in schedule 1 of the assessment report as amended by the Panel below:
2. Deletion of refusal reasons 5.1 and 5.3.
3. Amendment of refusal reason 8 as follows:

Environmental Impact

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). In particular the excessive height of the acoustic fence required by the acoustic report will have unacceptable amenity impacts on the adjoining neighbours.

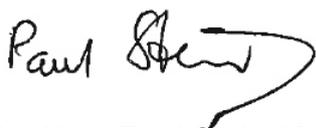
4. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Chris Young and Allan G Ezzy AM APM

Against: Nil.

The meeting terminated at 2:09p.m.

Signed:



The Hon. Paul Stein AM QC
Chairperson