

Minutes of the Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 08 May 2024.

PRESENT:

Elizabeth Kinkade (Chairperson), Naomi Fiegel, Dennis Loether, and Irene Simms.

IN ATTENDANCE:

Jai Shankar, Michael Lawani, Esra Calim, Elif Halilglu, Emma Di Rita, Ahmed Mehio, Montasir Masrur, and Pamela MacIntyre (Minute Taker).

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 opened at 11:33am.

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>
Mr Bill Yassine	ELPP014/24 Development Application for 29-31 Osgood Street, Guildford
Mr Hy Chheng	ELPP014/24 Development Application for 29-31 Osgood Street, Guildford

The open session of the meeting closed at 11:53am.

The closed session of the meeting opened at 11:58am.

ITEM ELPP013/24 - DEVELOPMENT APPLICATION - 55 COLEMAN STREET, MERRYLANDS

PANEL DECISION:

The Panel resolved to defer determination of the application in order to request additional information to assist in its further consideration and requests the applicant provide the following information to Council within 4 weeks:

1. Advice on how the proposed bin enclosure would operate and whether the existing waste management facilities on the site can be utilised in lieu of the proposed bin enclosure.

2. A site plan outlining access paths between the proposed structures as intended to be used by customers and staff; and the proposed ground treatment for the site and access paths including details of proposed materials.
3. Advice on how the proposed toilet would be managed including information on the proposed users of the toilet (staff, public, customers) and the potential to use one of the existing toilets within the site in lieu of the proposed toilet.
4. An updated Plan of Management that only includes content directly relevant to the proposal and excludes references to monitoring of entry and exit points, special events and the like.
5. Details of proposed lighting, including lighting to ensure safety for customers using the adjoining Council land.

The Panel requests the Council provide the following information to the Panel:

6. The lawfulness of the use of its reserve in conjunction with the proposal and written confirmation of what approvals are required, including the need for a lease/license and any commitments Council would seek from the commercial operators to address safety, maintenance, cleanliness, access and the like.
7. Advice on the additional information provided by the applicant, including the proposed lighting.

Reasons for Decision:

The proposed activation of the local centre through the proposed takeaway food and drink premises has merit and the Panel requires further information on a range of operational elements to inform its decision.

For: Elizabeth Kinkade (Chairperson), Dennis Loether, Irene Simms, and Naomi Fiegel.

Against: Nil.

ITEM ELPP014/24 - DEVELOPMENT APPLICATION - 29-31 OSGOOD STREET, GUILDFORD

PANEL DECISION:

The Panel resolved to approve the application, subject to the conditions contained in the Council report as amended as follows:

1. Amend condition 16 to read as follows:

Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of a Construction Certificate incorporating the following matters:

- a) *Privacy: The windows W18, W19, W20, W21 and W22 shall be provided with privacy measures. Privacy measure can include either of the following measures:*
- i. *Increase window sill height to 1.5m measured from FFL, or*
 - ii. *Obscure glazing to a height of 1.5m measured from FFL.*
- b) *Evacuation plan: The following details shall be included in the plan:*
- i. *The ground floor cot room in the evacuation plan shall be consistent with the architectural plans,*
 - ii. *Evacuation pathway from the basement plant room to the assembly point shall be shown,*
 - iii. *Directional arrows shall be provided along the evacuation & egress pathways.*
- c) *Basement car park layout to be amended to show the accessible parking space relocated to the car parking spaces next to the lift.*

(Reason: To confirm and clarify the terms of Council's approval)

2. Removal of condition 34 as the requirement for tree planting is addressed in condition 28.

3. Amend condition 51 to read as follows:

All vehicles must enter and depart the site in a forward direction without any disruptions in traffic flows and encroaching structures. The drawings must be compliant with Austroads guidelines, Australian/New Zealand Standards AS/NZS2890.1:2004. The Plans prepared by a suitably qualified Engineer shall be submitted to and approved by the Council or the registered certifier prior to the issue of a Construction Certificate.

(Reason; To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles)

4. Amend condition 101 to read as follows:

The applicant shall meet the full cost to remove existing street tree and plant 4 x 45 litre (container size) trees in the nature strip. Four Callistemon viminalis (weeping bottlebrush) are to be installed in the nature strip in to the west of the proposed driveway minimum 5m from the driveway and at 6-7m spacing. The trees shall be maintained by the applicant in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

5. Amend condition 129 to read as follows:

The development shall comply with the below matters:

- a) *Vehicular Drop Off / Pick up must occur within the basement car park area.*
- b) *Staff and parents shall be encouraged to use public transport,*
- c) *Staff and parents shall respect residents' amenity.*
- d) *Regular monitoring of off-street and on-street parking shall be undertaken by the staff,*

- e) *Outdoor play will be limited for 2 hours in the morning and 2 hours in the afternoons.*
- f) *Any other conditions of this consent relevant to operational management of the centre.*

The above matters shall be incorporated into the Operational Management Plan.

(Reason: To protect amenity of adjoining properties)

Reasons for Decision:

The Panel generally concurs with the Council officer's report and the amendment to the conditions of consent as outlined above.

The Panel considered the submission and additional information provided by the objectors and the presentations to the Local Planning Panel on 8 May 2024.

It is noted that Dennis Loether disagreed with the majority decisions for the following reasons:

The extent of the basement carpark which significantly exceeds the building footprint above, contrary to Part G of the Cumberland Development Control Plan 2021, Clause 4.3, c.ii. resulting in a failure to incorporate any meaningful landscaping in the north, west and east boundaries of the property.

Inconsistencies with the objective of the R2 low density residential zone within the Cumberland LEP 2021.

The proposed development is not compatible with the neighbouring land uses as required pursuant to Clause 3.24 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The issues above are capable of being addressed through a further reduction in the number of places which will result in a smaller building footprint and greater opportunities for increase setbacks and additional landscaping.

PANEL ADVICE:

The Panel recommends to Council that the Development Control Plan provisions relating to excavation for basement parking be reviewed to provide further direction on assessing variations to this provision.

For: Elizabeth Kinkade (Chairperson), Irene Simms, and Naomi Fiegel.

Against: Dennis Loether.

**ITEM ELPP015/24 - DEVELOPMENT APPLICATION - 39 - 41 AURELIA STREET,
TOONGABBIE****PANEL DECISION:**

The Panel approved the application, subject to the conditions be amended as follows:

1. Insertion of Condition 3a for deferred commencement.

3.a DADCZ03 – Amendments to Approved Plans

Amended plans to include a 1 metre deep awning on level 1 directly aligned with the balconies of the upper floors to provide protection to children playing in the outdoor areas from potential falling objects from the balconies of the units above.

(Reason: To confirm and clarify the terms of Council's approval)

2. Amend condition 139 to read as follows:

All the car parking spaces allocated for childcare centre for use by parent/visitors for drop off and pick up of children must be made available for the use by parent/visitors for children drop off and pick up.

(Reason: To facilitate parking spaces for children drop off and pickup)

For: Elizabeth Kinkade (Chairperson), Dennis Loether, Irene Simms, and Naomi Fiegel.

Against: Nil.

**ITEM ELPP016/24 - DEVELOPMENT APPLICATION - 10A OCTAVIA STREET,
TOONGABBIE**

PANEL DECISION:

The Panel approved the application.

Reasons for decision:

The Panel generally concurs with the Council officer's report.

For: Elizabeth Kinkade (Chairperson), Dennis Loether, Irene Simms, and
Naomi Fiegel.

Against: Nil.

The meeting terminated at 3:16pm.

Signed:



Elizabeth Kinkade, Chairperson