

Minutes of the Cumberland Local Planning Panel Meeting held at Electronic Determination on Monday 03 June 2024.

PRESENT:

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

IN ATTENDANCE:

Jai Shankar, Esra Calim, Emma Di Rita, and Pamela MacIntyre (Minute Taker).

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ITEM - DEVELOPMENT APPLICATION - 55 COLEMAN STREET, MERRYLANDS

BACKGROUND:

The Panel resolved on Wednesday, 8 May 2024 to defer the determination of the above application in order for the applicant to 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.

In addition the Panel requested 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.

The addendum assessment report is to be considered by the Panel and the application is to be determined electronically. The Panel have reviewed the documentation and provide its decisions below.

PANEL DECISION:

The Panel considered an addendum report, addressing the above items on 3 June 2024. The Panel resolve to approve the application, subject to the conditions contained in the Council report as amended as follows:

Condition no.2 is amended to read as follows:

2. **DAGCA02 - Approved Plans and Supporting Documents**

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent

Reference/Dwg No	Title/Description	Prepared By	Date/s	Received by Council
Drawing No. A01, Issue C	Site Plan	Dvyne Design	May 2024	29 May 2024
Drawing No. A02 and A03, all Issue C	Architectural Plans	Dvyne Design	September 2023	29 May 2024
Reference No. 23210-03	Plan of Management	Dvyne Design	March 2024	29 May 2024
	Waste Management Plan	Dvyne Design	August 2023	
	External Finishes	Dvyne Design		

(Reason: To confirm and clarify the details of the approval)

Condition no. 18A added to read as follows:

18A. **DACCZ01 - Installation of a Footpath**

The applicant is to submit for approval by Council plans of a footpath, that aligns with condition 9 Protection of landscape features, for pedestrian access from Coleman Street or Friend Street to the kiosks. The details of the footpath shall be provided with the application under section 138 of the Roads Act 1993.

Detailed footpath levels shall be obtained from Council before finalisation of the footpath design with the Construction Certificate application by lodging an 'Application for Property Boundary Line Levels'. Any required adjustments shall be included in the Construction Certificate plans.

(Reason: Public infrastructure)

Condition no.28 is amended to read as follows:

28. **DADWC13 - Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting and AS/NZS 1158.3.1.2020.

(Reason: Protect amenity of surrounding area and ensure public safety)

Reasons for decision:

1. The proposal is consistent with the objectives of the E1 Local Centre zone. In particular the proposal will provide a business use that serves the needs of people who live in, work in or visit the local area.
2. The proposal is generally consistent with the Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021.
3. The Panel has considered the matters and has determined that these matters have either been adequately addressed in the design of the development or where not specifically addressed in the development are not of such weight as to warrant refusal of the application.
4. Subject to the recommended conditions of development consent as amended by the Panel, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.
5. Taking into account reasons above, approval of the application will be in the public interest.

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

Against: Nil.

Signed:



Elizabeth Kinkade, Chairperson