

Minutes of the Cumberland Local Planning Panel Meeting held via Electronic Determination on Wednesday 14 August 2024.

**PRESENT:**

Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**IN ATTENDANCE:**

Jai Shankar, Michael Lawani, Esra Calim, Bhavisha Sheth, Haroula Michael, Nighat Aamir, Angus Coventry, Elif Haliloglu, Emma Di Rita, Mariam Abbas and Pamela MacIntyre (Minute Taker).

The meeting opened at 11:45am.

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

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**ITEM ELPP022/24 - DEVELOPMENT APPLICATION - 19 DEWRANG STREET, LIDCOMBE**

**PANEL DECISION:**

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1. That the Clause 4.6 variation request to vary the Clause 53(2)(b) development standard, pursuant to the SEPP (Housing) 2021, be supported.
2. That Development Application No. DA2024/0059 for Demolition of a detached garage and carport, and construction of a secondary dwelling with an attached awning, pursuant to the State Environmental Planning Policy (Housing) 2021 on land at 19 Dewrang Street LIDCOMBE NSW 2141 be approved subject to conditions listed in the Council assessment report, with the following additional ongoing use condition:

*The alfresco area shown on drawing number A04 – ground floor plan shall not be enclosed in any way that would constitute gross floor area or a habitable room.*

**Reasons for Decision:**

1. That the panel is satisfied that the applicant's written request to contravene the Development Standard relating to parking, as contained within Chapter 3, Part 1, Division 2, Clause 53 (2)(b) of State Environment Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and that the Panel is satisfied that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.
2. The proposed development complies with the Cumberland Local Environmental Plan 2021 on merit based assessment. The applicant's written request has

adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3).

3. The proposed development complies with the Cumberland Development Control Plan 2021 on merit based assessment. The proposed variation for carparking is reasonable and will not compromise the overall amenity of the development or the surrounding area.
4. The proposed development complies with the remainder of clauses 52 and 53 of State Environmental Planning Policy (Housing) 2021.
5. The proposed development does not result in adverse amenity impacts towards adjoining properties.
6. The loss of the parking space is acceptable as the existing driveway does not comply with AS2890.1.2004. The driveway width would impact on safe manoeuvring and functionality of any garage/carpark space at the rear of the property.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP023/24 - DEVELOPMENT APPLICATION - 5 FRAMPTON STREET, LIDCOMBE**

**PANEL DECISION:**

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1. That the Clause 4.6 variation request to vary the Clause 53(2)(b) development standard, pursuant to State Environmental Planning Policy (Housing) 2021, be supported.
2. That Development Application No. DA2024/0076 for Demolition of garage, shed and awning and construction of a secondary dwelling with an attached garage on land at 5 Frampton Street, LIDCOMBE NSW 2141 be approved subject to conditions listed in the Council assessment report, with the following additional condition:

*Prior to the issue of a construction certificate, the plans are to be amended to address the following:*

- a) *Remove the toilet and all plumbing fixtures at the rear of the storage area;*
- b) *Replace the door and window opening on the north-east elevation of the storage area with a roller door; and*
- c) *To provide fire protection between storage area and secondary dwelling in accordance with the National Construction Code.*

**Reasons for Decision:**

1. That the panel is satisfied that the applicant's written request to contravene the Development Standard relating to parking as contained within Chapter 3, Part 1, Division 2, Clause 53 (2)(b) of State Environment Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and that the Panel is satisfied that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.
2. The proposed development complies with the Cumberland Local Environmental Plan 2021 on merit based assessment. The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3).
3. The proposed development complies with the Cumberland Development Control Plan 2021 on merit based assessment. The proposed variation is reasonable and will not compromise the overall amenity of the development or the surrounding area.
4. The proposed development complies with the remainder of clauses 52 and 53 of State Environmental Planning Policy (Housing) 2021.
5. The proposed development does not result in adverse amenity impacts towards adjoining properties.
6. The loss of the parking space is acceptable as the existing driveway does not comply with AS2890.1.2004. The driveway width would impact on safe manoeuvring and functionality of any garage/carpark space at the rear of the property.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP024/24 - DEVELOPMENT APPLICATION - 18 MONTGOMERY AVENUE, SOUTH GRANVILLE****PANEL DECISION:**

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That Development Application No. DA2024/0215 for demolition of garage and metal awning and construction of a secondary dwelling with an attached garage at the rear of property on land at 18 Montgomery Avenue, SOUTH GRANVILLE NSW 2142 be approved subject to conditions listed in the Council assessment report, with the following additional condition:

*Prior to the issue of a construction certificate, the plans are to be amended to address the following:*

- a) *Remove the toilet and all plumbing fixtures at the rear of the garage;*

- b) Remove the access door between the kitchen and garage and replace with a continuous wall;
- c) To provide fire protection between the garage and secondary dwelling in accordance with the National Construction Code; and
- d) *Remove the roller door on the northern elevation adjacent to the existing dwelling, to enable reasonable pedestrian access to be provided to the secondary dwelling.*

**Reasons for Decision:**

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. The development will be consistent with the objectives of the R2 Low Density Residential zone.
3. The development is consistent with the objectives of the Cumberland Development Control Plan CDCP 2021.
4. Subject to the recommended conditions of consent, the proposal will not have unreasonable impacts on the amenity of neighbouring properties or the locality.
5. Taking into account the reasons above, approval of the application would be in the public interest.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP025/24 - DEVELOPMENT APPLICATION - 195 TARGO ROAD, GIRRAWEEEN**

**PANEL DECISION:**

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That Development Application No. DA2024/0118 for demolition of all structures on site including removal of one tree, retention of site boundary fencing to the north and east, site remedial works and construction of a new boundary fence along the street frontage on land at 195 Targo Road, GIRRAWEEEN NSW 2145 be approved subject to conditions listed in Council's assessment report, with the inclusion of the proposed front fencing plans titled, detail drawing fencing dated July 2018, as part of the approved plans and supporting documents.

**Reasons for Decision:**

1. The proposal is consistent with the objectives of the R3 Medium Density Residential zone.
2. The proposal is consistent with the Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021.

3. Subject to the recommended conditions of development consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.
4. Taking into account reasons above, approval of the application will be in the public interest.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP026/24 - DEVELOPMENT APPLICATION - 11 GELIBOLU PARADE, AUBURN**

**PANEL DECISION:**

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1. That the Panel defer consideration of the application, and request that the applicant provide further detail on impacts of the proposal on access to natural light for units numbered 1.023 and 2.023 resulting from proposed office 3 and 5, and any other affected units.
2. That the information requested by the Panel be considered at an electronic meeting of the same Panel within 21 days.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP027/24 - MODIFICATION APPLICATION - 90-92 RAILWAY TERRACE, MERRYLANDS**

**PANEL DECISION:**

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That Modification Application No. MOD2024/0046 for Section 4.55(2) modification seeking various changes to the approved mixed use development on land at 90-92 Railway Terrace, MERRYLANDS NSW 2160 be approved subject to conditions listed in the Council assessment report.

**Reasons for Decision:**

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. The Panel is satisfied that the development, as modified, is substantially the same development for which consent was originally granted.

3. That the Panel considers the proposed building height to be acceptable on merit, as the additional building height will not result in unreasonable visual bulk and scale impacts or overshadowing to adjoining properties.
4. Subject to the recommended conditions of development consent, the proposal will maintain a suitable level of amenity to surrounding properties and the locality.
5. Taking into account reasons above, approval of the application will be in the public interest.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

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**ITEM ELPP028/24 - DEVELOPMENT APPLICATION - 242-252 PITT STREET, MERRYLANDS**

**PANEL DECISION:**

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1. That the Clause 4.6 Variation request to contravene the landscape development standard pursuant to State Environmental Planning Policy (Housing) 2021 (Clause 19(2)(b) be supported.
2. That Development Application 2024/0202 for alterations and additions to the approved mixed use development to introduce 3 additional storeys to the development with 33 new apartments and to incorporate 27 affordable housing apartments across levels 4 to 6 of the development under State Environmental Planning Policy (Housing) 2021 including minor design changes to the basement car park on land at 242 - 252 Pitt Street, MERRYLANDS be approved subject to conditions listed in the Council assessment report, with the following amendment to Condition 14(a) to read as follows:

- 14 *DACCN01 - Housing and Productivity Contribution (HPC)*  
 a) *The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 14b), is required to be made:*

<i>Housing and productivity contribution</i>	<i>Amount</i>
<i>Housing and productivity contribution (base component)</i>	<i>\$346,272.63</i>
<i>Total housing and productivity contribution</i>	<i>\$346,272.63</i>

*Reason:*

*To reflect advice provided by the Department of Planning, Housing and Infrastructure to Council staff on the application of the HPC.*

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

**Reasons for Decision:**

1. That the panel is satisfied that the applicant's written request to contravene the Development Standard relating to onsite landscaping, as contained within Chapter 2, Part 2, Division 1, Clause 19(2)(b)(i) and (ii) of State Environmental Planning Policy (Housing) 2021, has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and that the Panel is satisfied that compliance with the standard is unreasonable and unnecessary in the circumstances of the case.
2. The proposal is consistent with the objectives of the E2 Commercial Centre zone and in particular will provide high density residential development and affordable housing that will contribute to the economic growth of the Merrylands Town Centre.
3. The development is consistent with State Environment Planning Policy (Housing) 2021 and the Apartment Design Guide.
4. The Panel has considered the matters raised in the written submission and has determined that these matters have either been adequately addressed in the design of the development or where specifically addressed in the report, and are not of such weight as to warrant refusal of the application.
5. Subject to the recommended conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.

**For:** Michael Leavey (Chairperson), Dennis Loether, Garry Chapman and Michael Northey.

**Against:** Nil.

The meeting terminated at 1:07pm.

Signed:



Michael Leavey, Chairperson