

Minutes of the Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 13 November 2024.

**PRESENT:**

Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**IN ATTENDANCE:**

Jai Shankar, Michael Lawani, Esra Calim, Bhavisha Sheth, Elif Haliloglu, Elizabeth Chan, Mariam Abbas, Roy Wong, Shaylin Moodliar 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 11:36am.

**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 on Item ELP033/24 – Development Application – 6 Crawford Street, Berala:

Speakers

Mr Paul Sydenham

Mr Brad Delapierre

Mr Sean Riddell

The open session of the meeting closed at 11:55am

The closed session of the meeting opened at 11:57am

The Chairperson allowed the following persons to brief the Panel during the closed session on Item ELP037/24 – Development Application – 411 Great Western Highway, Greystanes:

Speakers

Mr Troy Loveday

Mr Scott Choi

Mr Diran Fabricatorian

Mr Chris Palmer

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**PUBLIC MEETING**

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**ITEM ELPP033/24 - DEVELOPMENT APPLICATION - 6 CRAWFORD STREET, BERALA**

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**PANEL DECISION:**

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1. The Clause 4.6 variation request to contravene the minimum lot size standard pursuant to Section 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021 is not supported.
2. Development Application No. DA2024/0243 for demolition of existing structures and construction of a four storey co-living housing development comprising of 12 rooms with at grade parking pursuant to State Environmental Planning Policy (Housing) 2021 on land at 6 Crawford Street, Berala NSW 2141 is refused for the reasons below.
3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

**Reasons for Refusal:**

1. Council is not satisfied that the applicant's written request to vary the Development Standard relating to minimum lot size for co-living housing on 'other land' as contained within Chapter 3 Part 3 Section 69(1)(b)(ii) of the State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

The justification provided in the Applicant's Clause 4.6 Variation submission with regards to clause 4.6(3)(a) refers to the Cumberland DCP as a point of reference in terms of the objectives of the development standard, but does not reference the Principles of the SEPP Housing in Chapter 1, of which section 3(c) (amenity for residents) and (3)(f) (designing to reflect and enhance the locality) should also be addressed. As indicated in the other Reasons below, the conclusions made in relation to the merits of the proposal referred to in the submission are not agreed.

With regards to clause 4.6(3)(b), insufficient environmental planning grounds have been provided, including in relation to the grounds relating to the attempts to amalgamate with adjoining land.

2. The proposal fails to provide the minimum required communal open space pursuant to Chapter 3 Part 3 Section 68(2)(d)(i) and (ii) of the State Environmental Planning Policy (Housing) 2021. The proposal provides, 96.8 square metres of communal open space, whereas only 69.7 square metres of principal useable communal open space is useable and functional space.
  3. A request to vary the non-discretionary development standard for the communal open space as per the requirements of Clause 4.6 'Exceptions to development standards' of the Cumberland Local Environmental Plan 2021 has not been submitted.
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Consent cannot be lawfully granted in the absence of a Clause 4.6 variation request regarding the non-compliance with the communal open space non-discretionary development standard.

4. The proposal is contrary to Section 69((2)(f)(ii) of the State Environmental Planning Policy (Housing) 2021 as the proposed front building setback of 2.4 metres is deemed unsatisfactory and does not meet the 'character test' of the local area particularly along eastern side of Crawford Street. The predominant front setback along Crawford Street is 5.945 metres.

The proposed variation will set an undesirable precedent along Crawford Street that will encourage future development to seek similar setbacks, which is not a desirable outcome for the area undergoing transition.

5. The proposed setbacks from the side and rear boundaries are inadequate and the reliance on screen and highlight windows will result in poor amenity for the residents. This is a function of the inadequate site size together with the triangular shape. The minimum separation distances in the Apartment Design Guide (referenced as a matter for consideration under section 69(2)(a)(ii) of State Environmental Planning Policy (Housing) 2021)) have not been met.
6. The recognised process under the *Karavellas* Planning Principle and in Section 3 Part A3 of the Cumberland Development Control Plan 2021, has not been followed. It has not been demonstrated that offers to purchase the adjoining properties based on the valuation reports dated 13 August 2024 were delivered to the eastern and southern adjoining properties at 4 Crawford Street, 6A Crawford Street and 20 The Crescent; and the lack of a formal response to the offer, has not been confirmed.

Further, the applicant has not adequately demonstrated that the adjoining sites could be satisfactory developed independently, and that orderly redevelopment of those sites would result.

7. Clause 6.4(1)(d) Essential services of Cumberland Local Environmental Plan 2021 has not been addressed as the owner of the adjoining land has not provided an agreement in principle to the provision of the necessary drainage easement. Adequate arrangements have not been confirmed in order to grant development consent.
8. Clause 5.21 Flood planning, clauses (2)(c) and (d) of Cumberland Local Environmental Plan 2021 have not been satisfied as adequate information has not been provided. This clause must be satisfied prior to development consent.

**Reasons for Decision:**

1. The Panel generally concurs with the Planning Officer's report.
2. The written submissions made by residents and in the public meeting have been considered.

3. The presentations to the Panel on behalf of the applicant were considered, including the request for deferral to amend the proposal to comply with the communal open space requirements. However, there are other shortcomings in the proposal that warrant refusal, as identified in the Planning Officer's report

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**Against:** Nil.

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### CLOSED SESSION

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#### ITEM ELPP034/24 - DEVELOPMENT APPLICATION - 29 REID STREET, MERRYLANDS

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#### PANEL DECISION:

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1. The applicant's Clause 4.6 submission to vary the minimum lot size development standard for a detached secondary dwelling, pursuant to Clause 53(2)(a) of State Environmental Planning Policy (Housing) 2021, is supported.
2. Development Application No. DA2024/0333 for the demolition of existing structures and construction of a two-storey dwelling and detached secondary dwelling on land at 29 Reid Street, Merrylands NSW 2160 is approved subject to conditions contained in the Council assessment report, with the following amendments:

- Condition 12 Amendment to Approved Plans be amended to add an additional condition (g); and the reason for Condition 12 is to read as below:

*(g) The inclusion of a pedestrian path on the western side of the principal dwelling to the secondary dwelling.*

*(Reason: To ensure adequate amenity for the dwellings.)*

- Condition 37 is amended to read as follows. The letter from Sydney Water dated 14 August 2024 is to be annexed to the notice of determination.

**37. Requirements of Sydney Water**

*The conditions contained in the Sydney Water letter dated 14 August 2024 as annexed to this consent apply.*

*(Reason: To advise the Applicant of the requirements of Sydney Water, given the sewer line traversing the site.)*

**Reasons for Decision:**

1. The applicant's written Clause 4.6 variation request to contravene the Development Standard relating to the minimum site area for a detached secondary dwelling pursuant to section 53(2)(a) in Chapter 3 of State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6(3).
2. The Panel generally concurs with the Planning Officer's report. The Panel notes that the proposal does meet the minimum site area for a secondary dwelling contained in Cumberland DCP 2021, and that the proposal is similar to other developments approved on similarly small sized lots in the LGA. There were no submissions made on the application.
3. Subject to the conditions of consent, the proposal will not have unreasonable impacts on the amenity of neighbouring properties or the locality. Minor amendments have been made to the draft conditions as recommended to ensure that suitable access is provided to the secondary dwelling; and to advise of the requirements of Sydney Water in their referral response to Council.
4. The Panel acknowledges that the proposal will contribute to the provision of additional housing in the locality.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**Against:** Nil.

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**ITEM ELPP035/24 - DEVELOPMENT APPLICATION - 10 GUERNSEY STREET, GUILDFORD****PANEL DECISION:**

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1. The applicant's written Clause 4.6 variation request to contravene the location of sex services premises development standard, pursuant to Clause 6.8 of the Cumberland Local Environmental Plan 2021 is supported.
2. Development Application No. DA2023/0679 for the demolition of existing structures and construction of a two-storey building for the purpose of a sex services premises to operate 24 hours/7 days a week and associated business identification signage on land at 10 Guernsey Street, Guildford NSW 2161 is approved subject to conditions contained in the Council assessment report, with the amendment to Condition 12, which is to read:
  12. **DACCA01 - Amendments to Approved Plans and Plan of Management**  
*Amended plans/documents shall be submitted to the Council for approval prior to the issue of a Construction Certificate addressing the following matters:*

*Amendment to the Plan of Management*

- a) *Ensure all business-related services provided within the sex services premises are generally via appointment only.*
- b) *Provide detail of how walk-ins are managed on the sex services premises.*
- c) *Provide detail of how the roller shutter door access to the car park will operate and be managed for all appointments.*
- d) *Ensure all appointments are staggered with a 15 minute gap between all appointments.*

*Amendment to the drawings*

- e) *The passing bay shall be shifted back into the site so a vehicle's front is in line with car space 2 (5.4 m long).*
- f) *The one (1) illuminated building identification sign 'Dream No 10' shall be limited in size to 300mm x 600mm.*

*(Reason: To ensure the satisfactory operation of the premises and limit impacts from the development).*

**Reasons for Decision:**

1. The Panel is satisfied that the applicant's written request to contravene the Development Standard relating to the location of sex services premises as contained within Clause 6.8 of the Cumberland Local Environment Plan 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) of Cumberland Local Environmental Plan 2021.
2. The Panel generally concurs with the Planning Officer's report.
3. The Panel notes that there were no submissions received on the application, and that the site currently contains a sex services premises.
4. Subject to the conditions, with minor amendment to Condition 12 the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the Guildford Industrial precinct.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**Against:** Nil.

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**ITEM ELPP036/24 - DEVELOPMENT APPLICATION - 1 TAMPLIN ROAD, GUILDFORD**

**PANEL DECISION:**

Development Application No. DA2024/0406 for Torrens Title subdivision of one (1) lot into two (2) lots on land known as McCredie Park at 1 Tamplin Road, Guildford NSW 2161 is approved subject to conditions listed in the Council's assessment report.

**Reasons for Decision:**

1. The Panel generally concurs with the Planning Officers report. There were no submissions made on the application.
2. The proposal is consistent with the objectives of the RE1 Public Recreation zone and will provide appropriate formal delineation of the proposed aquatic centre redevelopment site.
3. The proposal will result in no impacts on the amenity of neighbouring properties or the locality.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**Against:** Nil.

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**ITEM ELPP037/24 - DEVELOPMENT APPLICATION - 411 GREAT WESTERN HIGHWAY, GREYSTANES**

**PANEL DECISION:**

1. The Clause 4.6 variation requests to contravene the development standards in clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio of Cumberland LEP 2021, are not supported.
2. Development Application No. DA2024/0053 for partial demolition and alterations and additions to an existing self-storage facility including an extension to Building 1 and construction of a five (5) storey building containing storage units and associated signage - Integrated Development pursuant to Clause 91 of the Water Management Act 2000 on land at 411 Great Western Highway, Greystanes NSW 2145 is refused for the following reasons:

**Reasons for Refusal:**

1. Council is not satisfied that the applicant's written request to vary the Development Standard relating to height of buildings in Clause 4.3 of Cumberland Local Environmental Plan 2021 has adequately addressed the matters to be demonstrated by Clause 4.6(3).

The maximum height of building is incorrectly identified in the application as 19.15m. Concern is raised with the visual impact of the higher building and the precedent it will set for redevelopment in the locality. The objectives of the standard, including minimising visual impact has not been fully demonstrated (clause 4.6(3)(a)).

2. Council is not satisfied that the applicant's written request to vary the Development Standard relating to Floor Space Ratio in Clause 4.4 of Cumberland Local Environmental Plan 2021 has adequately addressed the matters to be demonstrated by Clause 4.6(3). The Floor Space Ratio identified in the application as 1.36:1 is incorrect as it excludes areas that should be included as Gross Floor Area including stairwells and lifts at ground level.

Consistency with Clause 4.6(3)(b) of the development standard is unclear given the increased intensity of the development and implications for on site parking and loading; and the lack of consideration of the traffic and parking impacts proposed as an environmental planning ground is not supported.

3. The proposed development is in breach of the car parking and vehicle manoeuvring provisions at part C and G3 of the Cumberland Development Control Plan.
4. Insufficient information has been submitted to demonstrate that the proposed operation of the site including the proposed informal onsite parking and the loading/unloading arrangements can accommodate the increased demand generated by the major increase number of storage units proposed in development, including:
  - a) The location and design of defined loading/unloading spaces allocated for use by users of the self-storage units, taking into consideration the access to lifts is required. The proposed informal arrangement is not supported based on the information provided.
  - b) No parking spaces are provided on the site to accommodate the variety of vehicle types expected to visit the site ranging from cars to Articulated Vehicles.
  - c) Survey data on the approved parking and unloading arrangements operations of storage facilities of a similar size; and of the visitation to the current facility, is required to support the proposed arrangements. A copy of the report "Self-Storage Facility Parking and Traffic Study – Stantec (2022)" was not provided in a timely manner to enable this report to be assessed.
  - d) If reliance is to be placed on undefined car parking and loading areas, greater justification evidence of successful operation of such arrangements and a Plan of Management is required.
5. Insufficient information has been submitted to enable a full and thorough assessment of the development against the stormwater drainage provisions at Part G4 Stormwater and Drainage of Chapter G Miscellaneous Development Controls of the Cumberland Development Control Plan 2021 for the following reasons:
  - a) The on-site detention system must be designed in accordance with the Upper Parramatta River Trust's OSD design guidelines (handbook).

- b) The pits and pipelines of the existing stormwater drainage system that is intended to be retained and the new proposed pipeline should be shown on the stormwater management plans.
  - c) The development must demonstrate compliance with the relevant Water Sensitive Urban Design (WSUD) requirements.
  - d) The Council cannot therefore be satisfied that clauses 6.3 Essential service, 6.4(1)(d) and 6.7 Stormwater management have been met in order to grant consent.
6. Insufficient information has been submitted to demonstrate how the environment and the safety of workers at the site will be maintained throughout the course of works. In this regard, the submitted Construction Environmental Management Plan (CEMP) is unsatisfactory.

**Reasons for Decision:**

1. The Panel generally concurs with the Planning Officer's report.
2. It is noted that there were no submissions made on the application.
3. The applicant's representative addressed the Panel and requested deferral of the application in order to address the draft reasons for refusal. The Panel is of the view that some matters such as the stormwater and the need for a satisfactory CEMP are resolvable. However, deferral is not supported given the required extent of additional information to be provided to address the prime issues identified in the Reasons for Refusal.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Virginia Sinclair

**Against:** Nil.

The meeting terminated at 3:30pm.

Signed:



Heather Warton, Chairperson.