

Minutes of the Cumberland Local Planning Panel Meeting held via Zoom on Wednesday, 12 November 2025.

**PRESENT:**

Heather Warton	Chairperson
Garry Chapman	Expert Member
Naomi Fiegel	Expert Member
Yakub Comert	Community Member

**IN ATTENDANCE:**

Jai Shankar	Executive Manager City Planning and Development
Michael Lawani	Coordinator Major Development Assessment
Bhavisha Sheth	Coordinator Fast Track Development Assessment
Harley Pearman	Executive Planner
Angus Coventry	Acting Senior Development Planner
Godfred Ankrah	Development Planner
Esra Calim	Coordinator Planning Operations
Paulette Maroon	Governance Officer (Minute Taker)
Joyti Sharma	Governance Officer

**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.

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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 Moiz Khan	ELPP027/25 Development Application - 149 Auburn Road, Auburn
Mr Botan Sayan	ELPP027/25 Development Application - 149 Auburn Road, Auburn
Ms Birgul Guven	ELPP027/25 Development Application - 149 Auburn Road, Auburn
Mr Adam Coburn	ELPP027/25 Development Application - 149 Auburn Road, Auburn

Mr Rhys Hazell

ELPP027/25 Development Application - 149 Auburn Road,  
Auburn

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The open session of the meeting closed at 1.12pm.

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The closed session of the meeting opened at 1.45pm.

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ITEM ELPP027/25 - DEVELOPMENT APPLICATION - 149 AUBURN ROAD, AUBURN**PANEL DECISION:**

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1. Development Application 2025/0279 to increase student numbers from 2,000 to 2,600 at Al-Faisal College a 149 Auburn Road, Auburn and associated expansion of the existing drop-off/pick up zone along Auburn Road is refused for the reasons below.
2. Persons who have lodged a submission in respect to the application be notified of the determination.

**Reasons for Refusal**Lack of information

1. Insufficient information has been submitted to allow a proper and thorough assessment of the likely impacts of the proposed development. The Development Application (Application) has not adequately explained the basis for the increase in student and staff numbers
  - (a) There is insufficient information to assess how the proposed increase by 600 students (30%) above the current maximum number for which there is existing consent is able to occur without the need for physical changes such as additional classrooms and play space, student and staff amenities or changes in operations.
  - (b) The submitted plans do not show the location of the existing class rooms and play spaces by year group.
  - (c) No evidence is provided as to current student numbers by year group to verify the claim that there is 'spare capacity' within the existing building and play spaces to accommodate the increased numbers. Notwithstanding that licensing is a matter for the Department of Education, the capacity of the site to support the intensification of the use needs to be explained in the Application.
  - (d) The proposed increase in staff of 15 only does not align with the increase in student numbers. It is not explained how many of these will be teaching staff, by class age group, and how many will be administration staff.

- (e) There is no information provided on the existing visitors to the site and the proposed anticipated number of visitors.
  - (f) The proposed staging of the increase in school population is not explained, not aligned to the development or implementation of any proposed road and footpath infrastructure changes.
2. No evidence has been provided such as a BCA report to confirm the suitability of the current building for the increase in student, staff and visitor numbers.
- (a) The current status of the building in terms of fire safety and BCA compliance is unknown and consideration of this and the need for any potential building upgrade needs to be undertaken at the development application stage.
  - (b) It is unknown if any changes to the building, such as to fire exits or other physical changes, for which consent would be required, will be needed. This needs to be considered at the development application stage.
  - (c) This is particularly in light of there being no works proposed in the Application that would ordinarily trigger the need for a construction certificate and hence consideration of BCA compliance.

Inadequate car parking for staff and visitors

3. The provision of no additional car parking for the proposed increase in student numbers is not acceptable.
- (a) No consideration can be given to any proposed arrangement with the Council for leasing of car spaces in a Council car park.
    - i. Council has advised that owner's consent has not be granted for this use to enable it to be considered as part of this Application and that this aspect does not form part of the Application.
    - ii. The use of the Council car park is existing and in any case is required to address the significant existing shortfall in the provision of staff car parking, rather than to address the further car parking shortfall resulting from the proposal;
    - iii. The use of spaces in the Council's car park, unless provided in perpetuity (which is not proposed) cannot be relied on, and no consideration of the permissibility of the educational use on other outside of the site has been made in any case.
  - (b) The proposed loss of on-street carparking spaces for drop off and pick up for the school and the increased demand for on-street parking is an unacceptable impact on the amenity of the residentially zoned site and surrounding land.

- (c) The submitted traffic report and supplementary letter dated 10 September 2025 (Traffic Report) is inadequate.
  - i. The Traffic Report is inadequate in terms of the analysis of the suitability of the existing traffic and parking situation, including the availability of on-street parking in the surrounding streets to justify that there is capacity for an increase in student numbers to occur;
  - ii. Pedestrian safety has not been addressed;
  - iii. The proposed traffic management measures do not arise from any recommendations based on analysis in the Traffic Report, but are Council lead, proposed by condition.
- (d) The conclusions of the Traffic Report that the proposal is satisfactory relies on the provision of the additional spaces in the Council's car park and the improved use of the existing on-site car park. Any parking in the Council car park cannot be relied on. It is unclear why the existing on-site car park is not being fully utilised for staff parking and how utilisation will be improved.

#### Lack of information on infrastructure upgrades

- 4. There is insufficient information on measures to attenuate traffic and parking impacts.
  - (a) No information on the required infrastructure improvements such as diagrams, consideration of existing services, power poles, footpath widths, location of the proposed pedestrian fencing, the relocation of the bus shelter and bus zone and the extension of the drop off/pickup area has been provided.
  - (b) There are conditions of consent proposed to require the provision of some infrastructure, but since this is Council lead, there is no analysis provided that explains how these measures will address the impacts of the existing issues with the arrangements at the school, (identified in submissions) and the proposed increased population. How any residual impacts will be addressed is not explained;
  - (c) Assessment is required to ensure that the measures to be relied on are able to be technically implemented, and that there will be no flow on impacts on vehicular movements, the bus stop and pedestrian safety, or reduction in footpath widths; and in urban design terms with regards to the visual impacts;
  - (d) This needs to be addressed at the development application stage to ensure certainty in terms of whether any recommended measures will be satisfactory to address the impacts and to ensure certainty and timing of implementation.

- (e) The proposed Green Travel Plan (GTP) is admitted as being 'preliminary only' and contains vague statements about a change in the modal shift of transport to the school.
    - i. Given the existing shortfall in car parking and proposed exacerbation of this situation, a fully detailed GTP, with full commitment to and explanation of the timing for implementation is required;
    - ii. The recommendations of Transport for NSW in this regard need to be addressed in the GTP.
  - (f) There is a need for bicycle parking which will form part of the GTP, but no details have been provided as to whether there is any existing bicycle parking or if any bicycle spaces and end of travel facilities will be provided.
  - (g) The advice of the NSW Police has not been addressed, including the need for a full traffic report.
  - (h) The cumulative impacts considering the adjoining Auburn Public School, the existing school and the proposal have not been addressed in terms of safety for school aged and other pedestrians and cyclists.
5. The submitted acoustic report is not adequate. It refers to matters the subject of separate DAs and approvals, and does not accurately reflect the proposed development. A full assessment of the proposal, an explanation of the current acoustic situation, a realistic consideration of the increase in the student numbers as they will occur across the building and in the play areas, and current acoustic readings from adjoining residences is required. Recommendations for attenuation measure need to be fully explained with documentation of where any new barriers and the like are proposed. All management measures need to be included.
6. The Plan of Management is inadequate and does not provide sufficient level of detail or an explanation as to how measures will be implemented, given the significance of the proposed increase in student population, staff and visitors.
7. Previous applications to increase the number of students have been refused and this Application does not address previous grounds for refusal including the adverse impact on the amenity of adjoining residential development in terms of excess intensity of use and worsening of the existing traffic impacts in the vicinity of the site.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Yakub Comert

**Against:** Nil.

ITEM ELPP028/25 - DEVELOPMENT APPLICATION - DUCK RIVER RESERVE NORTH (PK 73) 2 MIMOSA STREET GRANVILLE, 6A SEVENTH STREET, GRANVILLE, 1 MIMOSA STREET GRANVILLE, NEW GLASGOW PARK (PK 85) 1 SEVENTH STREET GRANVILLE

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**PANEL DECISION:**

1. Development Application 2025/0560 for site remediation works and construction of a recreation area including play equipment at the end of Mimosa Street and construction of environmental facilities including an observation deck at the end of Seventh Street within the Duck River Reserve North and New Glasgow Park areas on land at Duck River Reserve North (Pk 73) 2 Mimosa Street Granville, 6A Seventh Street Granville, 1 Mimosa Street Granville, New Glasgow Park (Pk 85) 1 Seventh Street Granville is approved subject to the conditions in Attachment 1 of the assessment report.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

**Reason for Decision**

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the assessment report.
2. Subject to the conditions of development consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.
3. The proposal is consistent with Council's Plan of Management for Duck River.
4. The Panel has considered the matters raised in the written submission and has determined that the matters raised have been adequately addressed in the assessment report.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Yakub Comert

**Against:** Nil.

ITEM ELPP029/25 - DEVELOPMENT APPLICATION - 38 MYALL STREET,  
MERRYLANDS**PANEL DECISION:**

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1. The Clause 4.6 variation request to vary the development standard for the minimum lot size for a secondary dwelling pursuant to section 53(2)(a) SEPP (Housing) 2021 is supported.
2. Development Application No. DA2025/0433 for the demolition of existing structures and construction of an attached two storey dual occupancy with Torrens subdivision into two lots, and the construction of a secondary dwelling on each lot on land at 38 Myall Street Merrylands is approved subject to the conditions listed in Attachment 1 of the assessment report with the following amendments to Condition 14:
  - I. Condition 14 d) is added to read as follows:

The side pedestrian access referred to in a) above shall not be obstructed by any air conditioning units, water tanks or the like;
  - II. Condition 14 e) is added to read as follows:

The pathways between the secondary dwellings and the landscaped open space shall be deleted and replaced with soft landscaping, other where a direct path is provided to the entry doors to the secondary dwellings;
  - III. Condition 14 f) is added to read as follows:

A tree to a minimum height of 8m as required by Council's DCP shall be planted in the rear yard of each dwelling and the landscape plan is to be amended accordingly to show the proposed tree species and height at maturity.

**Reason for Decision**

1. The Panel is satisfied that the applicant's written request to contravene the development standard relating to minimum lot size under section 53(2)(a) of the State Environmental Planning Policy (Housing) 2021 has adequately addressed clause 4.6 (3) of Cumberland LEP 2021 and has demonstrated that:
  - (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
  - (b) there are sufficient environmental planning grounds to justify the contravention.

2. The Panel generally concurs with the Planning Officers report subject to the conditions within the assessment report. Additional conditions have been added to:
  - i. ensure side access is maintained to the secondary dwellings;
  - ii. increase the landscaped area to meet the DCP control;
  - iii. ensure tree planting is in accordance with the DCP.
3. Subject to the conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.

**For:** Heather Warton (Chairperson), Garry Chapman, Naomi Fiegel and Yakub Comert

**Against:** Nil.

The meeting terminated at 3.40pm.



**Heather Warton**  
**Chairperson**

Signed:

Chairperson