

Minutes of the Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 10 June 2026.

PRESENT:

Heather Warton	Chairperson
Helen Deegan	Expert Member
Linda Kelly	Expert Member
Nalinie Aieyelanathan	Community Member

IN ATTENDANCE:

Michael Lawani	Acting Executive Manager City Planning and Development
Esra Calim	Coordinator Planning Operations
Haroula Michael	Acting Coordinator Major Development Assessment
Harley Pearman	Executive Planner
Bala Sudarson	Executive Development Engineer
Faisal Halla	Senior Development Planner
Shaylin Moodliar	Senior Development Planner
Vincent Alberti	Senior Development Planner
Angus Coventry	Acting Senior Development Planner
Caroline Kadayifci	Business Support Officer
Darci Boyd	Senior Governance Officer
Paulette Maroon	Governance Officer (Minute Taker)

The meeting opened at 11.34am.

DECLARATIONS OF INTEREST:

Nil.

Note – At the request of the Applicant, for first item, the development at 11 John Street Lidcombe, representatives of the Applicant provided a briefing to the Panel and were available to answer questions. The Applicant's Planner, Kendall Mackay joined the briefing at 12.06pm, and the Applicant's representative Aaron Wang joined at 12.13pm.

ITEM ELPP022/26 - DEVELOPMENT APPLICATION - 11 JOHN STREET, LIDCOMBE

PANEL DECISION:

Development Application 2025/0911, proposed alterations include Basement works; Ground Floor works; Residential Apartment works; Rooftop and Landscaping works; Use of Building for Shop Top Housing on land at 11 John Street, Lidcombe is refused.

In more detail, the Application is for alteration and additions to an approved 9-storey mixed use building under DA-219/2011 including reconfigurations to the 4 basement

levels, new service penetrations and stair pressurisation works to 13 levels of the building, new awning over retail shop 9, installation of sprinkler feeders to 80 apartments, changes to apartment doors, internal layout and walls to levels 1 to 8, replace all non-structural face brick parapet wall with glazed balustrades to the rooftop level and associated reconfiguration of the rooftop level

REASONS FOR REFUSAL

1. Although it is desirable to approve the building rectification works, the Application contains inadequate and conflicting information needed for the assessment and any approval for this work.
2. Building rectification works are proposed in the Application that are located outside of the land nominated as the site for the Application.
3. The Application contains inadequate information and lacks justification for the request for re-approve the use of the entire building as shop top housing. The Application fails to explain the future relationship with the original consent, including the status of compliance with the existing conditions of consent.
4. It is unclear how the proposed approach in this alterations and additions application would be a valid pathway to obtaining an occupation certificate for the whole building.
5. In light of the uncertainty in the information and documentation, approval of the Application is not in the public interest.

REASONS FOR DECISION

1. The development has a complex history, including the building having been erected prior to the issue of a construction certificate and being subject to a current Prohibition Order issued by the Building Commission. Whilst the building has sat vacant for some time, which is not ideal, it is not in the public interest to approve the Application as submitted due to the uncertainty of the documentation provided.
2. Concern is also raised as to why consent for use of the entire building was sought. The Panel notes that this part of the Application was not recommended for approval. The pathway of an alterations and additions application is not one that would allow the issue of an occupation certificate, in the case where there was no valid construction certificate issued for the whole building. The Applicant has not provided any legal advice that would support this approach.
3. The problems with the Application documentation include, but is not limited to:
 - a) The Panel was not provided with a copy of the Building Information Certificates issued in 2019 and 2020 that purportedly applied to the whole building;

- b) Past Orders have also been issued on the building, the effect of which and the whether works had been undertaken to satisfy the Orders has not been explained;
 - c) The Application does not include all works identified as needed for rectification the building in the May 2022 Audit Report referred to in the SEE.
4. The submitted drawings provided to the Panel do not sufficiently distinguish between:
- a) Work to amend that already approved under the existing development consent;
 - b) Work the subject of a previous Building Certificate/s (BIC);
 - c) The proposed new work, that will be the subject of a future construction certificate;
 - d) Work constructed contrary to the original development consent, but for which consent for use only is sought. This may include the changes to the apartment bathroom layouts; and
 - e) The works in d) for which a future BIC will be sought.
5. The submitted drawings show potentially conflicting information, for example:
- a) The piles shown coloured blue around the edge of the basements are marked as 'Unauthorised construction work', but the Panel was advised in the briefing with the Applicant's representative that a construction certificate had been issued for excavation works, and that the notation 'was an error';
 - b) In the basement levels there are some columns shown coloured blue as 'Unauthorised construction works', but if there was no valid construction certificate, it would be assumed that other structural elements would also have been shown coloured blue;
 - c) The rectification works for which consent is sought includes the installation of sprinkler risers and penetrations on all above ground level floors. This work is not legibly clouded or notated on the sections. No large scale (1:50) sample internal sections have been provided showing the details of this new work.
6. The works include amendments to a ramp which is located on the separate adjoining lot containing the former Lidcombe Children's Court building, a heritage item, known as no. 11A John Street. However, the Application was not lodged over that lot, and separate owner's consent was not provided.
7. The planning implications of the building rectification works have not been adequately addressed in the Application. For example, the sprinkler works may further reduce the floor to ceiling heights in the building, which will be non-

compliant with the Apartment Design Guide (ADG), and in in part, with the deemed-to-satisfy provisions of the BCA (according to the Applicant's BCA Report).

8. The Applicant advised the Council and the Panel on the day of the Meeting that consent was sought for the 'use of residential apartments'. This aspect of the Application was not recommended for approval by Council's Officers:
 - a) In light of there being an existing development consent for the use of the building, the reason for seeking consent for the use of the building again in this Application has not been adequately explained;
 - b) The Application is silent as to the future status of the existing consent. The interaction of the Application with the existing consent is not explained;
 - c) The existing consent contains conditions to be satisfied prior to the issue of a construction certificate. It is understood from the briefing with the Applicant's representative that some conditions may not yet have been met. This includes the submission of a Conservation Management Plan for the heritage item on the original site the subject of the consent.
9. In summary, it is open to the Applicant to seek a review of this decision or to lodge a fresh development application for the rectification works and a BIC application. Given the background and complexity of the matter, these applications need to be supported with legal advice verifying the pathway proposed to address the various issues, and particularly the means proposed to allow any future occupation of the building.
10. Any review or fresh applications should include, but is not limited to:
 - a) Documentation of the full extent of works:
 - approved (in accordance with the existing development consent)
 - constructed, under any valid part construction certificate
 - unauthorised (where there is no valid construction certificate)
 - unauthorised, but the subject of a issued BIC/s or undertaken under any Orders
 - prospective work that needs development consent
 - prospective work that needs development consent for use only (such as changes to the layout of the apartments, already constructed)
 - prospective work that will also need a construction certificate.All of the above needs to be clearly distinguished on the submitted drawings;
 - b) Include all lots the subject of the development, including those located on no. 11A John Street;
 - c) Provide a consolidated copy of the:

- existing development consent, as modified
- existing consent drawings as modified
- any existing valid construction certificates
- any current Building Information Certificates and the supporting documents on which they were issued.

d) Explain the status of the existing consent, in terms of compliance with all conditions.

11. The Panel notes that there were no submissions lodged for this Application.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aieyelanathan.

Against: Nil.

ITEM ELPP019/26 - DEVELOPMENT APPLICATION - 48 HALL STREET, AUBURN

PANEL DECISION:

1. Development Application 2026/0261 for the demolition of an existing swimming pool, paving and a shed, filling of the pool area and landscaping works, on land at 48 Hall Street, Auburn is approved subject to the conditions recommended in the attached schedule to 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:

The Panel generally concurs with the reasons for approval in the Assessment Report, subject to the recommended Conditions. The Panel notes that one submission was lodged that was supportive of the Application.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aieyelanathan.

Against: Nil.

**ITEM ELPP020/26 - DEVELOPMENT APPLICATION - 96-98 CHISWICK ROAD,
AUBURN**

PANEL DECISION:

Development Application 2026/0126 for the partial demolition of perimeter walls and roof along the southern side of the Peacock Gallery Building and construction of prefabricated buildings for use as an office and amenities in association with Council's depot, erection of a roof between the buildings and the Peacock Gallery building and erection of a prefabricated building for use as a café, with associated tree removal, landscape and stormwater works on land at 96 and 98 Chiswick Road, Auburn is approved subject to the conditions recommended in the attached schedule to the Assessment Report with an amendment to add the following sentence to Condition 3:

“At the conclusion of the consent period the temporary buildings shall be demolished and the area landscaped.”

REASON FOR DECISION

The Panel generally concurs with the reasons for approval Assessment Report, subject to the recommended conditions, with minor amendment to address the site condition following the temporary works.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aiyelananthan.

Against: Nil.

**ITEM ELPP021/26 - DEVELOPMENT APPLICATION - 16 BERNARD STREET,
LIDCOMBE****PANEL DECISION:**

1. Development Application 2025/0790 for demolition of existing structures, construction of a six storey building for the purpose of co-living housing comprising of 52 single-occupancy rooms with ground level and roof top communal open spaces and basement car parking for 11 vehicles on land at 16 Bernard Street, Lidcombe is refused.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

REASONS FOR REFUSAL:

1. The Application relies on four clause 4.6 variations to development standards. The proposal is not compliant with the:
 - a) Communal living area, pursuant to section 68(2)(c) of the State Environment Planning Policy (Housing) 2021 (Housing SEPP);
 - b) Minimum lot size, pursuant to section 69(1)(b)(ii) of the Housing SEPP;
 - c) Minimum building separation distances, pursuant to section 69(2)(b) of Housing SEPP; and
 - d) Height of building, pursuant to clause 4.3 of the Cumberland Local Environmental Plan 2021 (CLEP).

The submitted Clause 4.6 variations do not adequately justify the non-compliances as required under clause 4.6(3)(a) and (b) of CLEP.

2. There is no constraint on the site that would prevent the design of a compliant development with respect to the:
 - a) minimum communal living area; or
 - b) a compliant building height. It is noted that although there is a bonus FSR provision under the Housing SEPP, which has been utilised, there is no provision in the Housing SEPP for bonus height.

The environmental planning grounds to support these variations are not sufficient.

3. The communal open space required under the Housing SEPP is met but by inclusion of areas within the street setbacks, which do not provide particular private spaces for residents to gather.
4. The non-compliance with the minimum building separation distances, particularly at the upper level is a result of the inadequate site size. The consequence of this is a reduced northern setback, necessitating blank walls in part on the northern side of the building, which would ordinarily provide the best sunlight amenity to co-living housing rooms.
5. The cumulative impacts of the result of the above reduces the amenity for the large concentration of building residents. The proposal at the density proposed is an overdevelopment of a the site.
6. The provision of 52 rooms, of single occupancy only will not provide suitable housing choice.
7. Although low residential in character at present, the R4 zoning of the adjoining land allows for future redevelopment. The proposal sets an inappropriate precedent for future development. The reduced northern setback has potential to adversely impede the orderly future development of the adjoining land.
8. The site also adjoins an R2 Low Density zone opposite on Raymond Street, and no transitional height has been provided in this context.
9. Although it appears that there were attempts made to acquire the adjoining land at 14 Bernard Street, the lack of success does not make the site 'isolated' to the extent that it justifies the density and built form as proposed.
10. For the reasons outlined above, consent cannot be granted under section 69(2)(g(i) and (ii) of the Housing SEPP as the design of the building is not compatible with the existing desirable elements of the character of the local area or with the future desired character of the precinct.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aieyelanathan.

Against: Nil.

REASONS FOR DECISION:

The Panel supports the provision of rental accommodation in an accessible location. However the size of the site is unsuitable for the development as proposed, as demonstrated by the number of non-compliant elements.

The conceptual architectural expression is supported, as is the appropriate floor to floor heights. However, the minimum Housing SEPP requirements have not been adequately considered in the proposal, which given the site size, with three street frontages, on the fringe of the R4 zone, suggests that a less intense development would be more appropriate and approvable.

The written submissions from adjoining residents were also considered by the Panel.

ITEM ELPP023/26 - DEVELOPMENT APPLICATION - 481 WOODVILLE ROAD, GUILDFORD

PANEL DECISION:

1. The variation under clause 4.6 of Cumberland LEP 2021 to contravene the minimum lot size for the secondary dwellings development standard, pursuant to section 53(2)(a) of State Environmental Planning Policy (Housing) 2021, is supported.
2. Development Application 2026/0014 is approved on land at 481 Woodville Road Guildford is approved subject to conditions listed in the attached schedule to the Assessment Report, as amended as below.

The approved development is for site preparation, subdivision of the land into two lots, construction of a detached dwelling and a secondary dwelling on Lot A and an attached dual occupancy on Lot B; Torrens title subdivision of Lot B into a further two lots and construction of a secondary dwellings associated with each dwelling.

Amendments to conditions:

Note: The condition numbers in the consent will need to be updated with the amendment to conditions below.

Additional conditions relating to subdivision works and subdivision certificates are inserted:

Prior to Issue of Subdivision Certificate/s

- DASCA01 - Subdivision Works (Prior to Torrens Subdivision of Land from One Lot into Two Lots)

Once the subdivision works are completed, a compliance certificate shall be issued by the registered certifier and a copy shall be submitted to Council.

(Reason: To verify completion of works to appropriate standards)

- DASCA05 - Section 73 Compliance Certificate from Sydney Water (Torrens Subdivision of Land from One Lot into Two Lots)

A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate confirming satisfactory

arrangements have been made for the provision of water and sewer services. An application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new development)

- DASCZ01 - Subdivision Driveway and Drainage Works (Prior to Torrens Subdivision of Land from One Lot into Two Lots)

Prior to the Torrens Subdivision of Land from One Lot into Two Lots, driveway access, inter-allotment drainage works shall be completed. Detail Work-As-Executed plans and engineer's certification for the driveway and drainage works shall be approved by the registered certifier and a copy shall be submitted to Council.

(Reason: To ensure inter-allotment drainage works are completed.)

- DASC06 - Subdivision

Construction and Subdivision Works Certificates for the proposed development shall only be issued when the accompanying plans, specifications and details are consistent with the approved development application plans.

Where subdivision works and building works are required, a Construction Certificate shall not be issued until such time as all subdivision works have been completed to the satisfaction of Council and the Subdivision Certificate issued. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention and Water sensitive Urban Design located on privately owned land.

(Reason: To comply with the approved development)

Under the heading Prior to issue of the relevant construction certificate:

- Insert an amended Condition 29. DACCZ01 - First Stage of Subdivision to read:

"The first stage of subdivision of the site into two Torrens lots shall be registered prior to the issue of any construction certificate for the new dwelling on Lot A or the proposed dual occupancy on Lot B.

(Reason: The First Stage Torren subdivision and erection of dwellings must be undertaken in sequence to ensure only permissible development occurs)."

- Insert a new Condition 29a. Second Stage of Subdivision to read:

"Prior to the issue of the construction certificate for the secondary dwellings, the Torrens subdivision of Lot B into two further lot shall be registered.

(Reason: The erection of the secondary dwellings on each dual occupancy lot must be undertaken in sequence to ensure only in permissible development occurs.)”

- Delete Condition 72. accordingly (as it is too late to leave further subdivision of the dual occupancy lots to the OC stage, ie after the secondary dwellings have been erected, as this will result in four dwellings on one lot).
- Condition 19. DACCF02 – Landscape Maintenance Strategy- to move to OC section e.g. Landscape Maintenance Certificate is to be relocated to be under the conditions relevant to the issue of any occupation certificate.

REASONS FOR DECISION:

The Panel generally concurs with the Assessment Report subject to conditions recommended, with amendments to confirm the required timing of the erection of dwellings relative to the subdivisions and the addition of conditions relating to subdivision works and subdivision certificates.

Based on the justification provided in the Assessment Report, and discussed at the Meeting with the Council’s assessment officer, the Panel has accepted the variation to the minimum lot size for the proposed secondary dwellings. This is largely based on Council’s Policy that encourages secondary dwellings on small lots.

The Panel has considered the matters raised in the written submissions.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aieyelanathan.

Against: Nil.

**ITEM ELPP024/26 - DEVELOPMENT APPLICATION - 1-7 ELVINA STREET,
GREYSTANES**

PANEL DECISION:

Development Application 2026/0298 for strata subdivision of the approved mixed use development into nine lots on land at 1-7 Elvina Street Greystanes is approved subject to the conditions listed in the schedule attached to the Assessment Report, subject to the deletion of Condition 9.

REASONS FOR DECISION:

The Panel generally concurs with the reasons for approval in the Planning Officers report. subject to the attached conditions within the Assessment Report. Condition 9 is deleted as it refers to stratum subdivision which is not proposed.

The “Stamped Architectural Plans” Drawings provided on the Agenda were not reflective of the current consent, and the Panel has relied on the Construction Certificate drawings, being consistent with the proposed subdivision, for approval of this Application.

The Panel notes that the building has not yet been constructed, so the approved strata plan is a draft only, until such time that the construction has occurred, and the building surveyed.

No submissions were received on this Application.

For: Heather Warton (Chairperson), Helen Deegan, Linda Kelly and Nalinie Aieyelanathan.

Against: Nil.

The meeting terminated at 3.09pm.

Signed:



Chairperson