

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2016SYW098 DA
DA Number	DA 2016/164
Local Government Area	Cumberland
Proposed Development	Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a part 4, part 5 and part 7 storey shop top housing comprising 86 residential units; 6 retail tenancies at grade and basement parking accommodating 176 carparking spaces.
Street Address	9-11 Sherwood Road, Merrylands West
Applicant	Revelop Projects Pty Ltd
Owner	Barich Family Group Pty Limited
Number of Submissions	Two (2) submissions
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value \$25,229,133 (>\$20 million)
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy (State and Regional Development) 2011 • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013) • Section 92 of the EP&A Regulation
Recommendation	Approval, subject to conditions
Report by	Ali Hammoud, Consultant Senior Planner, Cumberland Council
Meeting date	26 October 2017



Figure 1 – Perspective from Sherwood Road looking south-west (Source: Architex, 2017)

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ATTACHMENTS

Attachment 1 – Original Assessment Report for 2016SYW098 – 30 August 2017

Attachment 2 – Amended Architectural Plans

Attachment 3 – Amended Photomontage to Sherwood Road

Attachment 4 – Proposed Conditions of Consent

Attachment 5 – Assessment of compliance with SEPP 65 ADG

Attachment 6 – Assessment of compliance with Holroyd Local Environmental Plan 2013

1 Executive Summary

- 1.1 At its meeting on 30 August 2017, the Sydney West Central Planning Panel (SWCPP) considered a report on a Development Application (DA) from Revelop Projects Pty Ltd proposing a shop top housing development at 9-11 Sherwood Road, Merrylands West. The DA seeks approval for the demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a part 4, part 5 and part 7 storey shop top housing comprising 86 residential units; 6 retail tenancies at grade and basement parking accommodating 176 carparking spaces.

- 1.2 A copy of the assessment report considered by the SWCPP is provided at **Attachment 1** to this report.

- 1.3 After consideration of the report, the Panel resolved the following:

“The Panel agreed to defer the determination of the matter until a redesign has occurred. The redesign is to bring about a better planning outcome in terms of street interfaces and solar access to the units within the site.

To accomplish this, the Council needs to examine the Holroyd Development Control Plan 2013 (DCP) guidelines and how they pertain to the site, as the Panel sees merit in greater setbacks on both street frontages.

Presently, the Panel considers the solar access outcomes to be unacceptable and the Panel will not approve this application in its current form.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.”

- 1.4 The applicant has amended the development in order to address the recommendations and decision of the Panel. The amendments include a reconfiguration of the ground floor retail component fronting Sherwood Road; internal reconfiguration of units on the upper levels in order to improve the solar access achieved for the units and overall development; and amended finishes to the street facing buildings to provide a stronger emphasis for the podium base of the building and lighter weight appearance to the upper floors.
- 1.5 A copy of the amended plans is provided at **Attachment 2** to this report and a copy of the amended photomontage of the development is provided as **Attachment 3** to this report and has also been reproduced as Figure 1 earlier.
- 1.6 It is noted that the proposal still seeks a height variation to the height of buildings development standard contained within HLEP 2013 and the request under Clause 4.6 of HLEP 2013 seeking a variation to the height of building development standard remains unchanged as discussed within the original report.
- 1.7 The original development included small and recessed ground floor retail tenancies fronting Sherwood Road which were considered to limit the ability for the ground floor level to achieve a continuous street edge and strong podium base. The amended development includes a reconfiguration of the ground floor retail tenancies fronting Sherwood Road with a greater span along the Sherwood Road frontage that increases the street edge on the ground floor level of the building.
- 1.8 In addition, the amended development includes amended finishes to the street facing buildings that include darker colours and finishes up to 4 storeys and lighter colours

and increased setbacks for the levels above. This provides a stronger emphasis and creates a 4 storey podium base for the building and lighter weight upper floors which is consistent with the recently constructed building to the south of the site at 33-37 Sherwood Road.

- 1.9 The original development achieved a low level of solar access compliance for the proposed units with an overall of 20/86 units (23.5%) achieving at least 2 hours of solar access at midwinter. This was raised as a particular concern of the Panel, indicating *“solar access outcomes to be unacceptable”*. The amended development includes relocated living rooms to be positioned at the outer faces of the floor plates which ensures that 77/86 (89.5%) of units achieve at least 2 hours of solar access at midwinter.
- 1.10 The amended development is considered to have appropriately addressed the concerns and deferral items raised by the Panel.
- 1.11 In light of the above, it is recommended that the Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 4** to this Report.

2 Planning Controls

- 2.1 A summary of the planning controls that relate to the amended development is provided below:

Environmental Planning Instrument	Comment
State Environmental Planning Policy (State and Regional Development) 2011	No change
State Environmental Planning Policy (Infrastructure) 2007	No change
State Environmental Planning Policy No. 55 (Remediation of Land)	No change
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Refer to discussion below
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	Refer to discussion below
Holroyd Local Environmental Plan (HLEP) 2013	Refer to discussion below
Holroyd Development Control Plan (HDCP) 2013	No change

2.1.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the Application and was considered acceptable. The amended plans include changes that warrant amendments to the BASIX Certificate that was not lodged with the amended plans. A condition requiring an amended BASIX Certificate is included in the recommended conditions provided at **Attachment 4** to this Report.

2.1.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The amended development is considered acceptable having regard to the requirements of SEPP 65 and the ADG as detailed in the assessment against the provisions of the ADG provided at **Attachment 5** to this Report.

2.1.3 Holroyd Local Environmental Plan 2013

The amended development includes changes to the gross floor area (GFA) and floor space ratio (FSR) of the development given the enlargement of the ground floor retail tenancies. The amended development proposes a compliant GFA and FSR as detailed in the assessment against the provisions of HLEP 2013 provided at **Attachment 6** to this Report.

3 External Referrals

- 3.1 The amended Development Application was not required to be referred to any external public agencies.

4 Internal Referrals

- 4.1 The amended Development Application was not required to be referred to any internal sections of Council.

5 Public Comment

- 5.1 Pursuant to the provisions in Part E of the HDCP 2013, the amendments did not require re-notification.

6 Section 79C Consideration

- 6.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Comply
a. the provisions of: (i) any environmental planning instrument (EPI) (ii) any draft environmental planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations	The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in Section 5 of the original assessment report provided as Attachment 1 to this report. The provisions in the draft Amendment to Holroyd LEP relate to the Neil Street Precinct and are not relevant to this DA. There are no existing or proposed planning agreements that relate to the DA.	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the	An assessment of key issues relating to the proposed development is provided in the original assessment report provided as Attachment 1 to this report. It is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, heritage, stormwater quality, waste management, soil and groundwater quality and the like have been satisfactorily addressed.	Yes

Head of Consideration	Comment	Comply
locality		
c. the suitability of the site for the development	The subject site is zoned R4 High Density Residential pursuant to Holroyd LEP 2013. Site and environmental constraints relating to site contamination, salinity, stormwater drainage and the like have been satisfactorily addressed as a part of the DA.	Yes
d. any submissions made in accordance with this Act or the regulations	The original DA was notified to adjoining and neighbouring owners and advertised in the local newspapers in accordance with the Regulations and the HDCP 2013. Submissions were addressed in Section 9 of the original assessment report provided as Attachment 1 to this report. The amended DA did not require re-notification.	Yes
e. the public interest	The proposed development is for the purpose of a shop top housing development under HLEP 2013 that will not pose any impacts on the amenity of adjoining properties and the locality. Accordingly, it is considered that the proposal is in the public interest.	Yes

7 Conclusion

- 7.1 The amended development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and the reasons for deferral of the DA by the Panel at its meeting on 30 August 2017. The amended development is considered to be satisfactory and is considered to have appropriately responded to the deferral matters. In this regard it is considered that the site is suitable for the proposed development, the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.
- 7.2 The proposal is consistent with the objectives of HLEP 2013 and is permissible in the B2 Local Centre zone and the proposal achieves the objectives of the zone. The proposal also generally satisfies the main essential criteria set out in SEPP 65, the Apartment Design Guide and the Holroyd DCP 2013.
- 7.3 The application proposes a satisfactory built form for the site and context; appropriately responds to site constraints; provides an accessible building design; and will have acceptable traffic, social and economic impacts subject to the imposition of suitable conditions of consent to satisfactorily control the development.

8 Recommendation

- 8.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions provided at **Attachment 4**.
- 8.2 The applicant and objectors be advised of the Sydney West Central Planning Panel's decision.