

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 15 March 2018
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Stuart McDonald, Peter Brennan, Paul Stein and Paul Moulds
<b>APOLOGIES</b>	Mary-Lynne Taylor
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on 15 March 2018, opened at 11:45 am and closed at 12:00 pm.

**MATTER DETERMINED**

2017SWC064 – Cumberland – DA 2016/127/2 AT 233 & 249-259 Merrylands Road & 52-54 McFarlane Street, Merrylands (AS DESCRIBED IN SCHEDULE 1)

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 (previously section 96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.



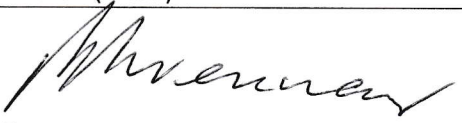

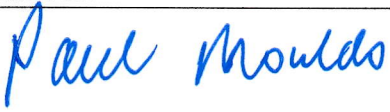
**REASONS FOR THE DECISION**

The Panel has considered the reasons given for determination of the original approved application as well as the Council assessment report, and determines the application to modify the previously approved development by granting approval. The reasons for the Panel's decision are:

1. The Panel is satisfied that the modified development will be substantially the same as that originally approved.
2. The modifications will improve the functioning of the new retail area and have a beneficial effect on the overall appearance of the development, particularly due to the lowering of Building A.
3. No adverse effects will result from the modification.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Stuart McDonald
 Peter Brennan	 Paul Stein AM
 Paul Moulds AM	



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC064 – Cumberland – DA 2016/127/2
2	PROPOSED DEVELOPMENT	Section 96(2) modification seeking internal and external alterations to an approved mixed use development
3	STREET ADDRESS	233, 249-259 Merrylands Road, and 52-54 McFarlane Street, Merrylands
4	APPLICANT/OWNER	Stockland Development Pty Ltd / Stockland Merrylands Court Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>○ Holroyd Local Environmental Plan (LEP) 2013;</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Holroyd Development Control Plan (DCP) 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant]</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 15 March 2017</li> <li>• Written submissions during public exhibition: one (1)</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection on 15 March 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 15 March 2018, 10:15 am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Stuart McDonald, Peter Brennan, Paul Stein and Paul Moulds</li> <li>○ <u>Council assessment staff</u>: Sohail Faridy, Michael Lawani, William Attard, Harley Pearson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report