

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 October 2017
<b>PANEL MEMBERS</b>	Edward Blakely, Mary-Lynne Taylor, Paul Mitchell, Paul Stein
<b>APOLOGIES</b>	Paul Moulds
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on 26 October 2017, opened at 12 pm and closed at 12:15 pm.

#### MATTER DETERMINED

2017SWC069 – Cumberland – DA2017/203 at 11-19 Centenary Road, 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 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determines the application by granting approval for the following reasons:

1. The proposal satisfies all applicable development standards and guidelines, with the exception of a small breach of the height standard.
2. The request to vary the height standard has been received and is considered satisfactory because the variation is minor - 0.5m or 3.3% - and the objectives of the standard will still be achieved, meaning compliance is unnecessary. The variation will enable a better building design and development that is consistent with the zone objectives and it is therefore in the public interest.
3. The proposal is appropriate from a merit perspective and satisfies the prescribed character test.
4. The proposal will add to the stock of affordable housing and is therefore socially beneficial.
5. This determination does not approve any substation for which a modification application is required (see Condition 11). The Panel considers its location should not be on the prominent North-West corner of the site.

#### CONDITIONS

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

#### New Condition 18A

##### Section 94 Contributions

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 94 of the Environmental Planning and Assessment Act 1979 and the Holroyd Section 94 Development Contributions Plan 2013, for 78 units made up of 38 x 1 b/r units, 32 x 2 b/r units and 8 x 3 b/r units (with a credit of 3 x 3 b/r dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$518,522. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

#### **Replace Condition 11**

##### Substations and Fire Hydrant Boosters

No approval is granted or implied for the installation of substations and fire hydrant booster pumps and construction of associated encasing structures i.e. blast walls and radiant heat shields. A modification application is required.

#### **Replace Condition 44**

A fixed clothes line is to be installed to a maximum height of no greater than the top of balustrade height to each balcony within the development, which has an elevation to the public domain and that is not already located behind the proposed screens as noted on plans elevation plans prepared by Nordon Jago dated 08/05/2017 issue F.





#### **Replace Condition 8h**

Demolition is to be completed within 60 days of commencement

#### **Additional New Condition**

##### Complaints Management

A Complaints Register shall be created by the operator of the facility whereby complaints made by surrounding neighbours can be registered and addressed accordingly. The contact details of the operator shall be made available to Council and shown on a sign on the site.

PANEL MEMBERS	
 Prof. Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	 Hon. Paul Stein

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC069 – Cumberland – DA2017/203
2	PROPOSED DEVELOPMENT	4 storey residential flat building: Demolition of existing structures, consolidation of 8 lots into 1 lot, construction of a 4 storey residential flat building comprising 78 units under Affordable Rental Housing SEPP 2009 above basement parking accommodating 68 carparking spaces and 48 bike spaces
3	STREET ADDRESS	11-19 Centenary Road, Merrylands
4	APPLICANT/OWNER	Amelie Housing C/- Hawes and Swan Planning
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Holroyd Local Environment Plan 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 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Section 92</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: dated 26 October 2017</li> <li>Written submissions during public exhibition: One</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Mairead Hawes</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection 26 October 2017</li> <li>Final briefing meeting to discuss council's recommendation, 26 October 2017 at 11 am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Edward Blakely, Mary-Lynne Taylor, Paul Mitchell, Paul Stein</li> <li><u>Council assessment staff</u>: Mark Stephenson, Sohail Faridy, Nighat Aamir</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report