

DATE OF DETERMINATION	15 November 2018
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan, Paul Moulds and Brian McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Cumberland Council on 15 November 2018, opened at 4.15pm and closed at 5:00 pm.

MATTER DETERMINED

2018SWC014 - Cumberland – DA/2017/558 at 244-252 Pitt 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the Clause 4.6 request and approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel upholds the applicant's request to vary the Height of Building standard (Cl 4.3) in the Holroyd Local Environment Plan 2013. The Panel finds that the applicant's written request demonstrates that compliance with the standard is unnecessary in this instance because the amendment of the standard in question is certain and the variation will result in development that is consistent with the height of buildings planned for the area. The written request also provides sufficient planning reasons and justification for the variation being that a better design outcome will result.

The Panel believes that upholding the variation will be in the public interest because it will enable development that is consistent with relevant zone objectives and the variation is consistent with the objectives of the standard.

Overall, the Panel finds that the applicant's written request adequately addresses all matters prescribed in Clause 4.6.






The Panel approves the application for the following reasons:

1. The proposal is an appropriately designed mixed use development that is consistent with the B4 Zone objectives.
2. The proposal will reinforce the commercial and retail functions of Merrylands Town Centre and also provide additional housing supply and choice.

3. For the reasons given above, the proposal will be socially beneficial.
4. The site of the proposed development is well serviced by transport and other infrastructure and is suited to the intended use.
5. The proposal will have no unacceptable negative impacts on surrounding properties or on local infrastructure including the road network.

CONDITIONS

The development application was approved subject to the conditions attached to the Council memorandum dated 13 November 2018, with the amendments to Conditions 15 and 17 agreed to by the applicant.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor
 Peter Brennan	 Paul Moulds
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC014 - Cumberland – DA/2017/558
2	PROPOSED DEVELOPMENT	Demolition of existing structures, consolidation of 4 lots into 1 lot and construction of a 18 storey mixed use development over 5 levels of basement parking accommodating 3 levels of commercial floor, 161 residential units above and 315 parking spaces.
3	STREET ADDRESS	244-252 Pitt Street, Merrylands
4	APPLICANT/OWNER	Applicant – iDraft Group NSW Owner – Hillview Merrylands Pty Ltd and Kayview Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value of more than \$20million at the time of lodgment
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 (Remediation) ○ State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 19 – Bushland in Urban Area ○ State Environmental Planning Policy (Coastal Management) 2018

		<ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ Holroyd Local Environmental Plan 2013 ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ○ Holroyd Development Control Plan 2013 ● Planning agreements: Nil ● Provisions of the Environmental Planning and Assessment Regulation 2000: Nil ● Coastal zone management plan: Nil ● The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality ● The suitability of the site for the development ● Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations ● The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> ● Council assessment report: 15 November 2018 ● Written submissions during public exhibition: 1 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Daniel McNamara and Russel Olsen
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation, 17 November 2018, 3.40pm to 4:05pm. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan, Paul Moulds and Brian McDonald ○ <u>Council assessment staff</u>: Glenn Apps, Michael Lawani, Sohail Faridy, Olivia Yana, Stephen Chow, Ashur Toma and Bala Sudarson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council memorandum dated 13 November 2018