

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	22 December 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Ned Attie, Eddy Sarkis, Ken McBryde and Noni Ruker
<b>APOLOGIES</b>	David Ryan
<b>DECLARATIONS OF INTEREST</b>	Gabrielle Morrish advised that she is conflicted as her practice has worked on this site in the last 5 years.

Papers circulated electronically on 9 December 2020.

#### MATTER DETERMINED

PPSSCC-128 – Cumberland - DA2020/0415, 42-44 Dunmore Street and 13 Pritchard Street East Wentworthville, Lot A DP 319230 and Lot 11 DP 746514, Construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure (as described in Schedule 1).

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Holroyd Local Environmental Plan 2013 (HLEP 2013), that has demonstrated that:

- compliance with cl. 4.3(2) height of buildings development standard of the HLEP 2013 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the HLEP 2013; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings development standard) of the HLEP 2013 and the zone objectives for development in the B2 Local Centre zone pursuant to Cl 2.3 of the HLEP 2013; and
- the concurrence of the Secretary has been assumed.

#### Development application

The panel determined to approve the development application pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979* as a deferred commencement consent.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel observes that the application is for the transformation of a dated shopping centre in a location which is undergoing transition to a higher density as well as general updating. The application is appropriate in that it seeks to introduce a mixed-use development which includes retail, commercial and residential uses as well as basement parking.

The Panel notes that the application seeks to vary the height development standard (Clause 4.6 variation), which is supported by Council. Also, that the development includes variations to the Apartment Design Guide (ADG) and HDCP 2013, which are considered acceptable on merit, noting in addition that Appendix E, Design Verification Statement, addresses the ADG and related SEPP 65. Design Excellence is “certified” in Attachment 7 by the Chair of the Cumberland Design Excellence Panel

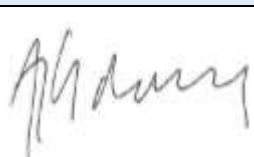



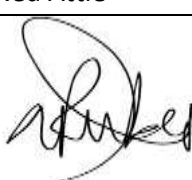
On consideration, the Panel is satisfied that the application has been appropriately assessed and support Council’s recommendation to uphold the Clause 4.6 variation to building height, and approve the application broadly in line with the reasons outlined in the Council Assessment Report, subject to deferred commencement consent conditions that include requirements for amended plans regarding stormwater management, traffic management and public domain works.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Bulk and scale
- Overshadowing
- Traffic impacts
- Proximity to fire station
- Parking provisions
- Adverse impacts on existing small business
- Disruption during construction
- Lack of public facilities provided.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 Ned Attie	 Eddy Sarkis
 Noni Ruker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-128 – Cumberland - DA2020/0415

2	PROPOSED DEVELOPMENT	Construction of a mixed use development comprising four basement car park levels accommodating 808 car spaces, two storey podium comprising a ground floor supermarket, ground and first level retail and commercial tenancies, four residential buildings, with total rise of 23 storeys and containing 523 apartments, including a new public plaza, public domain works, landscaping and stormwater infrastructure
3	STREET ADDRESS	42-44 Dunmore Street and 13 Pritchard Street East Wentworthville, Lot A DP 319230 and Lot 11 DP 746514
4	APPLICANT/OWNER	Poly (NSW) Development Pty Ltd/Wentworthville 048 Service Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV excess of \$30million
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 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>Holroyd Local Environmental Plan 2013</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: A Voluntary Planning Agreement associated with the subject Development Application was executed between Council and Applicant on 20 June 2017</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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> </li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 2 December 2020</li> <li>Clause 4.6 variation request</li> </ul>

		<ul style="list-style-type: none"> <li>Written submissions during public exhibition: 7</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>Papers circulated electronically on 9 December 2020</li> <li>Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually.</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Deferred Commencement Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report – December 2020