

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	30 April 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Ned Attie and Eddy Sarkis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 March 2021.

MATTER DETERMINED

PPSSCC-136 – Cumberland Council - DA2020/0493 - 246-248 Woodville Road, Merrylands, 256-258 Woodville Road, Merrylands, 2-4 Lansdowne Street, Merrylands, 8-16 Lansdowne Street, Merrylands, 8A Lansdowne Street, Merrylands, 19 Highland Street, Merrylands, demolition of existing structures/site improvements and construction of a mixed-use development, with a varying height of 5 to 9 storeys comprising commercial and retail premises, residential apartments/shop top housing (413 apartments), child care centre, hotel accommodation/serviced apartments (95 rooms), public park and associated landscaping, road access, two levels of basement parking and associated site works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Application to vary a development standard

Following consideration of a written requests from the applicant, made under cl 4.6 (3) of The Parramatta Local Environmental Plan 2011 (LEP), that has demonstrated that:

- compliance with cl. 4.3 and cl. 4.4 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards

The Panel is satisfied that:

- the applicant's written requests adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 and cl. 4.4 of the LEP (respectively) and the objectives for development in the B4 Mixed Use Land zone; and
- the concurrence of the Secretary has been assumed.

After consideration, the Panel determined to uphold the Clause 4.6 variation to building height and FSR.

Decision

The Panel debated the applications extensively and on consideration decided to approve the application for the reasons outlined in the Council Assessment Report, subject to amended conditions.

The decision was **unanimous**.

CONDITIONS

The development application was approved as a deferred commencement consent subject to the DRAFT conditions proposed by Council, with the addition of conditions relating to the following issues:

Issue	Supplementary conditions required by the Panel
<p>1: Internal amenity: <i>Several bedrooms and/or living area have poor access to natural light and poor outlooks. The use of blade walls and screens in some cases further reduces amenity. Where units are located in re-entrant corners the amenity outcome is also poor.</i> <i>The Panel requires a deferred commencement condition so that the buildings are properly adjusted to deliver a positive outcome prior to proceeding.</i></p>	<p>A deferred commencement condition as follows has been introduced by the Panel requiring submission to, and approval by, Council of floor plans demonstrating improvements to internal amenity:</p> <p>Deferred Commencement conditions <i>Amended Architectural Plans shall be submitted to Council as follows:</i></p> <ul style="list-style-type: none"> <i>The residential apartments in Building B numbered B1.11, B2.11, B3.11, B4.11 and B5.09 are to be as shown in the architectural drawing prepared by Marchese Partners numbered DA 4.70 and dated 14/04/2021.</i> <i>The residential apartments in Building D units numbered D1.16, D2.17, D3.17, D4.17, D5.17, D6.14 and D7.14 are to be as shown in the architectural drawing prepared by Marchese Partners numbered DA4.60 and dated 14/04/21."</i>
<p>2: Soil depth / landscaping for the central courtyard <i>Landscape plan are considered by the Panel to be poor with reliance mainly on artificial turf and very little actual landscaping. Where landscaping has been provided, it is primarily included in raised planters. This provides little benefit for climate control for these spaces and poor amenity outcomes.</i> <i>The Panel seeks a condition that requires an amended landscape plan and concept that increases the landscaped areas containing shrubs and trees on the level 1 podium by at least an additional 50%. These areas are also to be in consolidated landscape planters of large area and not individual small planters.</i> <i>Regarding the child-care play area, the Panel requires an increase in deep soil as well as landscaping.</i></p>	<p>A deferred commencement condition as follows has been introduced by the Panel requiring the submission to, and approval by, Council of an amended landscape plan and landscape concept.</p> <p>Deferred Commencement conditions <i>Amended Landscape Plans shall be submitted to Council for approval as follows:</i></p> <ul style="list-style-type: none"> <i>The landscaped areas containing shrubs and trees on level 1 podium shall be increased by an additional 50%. These areas shall be consolidated landscape planters of large area and not individual small planters.</i> <i>Regarding the child-care centre, the Panel requires a specific condition as follows: "The rear central outdoor play area in the child-care centre is to include deep soil in place of the car spaces underneath numbered R1 to R5 currently included on the Basement 1 plan".</i>
<p>3: Lack of activated frontages and apartments relying on borrowed amenity <i>The Panel notes the extent of blank, unactivated facade for the supermarket, including loading facilities around the corner from the isolated lots. The Panel considers these areas to be unsafe as well as lacking in amenity and while the applicant states that these could develop to include a café, the locality would remain cut off from active frontages and footfall which would make a café viable.</i> <i>The Panel also notes that there are units relying on an outlook to the side boundary with 224 Woodville Rd with only 4m to what will potentially be a blank wall. The Panel considers</i></p>	<p>Condition of consent as follows has been introduced by the Panel requiring the submission to, and approval by, Council of revised plans addressing building frontages and apartment relying on borrowed amenity, prior to CC:</p> <p>Prior to CC Condition</p> <ul style="list-style-type: none"> <i>Amended plans indicating ways in which the blank walls and unactivated façades of the supermarket are to be redesigned to include greater articulation and provide design measures to improve safety and surveillance within the area shall be submitted to Council for approval.</i>




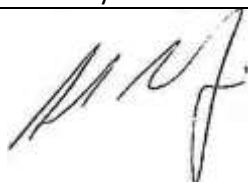
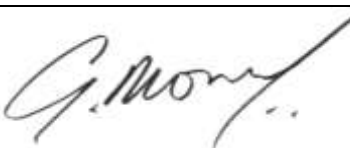
Issue	Supplementary conditions required by the Panel
<i>this to be a sub-standard urban outcome.</i>	
<p>6: Substation integration <i>The Panel considers the current proposal for a separate substation building to be a poor urban outcome.</i></p>	<p>A condition of consent as follows has been introduced by the Panel requiring the submission to, and approval by, Council of revised plans requiring the substation to be integrated into the building and meet the requirements of Endeavour Energy prior to CC:</p> <p>Prior to CC Condition</p> <ul style="list-style-type: none"> • <i>Amended plans indicating the way in which the substation is to be integrated into the building while meeting the requirements of Endeavour Energy shall be submitted to Council for approval.</i>
<p>7: Residential lobbies <i>The Panel notes the poor design of some of the residential lobbies eg building B where the lift opens almost hard on the entry doors. While the residential lobbies have been redesigned in the DA process in accordance with the recommendations of the Cumberland Design Excellence Panel, including an increase in size and inclusion of furniture and seating, further attention is required to improve the amenity of these lobbies.</i></p>	<p>A condition of consent as follows has been introduced by the Panel requiring the submission to, and approval by, Council of revised plans addressing building lobbies, prior to CC:</p> <p>Prior to CC Conditions</p> <ul style="list-style-type: none"> • <i>The design of the residential lobbies shall be amended to improve legibility for residents/visitors and provide opportunity for casual interaction between residents.</i> • The location of the lift door in the Building B eastern lobby on the south side of the lift facing towards the lobby street entry door on ground level is a typographical error left over from a previous design plan. This lift door should be on the west side of the lift facing the centre of the lobby in the same direction as the lift door on the levels above in Building B. As such, the following condition is added: <i>“The lift door in the Building B eastern lift lobby on ground level is to be located on the west side of the lift consistent with the levels above in Building B.”</i>

CONSIDERATION OF COMMUNITY VIEWS

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

- Traffic and parking
- Noise
- Overshadowing
- Access to Highland Street
- Height of buildings
- Population growth.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Ned Attie	 Eddy Sarkis
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-136 – Cumberland Council - DA2020/0493
2	PROPOSED DEVELOPMENT	Demolition of existing structures/site improvements and construction of a mixed-use development, with a varying height of 5 to 9 storeys comprising commercial and retail premises, residential apartments/shop top housing (413 apartments), childcare centre, hotel accommodation/serviced apartments (95 rooms), public park and associated landscaping, road access, two levels of basement parking and associated site works.
3	STREET ADDRESS	246-248 Woodville Road, Merrylands, 256-258 Woodville Road, Merrylands, 2-4 Lansdowne Street, Merrylands, 8-16 Lansdowne Street, Merrylands, 8A Lansdowne Street, Merrylands, 19 Highland Street, Merrylands.
4	APPLICANT/OWNER	Green Dior Holdings Pty Ltd / Green Dior Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV >\$ 30 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64) ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Affordable Rental Housing) 2009

		<ul style="list-style-type: none"> ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Parramatta Local Environmental Plan 2011 ○ Draft environmental planning instruments: ○ Draft Cumberland Local Environmental Plan ○ Development control plans: ○ Parramatta Development Control Plan 2011 ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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: March 2021 • Clause 4.6 Variation Request – HOB • Clause 4.6 Variation Request – FSR • Written submissions during public exhibition: 10 total of which six (6) are unique submissions.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Papers circulated electronically on 23 March 2021.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report – March 2021