



<b>DATE OF DETERMINATION</b>	21 December 2017
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor, Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds
<b>APOLOGY</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on Thursday 21 December 2017 opened at 2.30pm and closed at 4.20pm.

**MATTER DETERMINED**

Panel Ref – 2016SYW098 - LGA – Cumberland, DA-2016/164, Address – 9-11 Sherwood Road, Merrylands West (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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The majority (M L Taylor, P Stein, P Moulds and L Fletcher) determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Holroyd LEP 2013;
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979.

**REASONS FOR THE DECISION**

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Holroyd LEP 2013 and considers that:
  - i. the applicant's submissions adequately address the matters required under cl.4.6;
  - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
  - iii. there are sufficient environmental planning grounds to justify the variation; and
  - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality. Additionally, in respect of Blocks A and B, the variations will provide for a better planning outcome through the provision of additional communal open space for residents of those Blocks.

For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

2. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Cumberland local government area in a location with good access to services and amenities.
3. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of Holroyd LEP 2013 and Holroyd DCP 2013.
5. The proposed development is considered to be of appropriate scale and form, adequately consistent with the planned character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.



The decision was 4:1.

Paul Mitchell dissented from the above decision for the following reason:

- Mr Mitchell voted to refuse the application because he considers the interface with the neighbouring residential zone to be unsatisfactory. In his opinion, the amendments made to the Coolibah Street elevation are only token changes and that a five-storey presentation will result. There would be a dramatic change in scale with the neighbouring low density residential development which in his opinion is unsatisfactory.

#### CONDITIONS

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

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell
