

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-162
<b>DA Number</b>	MOD2020/0414
<b>LGA</b>	Cumberland
<b>Proposed Development</b>	Section 4.55(2) modification for alterations and additions to an approved mixed use development, including the removal of three retail tenancies, introduction of ten additional residential units (inclusive of an additional floor level above building B), reduction in parking and changes to the design of the building, including the provision of additional communal area, windows and blade walls
<b>Street Address</b>	9 Sherwood Road MERRYLANDS WEST NSW 2160, Lot 101 DP 789369 and Lot 1 DP 548919
<b>Applicant/Owner</b>	Estaphan Maroun / Hezlett Group Pty Limited
<b>Date of DA lodgement</b>	9 November 2020
<b>Number of Submissions</b>	Three (3)
<b>Recommendation</b>	Refusal
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Height of buildings, development standard >10%
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State and Regional Development SEPP;</li> <li>• SEPP 55;</li> <li>• SEPP 65;</li> <li>• Infrastructure SEPP;</li> <li>• BASIX SEPP;</li> <li>• Sydney Harbour Catchment SEPP;</li> <li>• HLEP 2013;</li> <li>• HDCP 2013;</li> <li>• Draft CLEP; &amp;</li> <li>• Draft Environment SEPP.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Draft Notice of Determination</li> <li>• Architectural Plans</li> <li>• Legal Advice</li> <li>• SEE &amp; Clause 4.6 Variation</li> <li>• Approved Plans DA2016/164/1</li> <li>• SWCPP Reasons of Approval</li> <li>• SEPP 65 Compliance Table</li> <li>• HLEP 2013 Compliance Table</li> <li>• HDCP 2013 Compliance Table</li> <li>• Submissions Received</li> </ul>
<b>Clause 4.6 requests</b>	N/A for s4.55 application
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Whether it is substantially the same development</li> <li>• Inconsistent with an objective of the zone</li> <li>• ADG non-compliances</li> <li>• Building height exceedance</li> <li>• FSR exceedance</li> <li>• Basement design</li> <li>• Traffic and access</li> <li>• Commercial disabled parking</li> </ul>

	<ul style="list-style-type: none"> <li>• Waste management</li> <li>• Substation location</li> <li>• Submissions</li> </ul>
<b>Report prepared by</b>	Olivia Yana - Executive Planner
<b>Report date</b>	31 March 2021

#### **Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### **Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### **Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### **Conditions**

Have draft conditions been provided to the applicant for comment? **No**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*