

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	29 April 2021
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Ned Attie and Gabrielle Morrish
<b>APOLOGIES</b>	Eddy Sarkis
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 7 April 2021.

#### MATTER DETERMINED

PPSSCC-162 – MOD2020/0414 – Cumberland - 9 Sherwood Road, Merrylands, Lot 101 DP 789369 and Lot 1 DP 548919 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 (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.

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report subject to the following suggested amendments to the draft Notice of Determination:

*2. Failure to demonstrate, in accordance with Clause 30(2) of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, compliance with that adequate regard has been given to the design quality principles, and the objectives specified in the Apartment Design Guide for the relevant design criteria, in relation to the following:*

~~*with regard to the following:-*~~

~~*Clause 28(2) – Determination of Development Applications*~~

~~*2.1 In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration the provisions of the Apartment Design Guide (ADG). The proposal is unsatisfactory with regard to the following provisions of the ADG:*~~

Renumber subsections accordingly

*6. Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part L – Town Centre Controls, with regard to the following:-*

*3.3 - Building Height*

*6.1 The maximum number of storeys for building Block B on the subject site is 4 storeys. However, the development proposes a maximum 6 storey building. Given that the proposed variation to height of buildings is not supported, the storey exceedance is also considered unacceptable.*




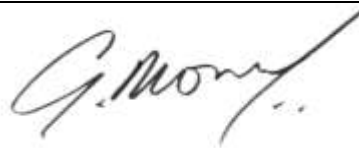
The decision was unanimous.

#### 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:

- Whether it is substantially the same development;
- Inconsistent with an objective of the zone;
- ADG non-compliances;
- Building height exceedance;
- FSR exceedance;
- Basement design;
- Traffic and access;
- Commercial disabled parking.

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	 Gabrielle Morrish

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-162 – MOD2020/0414 – Cumberland
2	PROPOSED DEVELOPMENT	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
3	STREET ADDRESS	9 Sherwood Road, Merrylands, Lot 101 DP 789369 and Lot 1 DP 548919
4	APPLICANT/OWNER	Estaphan Maroun/Hezlett Group Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) modification
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ Holroyd Local Environmental Plan 2013</li> </ul> <p>Draft environmental planning instruments:</p>

		<ul style="list-style-type: none"> <li>○ Draft Cumberland Local Environmental Plan</li> </ul> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>○ Holroyd Development Control Plan 2013</li> <li>○ Planning agreements: Nil</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>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: April 2021</li> <li>• Written submissions during public exhibition: 3</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 7 April 2021.</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A