

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-377.
DA Number	MOD2022/0211.
LGA	Cumberland City Council.
Proposed Development	Section 4.55(2) Modification application to an approved mix use development including the alteration of floor levels, height of the building, revised apartment layout, reduction in the number of apartments from 365 to 362, provision of additional commercial floor space, revised plant and service areas, revised basement layout and alterations to the façade and common open space areas.
Street Address	228 - 240 Pitt Street Merrylands being Lot 1 in DP 1217412.
Applicant/Owner	Merrylands 88 Development Pty Ltd.
Date of DA lodgement	7 July 2022
Total number of Submissions	One.
Number of Unique Objections	
Recommendation	Approval
Regional Development Criteria - State Environmental Planning Policy (Planning System) 2021 - Schedule 6.	The Sydney Central City Planning Panel is required to be the determining authority under Clause 275(1) and (2) of the EPA Regulations 2021 on the grounds that there is a variation to Clause 4.3 - "Height of Buildings" of the Cumberland Local Environmental Plan 2021 with the increase in the variation to Tower Building A exceeding 10% over and above the previous approval.
List of all relevant s4.15(1)(a) matters	<p>State Environmental Planning Policy (Planning Systems) 2021. Schedule 6 - Clause 2.</p> <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021. Chapter 2 Vegetation in Non Rural Areas. Chapter 10 Sydney Harbour Catchment.</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021. Chapter 4 Remediation of Land.</p> <p>State Environmental Planning Policy (Transport and Infrastructure) 2021. Chapter 2 Infrastructure.</p> <p>State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) and the associated Apartment Design Guide.</p> <p>State Environmental Planning Policy (Building Sustainability Index) BASIX 2004.</p> <p>State Environmental Planning Policy (Sustainable Buildings) - Notified on Monday 29 August 2022 but comes into effect on Sunday 1 October 2023.</p> <p>Cumberland Local Environmental Plan 2021. Cumberland Development Control Plan 2021.</p>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Planning officer's assessment report. • Draft Notice of Determination. • Architectural elevation and floor plans. • Redacted submissions. • Shadow diagrams. • Landscape plans. • Appendix A - Apartment Design Guide Assessment Table. • Appendix B - Cumberland Local Environmental Plan Assessment Table. • Appendix C - Cumberland Development Control Plan 2021 Assessment Table Residential Flat Buildings Chapter B3 and G. • Appendix D - Cumberland Development Control Plan 2021 Assessment Table Development in Business Zones and Business Site Specific Chapters C and F2. • Appendix E "Design Excellence Panel" Minutes. • Appendix F - Applicants justification to the height variation.
Clause 4.6 requests	No Clause 4.6 request required.
Summary of key submissions	No significant issues identified.
Report prepared by	Harley Pearman
Report date	26 October 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

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)?	No
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes
<i>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</i>	