

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	24 September 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan and Gabrielle Morrish
APOLOGIES	Ned Attie and Eddy Sarkis
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 September 2020.

MATTER DETERMINED

PPSSCC-99 - Cumberland – DA2020/0220, 233, 249-259 & 52-54 McFarlane Street, Merrylands, Construction of mixed-use development comprising 5 mixed use buildings, including retail and commercial tenancies, childcare facility and 790 residential apartments, over 4 levels of basement parking, associated stormwater, public domain and landscaping works – Integrated Development (Water Management Act 2000) (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.

Application to vary a development standard

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the Holroyd Local Environmental Plan 2013 (LEP), that have demonstrated that:

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

The Panel is satisfied that:

- a) the applicant's written requests adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) 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, and the objectives for development in the B4 Mixed Used Land zone; and
- c) the concurrence of the Secretary has been assumed.

Decision

The Panel determined to uphold the Clause 4.6 variations to building height, FSR and residential FSR; and **approve** the application for the reasons outlined in the Council Assessment and Addendum Reports.

The decision was **unanimous**.

CONDITIONS




The development application was approved for deferred commencement subject to the conditions in the Council Assessment Report dated 9 September 2020, and Addendum Report dated 18 September 2020.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic and parking;
- Environmental matters;
- Housing diversity and affordability;
- Bulk and scale of development.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues require further assessment.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-99 - Cumberland – DA2020/0220
2	PROPOSED DEVELOPMENT	Construction of mixed-use development comprising 5 mixed use buildings, including retail and commercial tenancies, childcare facility and 790 residential apartments, over 4 levels of basement parking, associated stormwater, public domain and landscaping works – Integrated Development (Water Management Act 2000)
3	STREET ADDRESS	233, 249-259 & 52-54 McFarlane Street, Merrylands
4	APPLICANT/OWNER	Mr. C Gorton / Merrylands Investment Co Pty/Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Holroyd Local Environmental Plan 2013 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

		<ul style="list-style-type: none"> ○ Draft environmental planning instruments: Nil ○ Development control plans: ○ Holroyd Development Control Plan 2013 ○ 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: 9 September 2020 ● Council Addendum report – 18 September 2020 ● Applicant's clause 4.6 variation requests dated 25 March 2020 ● Written submissions during the public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> ● Briefing – 16 June 2020 ● Papers circulated electronically 14 September 2020.
9	COUNCIL RECOMMENDATION	Deferred Commencement Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report – 9 September 2020