

REPORT TO WESTERN SYDNEY JOINT REGIONAL PLANNING PANEL

Application Number:	2012/413/1
Property:	4-14 Welsford Street, Merrylands
Proposal:	Demolition of existing structures; consolidation of land into 1 lot; construction of 19 dwellings, being 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom, with 12 parking spaces and removal of trees under the Affordable Rental Housing SEPP 2009
Applicant:	NSW Land and Housing Corporation
Owner:	NSW Land and Housing Corporation
Land Zoning:	Residential 2(a) under Holroyd Local Environmental Plan 1991 and R2 Low Density Residential under Proposed Holroyd Local Environmental Plan 2013

This Crown Development Application (DA 2012/413) proposes the demolition of 6 existing public housing dwellings and associated outbuildings; consolidation of land into 1 lot; construction of 19 dwellings, being 2 x 1 bedroom, 13 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom, with 12 parking spaces and removal of trees under the Savings and Transitional provisions of Clause 54A of the Affordable Rental Housing SEPP 2009.

DA 2012/413 was reported to the Council meeting held on Tuesday 7 May 2013 with a recommendation for approval (Item DCS010-13, copy attached with Council resolution).

Council resolved as follows:

That the application be refused on the grounds it is out of character for the streetscape and surrounding vicinity of the proposed development.

As a Crown DA that has been refused by Council, the application is referred to the applicable regional panel (i.e., The Sydney West Joint Regional Planning Panel) for determination in accordance with Section 89 of the Environmental Planning & Assessment Act 1979.

The proposed development was permissible with consent under Division 1 – Infill Affordable Housing of the ARH SEPP when the DA was reported to Council on 7 May 2013. However, this relied on the Savings and Transitional provisions at Clause 54A of the SEPP which allows the Land and Housing Corporation to continue to carry out development proposals before changes were made under the amending SEPP in May 2011, provided that the developments are commenced no later than 2 years after the amendment (i.e. prior to 20 May 2013).

Given that the development did not commence by 20 May 2013, Council is of the view that the Savings and Transitional provisions at Clause 54A of the SEPP no longer apply and the proposed development is now not permissible.

The application is referred to the JRPP for determination and is recommended for refusal on the following grounds:

1. *Non-compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 (pursuant to S.79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979), with regard to the following:*
 - a) *The proposal containing a residential flat building is prohibited in the Residential 2(a) zone, as stipulated in the Holroyd Local Environmental Plan 1991 by virtue of Clause 10(1)(a) of the Affordable Rental Housing SEPP 2009.*
2. *The development being a residential flat building is prohibited in the Residential 2(a) zone as stated in Holroyd Local Environmental Plan 1991 (pursuant to S.79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).*
3. *The development being a residential flat building is prohibited in the Residential R2 zone as stated in Proposed Holroyd Local Environmental Plan 2013 (pursuant to S.79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).*