

Sydney West Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001
Attention: Dean Hosking

Dear Mr Hosking,

CROWN DEVELOPMENT APPLICATION: DA 2012/413
4-14 WELSFORD STREET, MERRYLANDS – LOTS 40-45 IN DP 12655

Thank you for giving the Land and Housing Corporation (LAHC) the opportunity to provide comments on Council's recommendation for the abovementioned development application scheduled to be considered by the Sydney West Joint Regional Planning Panel (JRPP) on 4 July 2013.

The Development Application (DA) was lodged with Holroyd City Council on 24 October 2012. The details of the proposed development are described in the attached schedule of events. The DA was lodged under the savings and transitional provisions of the Affordable Rental Housing (ARH) SEPP which required any development approved under those provisions to be commenced by 20th May 2013. A matter that Council was keenly aware of at the time that the DA was lodged. The need for a timely determination was therefore obvious to the Council.

The dialogue between the Corporation and Council's Officers regarding the progress of the DA is outlined in the attached schedule of events. A key event in the schedule is that by 25 January 2013, Council had all of the information required to assess and determine the application. The Corporation therefore expected that the earliest the DA would be considered by Council was at its March 2013 meeting, and at the latest, the meeting of 16 April 2013. From the time all information was available to Council, this represents between 54 days and 81 days which are within the reasonable timelines for Council's determination of Crown DAs. The Corporation was confident that either of these two dates would have enabled it to meet its commencement date even if the DA were to be referred to and approved by the JRPP or the Minister for Planning.

The Corporation notes that Council's recommendation to refuse the application is on grounds that:

".... the application... is out of character for the streetscape and surrounding vicinity of the proposed development".

The reason for Council's decision is inexplicable, given that its Consultant Planner in its report concludes that *"the heads of consideration under Section 79C of the EP&A Act, as are relevant to the application, have been taken into consideration and the proposed development is considered suitable and is recommended for approval"* subject to the conditions which the Corporation generally agreed with.

In relation to Council's grounds for its recommendation, Council's Consultant Planner in Council's report at page 16 found that:

".... although the locality is predominantly an established residential neighbourhood of older style dwellings, the built form and streetscape character is beginning to change, as newer homes and medium density developments are constructed and the densities increase. Therefore, the proposed development, which combines an appropriate mix of single and two storey buildings

broken into 8 separate buildings will be compatible with the emerging built form and character and will make a positive contribution to the built form and character of the locality”.

There was no evidence provided to the Council at its meeting that contradicted its Consultant Planners findings.

The Corporation considers that if the matter had been considered and approved by the JRPP immediately following Council's referral, it would have been possible to commence the development by 20 May 2013 in accordance with Council's definition of development commencement.

It is patent from the attached schedule of events, that the Corporation did all that was in its powers, including responding to reasonable requests for additional information, to ensure that it was in a position to commence an approved development by 20 May 2013. That this can no longer be the case, is due to the failure by the Consent Authority to determine the application in a timely way, a process which was beyond the Corporation's control or influence.

The Corporation considers that the development application was lawfully lodged with the Council and lawfully referred to the JRPP for a determination. It is now a matter for the JRPP to decide on how to deal with the application.

Please contact the undersigned, on 8753-8427, by fax on 8753 8015 or via email at anna.tomas@services.nsw.gov.au if you have any enquiries regarding this letter.

Yours sincerely



Anna Tomas
A/Manager Planning, Technical Services
24 June 2013

**Time line of Development Application
4 – 14 Welsford Street, Merrylands DA 2012/413**

Event	Date														
1 st pre- DA meeting held with Holroyd Council attended by LAHC Planner - Lisa Dang, Project Manager - Simon Barrow and Architect - Sinas Kurtovic.	5 May 2010														
DA lodged to Council for demolition of existing structures, removal of trees, construction of 23 residential units comprising 13 x 1 bedroom units and 10 x 2 bedroom units under ARH SEPP including parking for 26 vehicles and consolidation into a single site.	Early Dec 2010														
Holroyd Council sends deferral letter.	17 Jan 2011														
Housing withdraws DA in response to Council's letter and community concerns.	20 Jan 2011														
Holroyd Council acknowledges withdrawal of DA.	20 Jan 2011														
New DA lodged to Holroyd Council for removal of trees, demolition of existing dwellings, construction of 19 residential units comprising 1 x 4 bedroom, 3 x 3 bedroom, 13 x 2 bedroom, 2 x 1 bedroom units under ARH SEPP including parking for 11 vehicles, associated site works, landscaping and consolidation into a single site.	24 Oct 2012														
Note: The site has a number of existing fibro dwellings on the site as follows:															
<table border="1"> <thead> <tr> <th>Address</th><th>Status</th></tr> </thead> <tbody> <tr> <td>4 Welsford Street</td><td>Vacant</td></tr> <tr> <td>6 Welsford Street</td><td>Vacant</td></tr> <tr> <td>8 Welsford Street</td><td>Existing dwelling</td></tr> <tr> <td>10 Welsford Street</td><td>Vacant</td></tr> <tr> <td>12 Welsford Street</td><td>Existing dwelling</td></tr> <tr> <td>14 Welsford Street</td><td>Existing dwelling</td></tr> </tbody> </table>	Address	Status	4 Welsford Street	Vacant	6 Welsford Street	Vacant	8 Welsford Street	Existing dwelling	10 Welsford Street	Vacant	12 Welsford Street	Existing dwelling	14 Welsford Street	Existing dwelling	
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Deferral letter issued by Council requesting additional information regarding the copy of title confirming the registration of the easement and an amended BASIX certificate.	25 Oct 2012														
LAHC replies to the deferral letter and provides the copy of title confirming the registration of the easement and an amended BASIX certificate.	5 Nov 2012														
DA notified and 6 submissions received.	7 Nov to 28 Nov 2012														
Application referred to Independent Consultant Planner for Assessment.	8 Nov 2012														
Additional information and amended plans received by Council.	13 Nov 2012														
Council referrals completed.	28 Nov 2012														
Council officer Jodi Callaghan sends LAHC an email advising the DA will be assessed by a Planning Consultant on behalf of Council. The email summarises a number of issues to be addressed including OSD, Traffic and Parking and Waste Management. The email also contains an attachment from the Holroyd Local Area Command containing a number of CPTED (Crime Prevention Through Environmental Design) principles to be addressed.	30 Nov 2012														
The formal deferral letter containing the items above is issued by Council.	20 Dec 2012														
LAHC replies to Council's deferral letter and amended plans and an amended SEE is submitted as follows: <ul style="list-style-type: none"> • an amended stormwater and on-site detention drawings and calculations; • increasing the main driveway width to 6 metres to provide a passing bay and increasing the internal roadways to 4 metres in accordance with the Holroyd DCP; • annotating the plans to indicate which bin storage areas will be utilised by the residents. Council is also advised that the development complies with the number of waste and recycling bins as required by Council; • An amended SEE is provided to reflect the correct number of bedrooms in each unit and the compliance table is also amended accordingly. 	25 Jan 2013														
Council issues draft conditions of consent.	20 Mar 2013														
LAHC responds to the draft conditions.	2 April 2013														
Council sends email to LAHC requesting it to review attached plans and amended draft conditions subject to Council's landscape officer and engineer's amendments to the plans.	3 April 2013														
Council sends LAHC a reminder email and requests a response to its 3 April email. LAHC advises Council it never received Council's email sent on 3 April. Council Planner re-sends 3 April email to LAHC and advises that the file may have been too large the last time.	8 April 2013														
The LAHC send Council an email showing evidence that the easement for the 2.4 metre wide drainage has been created.	9 April 2013														
Council send LAHC an email advising that the DA is going to a Council meeting for determination because there were objections. The report and consent prepared for the meeting was targeted to go to Council on 16 April 2013. However, Council's Draft DCP is now going to Council that night.	11 April 2013														

Therefore, management made a decision to move the DA reports to the next meeting which is on 7 May 2013.	
Council sends LAHC an email confirming that Council has previously accepted demolition works or survey and peg out as commencement of works. Council also advised that the Council meeting is on Tuesday 7 May 2013, 6:30pm at the Council Chamber (16 Memorial Avenue Merrylands). Council's Corporate Services will send a letter the week prior confirming the details. This email also provides a summary of the concerns from objectors: <ul style="list-style-type: none"> • Nineteen additional families to the area will increase noise and traffic considerably. • Insufficient parking for the development is proposed which will mean that there will be additional vehicles parking against the kerb in Welsford Street, making it narrow and dangerous. • The 3 garbage bays proposed in the front of the development will ruin the presentation of Welsford Street and will be unhygienic. Could each resident be made responsible for their own garbage and bins kept within their properties? • The existing street lighting in Welsford Street is relatively limited. Will this be reviewed as part of the development? • During construction will Council ensure that heavy vehicles do not block residents' driveways and cause traffic hazards? • Due to the ARH SEPP, asbestos removal may not comply with Council's regulations and may pose a threat to the health of residents. • The proposed development will de-value the existing homes in the street and surrounding area. • Development of this density should not be allowed in a low density residential area. • The low socio-economic status of future residents will place the safety of existing families at risk. • There are discrepancies between the number of bedrooms in each dwelling shown on the plans and what is described by the applicant. 	15 April 2013
LAHC sends an email to Council Planner Jodi Callaghan to advise we have not received a letter from Council's Corporate Service regarding the details of the Council meeting to be held on Tuesday 7 May 2013 at 6.30pm. Two phone messages are also left with Ms Jodi Callaghan on 3 May 2013.	3 May 2013
Council Planner Jodi Callaghan sends letter and form for items for discussion at Council meeting by email. LAHC emails form for items for discussion to Council.	6 May 2013
DA referred to Council meeting for determination and recommended for refusal based on the proposal being out of character with the locality	7 May 2013
Holroyd Council refers the DA to the JRPP for determination.	8 May 2013
Holroyd Council sends letter to LAHC advising that the DA was recommended the DA be refused on the grounds it is out of character for the streetscape and surrounding vicinity for the proposed development. As the development did not commence prior to 20 May 2013, Council is of the view that the DA is invalid and intends to withdraw DA from Council and JRPP.	21 May 2013
LAHC sends reply letter to LAHC advising Council that in accordance with the procedures under Section 89 of the EP&A Act, the matter is now with the JRPP to decide how it will deal with the application. The LAHC advises Council it will be seeking its own legal advice on the options available to it.	28 May 2013
Council replies by email advising that it remains of the view that the DA is now invalid given that the 20 May 2013 has passed. Council requests the LAHC to provide legal advice by Close of Business Friday 31 May 2013.	29 May 2013
LAHC verbally advises Planner Jodi Callaghan that it will not be providing legal advice to Council and we will wait for the outcome of JRPPs determination on the DA.	12 June 2013
Dean Hosking from JRPP Secreteriat calls to advise LAHC may provide a summary statement to go to JRPP and the letter is required by 24 June 2013.	20 June 2013
DA to be considered to Sydney West JRPP.	4 July 2013