



Planning & Infrastructure

Ms Mary-Lynne Taylor
Chair
Sydney West Joint Planning Panel
c/o Regional Panels Secretariat
GPO Box 39
Sydney NSW 2001

13/15269

Dear Ms Taylor

I refer to the Crown development application (DA) for the demolition of the existing structures and construction of 19 dwellings with 12 parking spaces at 4-14 Welsford St, Merrylands which was referred to the Minister for Planning and Infrastructure on 16 July 2013 in accordance with section 89(8) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Holroyd City Council and the department have received legal advice that the development is partly prohibited and cannot be carried out with or without development consent. This means there is no valid development application in terms of the Act because it is for a prohibited development and has no legal force or effect.

As such, the Minister has no power under section 89A of the EP&A Act to direct a prohibited development be either approved or refused.

Should you have any further enquiries about this matter, I have arranged for Ms Joanna Bakopanos, Assessment Policy & Systems and Stakeholder Engagement, of the department, to assist. Ms Bakopanos can be contacted on 9228 6327.

Yours sincerely

13.11.13

Chris Wilson
Executive Director
Development Assessment Systems and Approvals