

SYDNEY WESTJOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

for decision under the *Environmental Planning and Assessment Act 1979* (NSW)

The Sydney West Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Construction of seven holes at Historic Greenwood Golf Course at Lot 2210 DP 1090818, Lot 52 DP 717957, Lot 2210 Stewart Avenue & LT Cantello Reserve, Stewart Avenue, Hammondville.

Council reference: DA-517/2013 – JRPP reference: 2013SYW069

Made by:

Mivac Homes (NSW)

Type of regional development:

The proposal is council related development and has a Capital Investment Value of over \$5 million.

The proposal is identified as Integrated Development pursuant to Section 91 of the Act and the Water Management Act 2000.

A. Background

JRPP meeting

Sydney West Joint Planning Panel held on 13 February 2014 at Liverpool City Council, 6.00pm.

Panel Members present:

Bruce McDonald – Chair
Paul Mitchell – Panel Member
Mazhar Hadid – Panel Member
Tony Hadchiti – Panel Member

Council staff in attendance:

Lina Kakish
Peter Flynn
Zeaul Haque
Murray Wilson
Shannon Rickersey

Apologies:

Nil

Declarations of Interest:

After having visited the site Mary-Lynne Taylor became aware of and declared a conflict of interest, did not take part in any discussion at the Final Briefing and did not attend the Panel meeting where the matter was determined.

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Liverpool City Council's area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the State Environment Planning Policy (State and Regional Development) 2011.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

Procedural background

A briefing meeting was held with council on 14 February 2013.

A site visit was undertaken by, Mary-Lynne Taylor, Paul Mitchell, Bruce McDonald, Tony Hadchiti on 13 February 2014.

A final briefing meeting was held with council on 13 February 2014 at which the Panel was briefed on a Conservation Management Plan prepared by Anne Clements & Associates and on additional conditions being recommended by Council assessment staff relating to the conservation plan.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979

s.79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 — Remediation of Land
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 44 – Koala Habitat
- Liverpool Local Environmental Plan 2008

(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Not applicable

(iii) any relevant development control plan

- Liverpool Development Control Plan 2008

(iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

- Not applicable

(v) any coastal zone management plan

- Not applicable

(iv) relevant regulations:

- Not applicable

The Panel was provided with 3 submissions made in accordance with the Act or the regulations, all of which objected to the proposal. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received 4 February 2014.
2. Architectural Plans and Landscape Plans prepared by Harrison Golf.

3. Statement of Environmental Effects prepared by Mirvac.
4. Heritage Impact Statement, dated January 2013, prepared by Archaeological & Heritage Management Solutions (AHMS) Pty Ltd.
5. Archaeological Investigation and Aboriginal Cultural Heritage Assessment, dated March 2013, prepared by AHMS Pty Ltd.
6. Concept strategy for rainfall runoff on fairways, dated 28 February 2012, prepared by Cardno.
7. Water Management Plan and Soil and Erosion Control Plan, dated 28 February 2012, prepared by Cardno.
8. Acid Sulfate Soil Management Plan (ASSMP), dated 25 February 2013, prepared by Cardno.
9. Preliminary Acid Sulfate Soil Assessment, dated 25 February 2013, prepared by Cardno.
10. Salinity Management Plan, dated 25 February 2013, prepared by Cardno.
11. Fauna Survey and Assessment, dated 10 March 2013, prepared by Ambrose Ecological Services Pty Ltd.
12. Conservation Management Plan (Vegetation and Habitat Management Plan), dated 27 March 2013, prepared by Anne Clements & Associates Pty Ltd.
13. Stage One Contamination Assessment, dated June 2011, prepared by GHD.
14. Bush Fire Risk Assessment Report, dated 26 February 2013, prepared by Mirvac.
15. Flood Impact Assessment dated 21 February 2013, prepared by Cardno.
16. The Panel was provided with 3 submission made in accordance with the Act or the regulations, all of which objected to the proposal. In making the decision, the Panel considered the submissions.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 13 February 2014:

1. submissions addressing the Panel in favour the application:

Nino Babini and Anne Clements, representing the applicant, responded to the Panel on changes proposed to the recommended conditions

C. Findings on material questions of fact

The Panel has carefully considered all of the material referred to in Section B.

(a) *Environmental planning instruments.* The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B.

(b) *Development control plan.* The Panel has considered the Liverpool Development Control Plan 2008 referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) *Other legislative provisions.*

Assessment of the application has identified that the site contains observed sightings of a threatened species, and potential habitat for threatened species and endangered ecological communities as listed under *Environmental Protection and Biodiversity Conservation Act, 1999* and *Threatened Species Conservation Act, 1995*. Assessment of the impact of the development on the fauna and ecological communities has been undertaken by council in accordance with each act. The Panel's position is that it agrees with and adopts the analysis set out on pages 2, 11 to 16 of the Council's Assessment Report.

The site is located within 40m of the Georges River classified as Integrated Development and was referred to the Office of Water pursuant to section 91 of the Act.

(d) *Likely environmental impacts on the natural environment.* In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment on pages 28 of Council's Assessment Report

(e) *Likely environmental impacts of the development on the built environment.* In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment on pages 28 & 29 of Council's Assessment Report.

(f) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development on page 29 of Council's Assessment Report.

(g) Other likely impacts. In relation to the development, the Panel's findings are as follows:

The Panels conclusion is that the Council assessment report has adequately identified the significant impacts that would be generated by the proposed development.

(h) Suitability of site. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(i) Public Interest. Based on a consideration of all of the material set out in Section B and the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest

The Panel considers the proposal is in the public interest in that it will convert land that is currently contributing little to the local community to a purpose and condition that will provide a significant recreation asset to that community, and will install disciplined systems to better manage the natural environment. These benefits will occur in the Panels assessment without negative effects on the existing built or natural features in the locality.

JRPP member (chair)

JRPP member

JRPP member

JRPP member