

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Holroyd Council** on **Wednesday 18 November 2015 at 5.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Stuart McDonald, Bruce McDonald, John Perry and Ken Morrissey

Apologies: Allan Ezzy

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW011 – Holroyd, 2014/555, Demolition of existing structures, Consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys comprising 197 units over a level of basement car parking accommodating 257 car parking spaces, Nos. 31, 33 & 37B Garfield Street, Wentworthville.

Date of determination: 18 November 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will add to the supply and choice of housing within the Central Western Metropolitan Subregion and the Holroyd local government area in a location planned for urban renewal and with ready access to the metropolitan transport services available at Wentworthville Rail Station and the services and amenities offered by Wentworthville village centre.
2. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) in Holroyd LEP 2013 and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in a building that is inconsistent with the scale of buildings planned for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the LEP.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 Design Quality of Residential Flat Development and its associated Residential Flat Design Code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the provisions and objectives of Holroyd LEP 2013 and Holroyd DCP 2013.
5. The proposed development is consistent in scale and form with that of development planned for this locality.
6. The proposed development will have no significant adverse impacts on the natural or built environments including the amenity of nearby residential premises or the operation of the local road system.
7. In consideration of the above conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

The Panel notes, on the plans provided, a through site link has been provided. The Panel is aware that the applicant has proposed the site link through a Voluntary Planning Agreement and this document has been prepared by Council's solicitors and is acceptable to the applicant. However, Voluntary Planning Agreement process is in its early stages – and it is to be exhibited from 19 November 2015 for one month but has yet to be considered and determined by the Council body. In the event that the Voluntary Planning Agreement is finalised between the parties, the Panel notes that there will be a commensurate reduction in section 94 contribution as expressed in condition 13.

Further, the Panel notes the issues raised by Mr Anthony Roveto within his submission dated 14 November 2015, particularly relating to the issue of an isolated site, was not originally raised with the Council, the Panel has been advised by the Council that the two lots raised in Mr Roveto's submission, one of which is his own, have adequate width and area to be developed in their own right, and in this regard, are not considered to be land locked or isolated.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

With regard to the issue of frontage Council Officers have indicated that the site has two frontages, one to Garfield Street and the other to the Cumberland Highway and the Panel notes that the frontage to Cumberland Highway complies with Council's control. In any event, the site is considered to be of a size that would facilitate the type and scale of the development proposed.

Condition: Consent to the development application is granted subject to conditions specified in the Council Town Planning Report with amendments to Condition 13, a new condition 13a is added in relation to VPA and an additional condition 32a relating to landscaping.

Section 94 Contribution Condition 13 to read as follows:

Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 2 x 1 b/r dwellings, 115 x 2 b/r dwellings and 80 x 3 b/r dwelling (minus credit for the existing 3 x 3 b/r dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$3,118,828**. The amount of the contribution will be determined at the time of payment in accordance with the s94 Contributions Plan.






Voluntary Planning Agreement Condition 13a to read as follows:

In the event that the establishment of a public easement through the site from Mildred Street to Garfield Street for the purpose of providing a pedestrian thoroughfare is facilitated through a Voluntary Planning Agreement (VPA) in accordance with the provisions of Section 93(I)(3) of the *Environmental Planning and Assessment Act 1979*, the value associated with facilitating the easement may be offset against the Section 94 Contribution as outlined in Condition 13. The easement has been valued at \$350,000.

Landscaping Condition 32a to read as follows:

The approved landscape plan/s shall be amended to incorporate additional trees that will reach a mature height of at least 10 metres within the landscaped setback area between the Cumberland Highway and Buildings B & C. The amended landscape plan/s shall be submitted to Council's Landscaping Section prior to the issue of a Construction Certificate.

Panel members:

 Mary-Lynne Taylor (Chair)	 Stuart McDonald	 Bruce McDonald
 John Perry	 Ken Morrissey	

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – 2015SYW011, LGA – Holroyd Council, DA/2014/555
2	Proposed development: Demolition of existing structures, Consolidation of 9 lots into 1 lot; construction of 3 residential flat buildings ranging in height between 5 and 7 storeys comprising 197 units over a level of basement car parking accommodating 257 car parking spaces.
3	Street address: Nos. 31, 33 & 37B Garfield Street, Wentworthville.
4	Applicant/Owner: Universal Property Group Pty Ltd.
5	Type of Regional development: The proposal has a capital investment value of more than \$20m
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 (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Holroyd Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Holroyd Development Control Plan 2013 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report with recommended conditions, site plan, architectural plans, amended statement of environmental effects, design verification statement and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Graeme Allen – applicant's planner
8	Meetings and site inspections by the panel: 18 November 2015 – Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report