

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Holroyd Council** on **Wednesday 16 March 2016 at 4.00 pm**

Panel Members: Bruce McDonald (Acting Chair), Stuart McDonald, John Perry and Allan Ezzy

Apologies: Mary-Lynne Taylor

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW024 – Holroyd City Council, DA2014/616, Construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots, Lot 4012, Driftway Drive, Pemulwuy.

Date of determination: 16 March 2016

Decision:

The panel determined to approve that component of the development application relating to construction of a multi dwelling house development basement and grade level parking and associated infrastructure and facilities as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel determine to refuse that component of the development relating to subdivision of the subject land into two (2) Torrens Title lots.

Panel consideration:

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

Reasons for the panel decision relating to the multi dwelling house development component:

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 multi dwelling housing under SEPP 59 Great Western Sydney Economic and Employment area and its associated Greystanes Estate Residential Lands Precinct Plan which has since been incorporated into Holroyd LEP2013.
2. The proposed development adequately satisfies the relevant planning instruments including SEPP 55 Remediation of Land.
3. The proposal adequately satisfies the provisions and objectives of Holroyd LEP 2013 and Holroyd DCP 2013.
4. The proposed development is consistent in scale and form with the pattern of development planned for the site within the Pemulwuy Estate.
5. The proposed development will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises, the quality of heritage items in the locality, or the operation of the local road network.
6. In consideration of the above conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Reasons for the Panel Decision relating to the Torrens Title Subdivision:

1. The Panel considers that, given the bulk of the proposed infrastructure (i.e. open space and amenities) is located on proposed Lot 2, should Lot 1 (Stage 1) be developed first, there is no guarantee that Lot 2 (Stage 2) will be constructed, and thus the provision of this infrastructure may not proceed.
2. The town planning report indicates that the subdivision reflects the stages of the development; however the Panel sees no need to subdivide for staged construction to occur.
3. Should strata subdivision occur in the future, the title arrangements and obligations could be compromised.

Condition: Consent to the development application is granted subject to conditions specified in the Council Town Planning Report with the following changes:

1. 'Proposed Development' on page 1 is modified to delete "*and associated subdivision into 2 Torrens title lots*".

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2. Condition 2 is amended to delete reference to subdivide plan.
3. Section entitled "*Prior to Release of Linen plan*" including Conditions 133-137 (inclusive) relating to subdivision are Deleted.
4. Condition 30a. is added in relation to the rear windows of the second floor bedrooms for Units 25-33.



**Bruce McDonald
(Acting Chair)**



Stuart McDonald



John Perry



Allan Ezzy

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SCHEDULE 1

1	JRPP Reference – 2015SYW024, LGA – Holroyd City Council, DA/2014/616
2	Proposed development: Construction of a multi dwelling housing development comprising 57 x 3 storey dwellings, basement and grade level parking for 143 cars and associated subdivision into 2 Torrens title lots.
3	Street address: Lot 4012, Driftway Drive, Pemulwuy.
4	Applicant/Owner: Baini Design
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 (Building Sustainability Index: BASIX) 2004 ◦ State Environmental Planning Policy No. 55 – Remediation of Land ◦ 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"> ◦ Section 92 of the 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 draft conditions of consent, site plan, architectural & landscape plans, statement of environmental effects, traffic report and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Patrick Colucci • Adam Byrnes
8	Meetings and site inspections by the panel: 16 March 2016 – Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report