

DATE OF DETERMINATION	27 April 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Clare Brown, Brian Kirk, Ned Attie and Eddy Sarkis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 17 April 2020 and 27 April 2020.

MATTER DETERMINED

PPSSCC-33 – Cumberland - **DA 2019/141/1** - 11-17 Joyner St, Westmead, Demolition of existing structures, consolidation of four (4) allotments, and construction of a five (5) storey residential flat building under State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising 46 Units (including 12 dual key units) over two (2) levels of basement parking for 57 vehicles and a car wash bay (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

- The Panel determined to approve the variation to the Development Standard relating to building height as contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013 as the applicant's Clause 4.6 objection has adequately addressed the matters required to be demonstrated by Clause 4.6 (3), and the development will be in the public interest because it is consistent with the objectives of the Height Standard and the objectives of the R4 – High Density Residential zone.
- The development provides affordable housing units, and as such is in the community interest.
- Conditions as provided by Council are satisfactory and are accepted by the applicant.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the Council Addendum Report with the following amendments –

- Conditions 157(i), 158 and 162, - after the listing of the specific unit numbers the following words be included:

“...as notated on the plans listed in Schedule B Condition 2 of this Notice of Determination”

The reason for the inclusion of these words is avoid any confusion if the unit numbering is changed on any future plans prepared for a Construction Certificate, Occupation Certificate or Strata Subdivision Certificate.

- All instances where the words, “the issue of the Occupation” appear in the recommended conditions are to be corrected to read, “the issue of the Occupation **Certificate**”.

Schedule B - amend the wording in the bullet point in Condition 2 to read as follows –

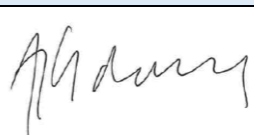



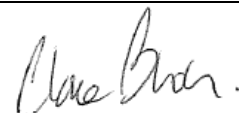
- *Stormwater layout plans prepared by Mance Arraj Civil & Structural Engineers, project number 2571-DA as amended by the plans and documents submitted to satisfy Schedule A.*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Investigation of contamination and asbestos on the subject site.
- Traffic and noise impact
- Tree Removal contributes to environmental impacts
- Asbestos removal
- Height Limit/Height plane exceeds allowable
- Privacy
- Shadow Diagram

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Brian Kirk
 Ned Attie	 Eddy Sarkis
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-33 – Cumberland - DA 2019/141/1
2	PROPOSED DEVELOPMENT	Demolition of existing structures, consolidation of four (4) allotments, and construction of a five (5) storey residential flat building under State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising 46 Units (including 12 dual key units) over two (2) levels of basement parking for 57 vehicles and a car wash bay
3	STREET ADDRESS	11-17 Joyner St, Westmead
4	APPLICANT/OWNER	Applicant – Mr Joshua Wehbe Owners – NSW Land and Housing Corporation

5	TYPE OF REGIONAL DEVELOPMENT	Crown development - CIV excess of \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Original Council assessment report: 27 November 2019 Addendum report – 9 December 2019 Addendum report – March 2020 Addendum report – April 2020 Clause 4.6 variation dated 17 March 2020 and attachments Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Papers were circulated electronically between 17 April 2020 and 27 April 2020.
9	COUNCIL RECOMMENDATION	Deferred Commencement Approval

10	DRAFT CONDITIONS	Attached to the Council addendum report – April 2020
----	------------------	--