

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:

Refuse consent to the development application subject to conditions

For:

Construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 140 dwellings

JRPP Ref: 2013SYW061 – Council Ref: DA545/2013

Applicant:

GAT & Associates / Sony Brothers Pty Ltd

Type of regional development:

The proposal has a Capital Investment Value of over \$20 million.

A. Background

JRPP meeting

Sydney West Joint Planning Panel was held on 15 May 2014 at Hornsby Shire Council at 5.00pm.

Panel Members present:

Bruce McDonald – Acting Chair
Paul Mitchell – Panel Member
Stuart McDonald – Panel Member
Michael Smart – Panel Member
Adam Byrnes – Panel Member

Council staff in attendance:

James Farrington
Garry Mahony
Rod Pickles

Apologies: None

Declarations of Interest:

Stuart McDonald has a non-pecuniary non-significant interest as he was a former work colleague of some 20 years ago of the planning consultant for the applicant and he has also undertaken professional work several years ago with the architects for the project. In the case of both parties he had no dealings or communication whatever regarding the DA before the panel.

David White advised that in relation to 2013SYW061, being Hornsby DA / 545/2013 for 87 -91 Beecroft Rd and 16-24 Hannah Street, Beecroft, he declared a previous involvement with this DA as an Executive Member of the Beecroft Cheltenham Civic Trust when the Applicant approached the Civic Trust with an indication of his preliminary concepts for the development on the site. In his position at the time on the Civic Trust he had 2 or 3 meetings with the developer prior to the Development Application being lodged. Mr White excused himself from briefing meeting and will not attend any further meetings in relation to this matter.

Adam Byrnes has a non pecuniary non significant interest as he was approached to represent an objector in this matter. However, he explained that due to his role on the JRPP this was a conflict and was unable to assist.

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Hornsby Shire Council 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.

3. Procedural background

A briefing meeting was held on 25 July 2013.

A site visit was undertaken by Panel on 15 May 2014.

A final briefing meeting was held with Council on 15 May 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- Hornsby Shire Local Environmental Plan 1994
- Hornsby Local Environmental Plan 2013
- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

(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

- Hornsby Development Control Plan 2013
- Housing Strategy Development Control Plan
- Waste Minimisation and Management Development Control Plan

(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 232 – original and 54 amended proposal 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 30 April 2014.
2. DA Plans – Drawings
3. Landscape Concept plans
4. Urban Design Review Report commissioned by Council dated 3 April 2014.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 15 May 2014:

1. Submissions addressing the Panel against the application:
 - Ross Walker
 - Kent Ross – President Beecroft Cheltenham Civic Trust
 - Peter Hewitt
 - Ian Woodward – on behalf of Margaret McLelland
 - Wendy Wilson – on behalf of residents (Chapman Avenue, Beecroft)
 - Julianne Lynch
 - Paul Beecham
 - Andrew Vincent
 - Carolyn Watt
 - Rob Sawtell
 - Malcolm Powell
 - Evan Marcus
 - Greg Smith – MP for Epping
 - Councillor Michael Hutchence
2. Submissions addressing the Panel in favour the application:
 - Gerard Turrisi
 - Raymond Mah
 - Karle Castellanos
 - Bart O'Callaghan
3. Written request by the Applicant that determination of the application be deferred and Council's response to the reasons offered support of that request.

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

C. Findings on material questions of fact

(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 the environmental planning instruments.

(b) Development control plan. The Panel has considered the Hornsby Development Control Plan 2013 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) 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 in Council's Assessment Report.

(d) 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 in Council's Assessment Report.

The Panel agrees with standard statement and the position stated in the summary of the Urban Design review Report – April 2014.

(e) 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 in Council's Assessment Report.

(f) Suitability of site. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is not suitable to accommodate the proposed development in the design form proposed in the application being determined.

(g) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is not in the public interest.

D. Why the decision was made

While recognising that the development controls applicable to the subject site and the precinct in which it is set are designed to accommodate new mixed use development of a capacity consistent with that of the development proposed, the Panel determined to refuse the application.

In light of the Panel's findings in Section C, the Panel decided unanimously to refuse the development application, for the reasons specified in Schedule 1 of the Council Town Planning Assessment Report with the exception of reasons 1.1 and 1.2 and for the following additional reasons:

1. The urban design approach adopted results in a building of appearance within its context which is out of character with the intended future character of the village.
2. While the Panel considers the heights proposed are generally acceptable the urban design approach adopted results in a building of excessive height on the south east facade of Building C facing Hannah Street.
3. The urban design approach adopted in addressing Hannah Street fails to adequately reflect the traditional shopfront character of Beecroft Village and to adequately activate the building address to the street.
4. The arrangement of retail activity within the proposed development would not effectively integrate the development with the existing commercial and community activity of the village.
5. The proposed development does not provide an appropriate built form transition to the adjoining heritage item at 83 Beecroft Road.
6. The proposed development creates an isolated site on Beecroft Road and has not given adequate regard to the future development capacity of such isolated site.




JRPP member (chair)
Bruce McDonald



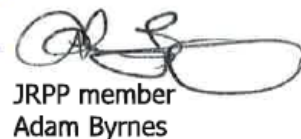
JRPP member
Paul Mitchell



JRPP member
Stuart McDonald



JRPP member
Michael Smart



JRPP member
Adam Byrnes