

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

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

The Sydney West Joint Planning Panel 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:

Demolition of existing structures and consideration of a purpose built day surgery facility, Lots 35 and 34DP 262566, Nos. 361-363 Pennant Hills, Road, Pennant Hills.

DA/662/2013 (JRPP 2013SYW066)

made by: Dr John Napoli Pty Ltd.

Type of regional development: Private infrastructure and community facilities over \$5 million.

A. Background

1. JRPP meeting

Sydney West Joint Planning Panel held on 7 November 2013 at Hornsby Shire Council, 3.30pm.

Panel Members present:

Paul Mitchell – Acting Chair

Bruce McDonald

Bruce Clarke

David White

Michael Smart

Council staff in attendance:

James Farrington, Rodney Pickles and Cassandra Williams.

Apologies: Mary-Lynne Taylor

Declarations of Interest: Nil

2. 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'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.

3. Procedural background

A briefing meeting was held with council on 22 August 2013.

A site visit was undertaken by Paul Mitchell, Bruce McDonald, Bruce Clarke, David White and Michael Smart on 7 November 2013.

A final briefing meeting was held with council on 7 November 2013

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 Local Environmental Plan 2013
- Hornsby Shire Local Environmental Plan 1994
- State Environmental Planning Policy No. 1 - Development Standards
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy No. 64 - Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- 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

(iia) 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:

- Section 94 Development Contributions Plan 2012- 2021

The Panel was provided with one submission made in accordance with the Act or the regulations of which objected to the proposal. In making the decision, the Panel considered the submission.

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

1. Council's Assessment Report on the application dated 7 November 2013.
2. Locality Plan, Architectural Plans, Landscape Plan, Shadow Diagrams, Perspectives and Photomontage.
3. The Panel was provided with one submission made in accordance with the Act or the regulations, one of which objected to the proposal. In making the decision, the Panel considered the submission.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 7 November 2013:

1. submissions addressing the Panel against the application: Nil
2. submissions addressing the Panel in favour the application:
 - Kathy Davies – Architect – Anthony Vavayis & Associates Pty Ltd (on behalf of the applicant)
 - Daniel West – Planner – Don Fox Planning (on behalf of the applicant)

C. Findings on material questions of fact

Set out below in Section C are the findings of the majority of the Panel being Paul Mitchell, Bruce McDonald, Bruce Clarke, David White and Michael Smart each of whom voted in favour of granting consent.

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

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

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 above.

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

(c) Regulations. The Panel has considered Section 94 Development Contributions Plan 2012- 2021.

(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 page 17 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 page 17 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 17 Council's Assessment Report.

(g) 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 suitable for the proposed development.

(h) 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 in the public interest.

D. Why the decision was made

In light of the Panel's findings in Section C above, the Panel unanimously agrees to approve the above application with amendments to conditions 2(d), 26(a), 42 and 45(c). The amended conditions are attached in **Appendix A**

The Panel's reasons are as follows:

- 1) The Panel notes the breach of the floor space ratio standard under clause 15 of HLEP2013 but believes tests 1 and 4 as given in section 2.3 of the Council Planners report are satisfied and that the application meets the objectives of the relevant

development standard given in clause 15 of HLEP2013 and therefore accepts the SEPP 1 objection.

- 2) The Panel agrees with and adopts the analysis given in section 2 of the Council Planners report, in relation to each of the environmental planning instruments and DCPs discussed therein.
- 3) The Panel believes that the application is consistent with relevant aspects within the Draft Metropolitan Strategy for Sydney to 2031 and agrees with the reasoning given in section 1 of the Council Planners report in this regard.
- 4) In relation to likely environmental impacts the Panel:
 - a. believes that the proposed development -
 - Is well designed and sensitively positioned on the site
 - Is consistent with the character sought by the planning controls of the locality
 - Respects the heritage character of the adjoining listed item at Harold Avenue
 - b. Concludes that:
 - there is a need to better protect the privacy and amenity at the rear of the adjoining properties (2 and 4 Harold Avenue) through an additional condition requiring landscaping of a sufficient density and height of Australian native species such as Blueberry Ash
 - the proposed waste management procedures are insufficient and therefore requires a further condition for specific arrangements for the on-site management and off-site disposal of clinical waste (45C)
5. In relation to social and economic impacts the Panel believes that an approval will serve the public interest, particularly as it would provide additional medical facilities in the locality.
6. Based on its consideration of all relevant matters the Panel believes that the subject site is suitable for the proposed development.



Signature

JRPP member (chair)

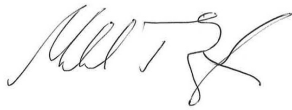
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