

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:

Grant consent to the development application subject to conditions

For:

Demolition of existing buildings, retention of heritage dwelling 'Strathnoon' and construction of a 125 bed residential care facility. (Pt Lot 1 DP 315877, No. 31 Pacific Highway, Wahroonga Lot 1 DP 780083 and Lot 2 DP 780083, No. 33 Pacific Highway, Wahroonga, Lot 2 DP 800575, No. 2 Woolcott Avenue, Wahroonga, Lot 2 DP 548937 No. 2A Woolcott Avenue, Wahroonga)

JRPP Ref: 2013SYW075 – Council Ref: DA725/2013

Applicant:

Northside Constructions 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 20 March 2014 at Hornsby Shire Council at 6.00pm.

Panel Members present:

Mary-Lynne Taylor – Chair
Paul Mitchell – Panel Member
Bruce McDonald – Panel Member
Michael Smart – Panel Member
David White – Panel Member

Council staff in attendance:

James Farrington – Group Manager
Rod Pickles – Manager Assessments
Casandra Williams – Senior Town Planner

Declarations of Interest: Nil

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 site visit was undertaken by Mary-Lynne Taylor, Paul Mitchell, Bruce McDonald, David White and Michael Smart on 20 March 2014.

A final briefing meeting was held with council on 20 March 2014.

Council supplied a Supplementary Report which addressed late submissions, traffic issues and changes to the recommended conditions.

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,
 - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
 - State Environmental Planning Policy No. 55 Remediation of Land
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy - Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River
 - Hornsby Shire Local Environmental Plan 1994 - Residential B (Medium Density) and Residential A (Low Density) zone
 - Hornsby Local Environmental Plan 2013

(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 Local Environmental Plan 2013
- Heritage Development Control Plan
- Car Parking Development Control Plan
- Access and Mobility Development Control Plan
- Waste Minimisation and Management Development Control Plan
- Sustainable Water Development Control Plan
- Section 94A Contributions Plan 2012 - 2021

(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 20 submissions made in accordance with the Act or the regulations, 18 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. Draft Metropolitan Strategy for Sydney (2031).
2. Council's Assessment Report on the application dated 7 March 2014.
3. Locality Plan prepared by Hornsby Shire Council.
4. Architectural Plans, Shadow Diagrams, Perspectives and Photomontage prepared by Geoffrey Martin + Associates Pty Ltd.
5. Landscape Plan prepared by Jackie Amos Landscape Architect.
6. Stormwater plans and report prepared by Mott MacDonald.

7. Traffic report by Transport and Traffic Planning Associates
8. Statement of Heritage Impact by NBRIS + Partners
9. Statement of Environmental Effects by Boston Blyth Fleming
10. Council's Supplementary Report on the application dated 20 March 2014

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 20 March 2014:

1. submissions addressing the Panel against the application: 9
2. submissions addressing the Panel in favour the application: 1
3. two documents were tabled at the meeting by two submitters who addressed the panel at the meeting.

C. Findings on material questions of fact

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

(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 Heritage Development Control Plan, Car Parking Development Control Plan, Access and Mobility Development Control Plan, Waste Minimisation and Management Development Control Plan, Sustainable Water Development Control Plan and Section 94A Contributions Plan 2012 - 2021 referred to in Section B.

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

(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 section 3.1 of 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 section 3.2 and 5.2.1 of Council's Assessment Report and part 3 of Council's Supplementary Report.

(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 sections 3.3 and 3.4 of Council's Assessment Report.

(f) Suitability of site. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(g) Public Interest. Based on a consideration of all of the material set out in Section B 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, the Panel decided to grant consent to the development application.

The application will provide a much-needed care facility to assist in meeting the needs of Sydney's growing aging population. The panel acknowledges that there will be local impacts, but does not believe that these impacts are unreasonable and have been weighed against the benefits of the proposal to the community. On balance the panel believes the proposal to be in the public interest.

The panel accepts and adopts the analysis undertaken by the council traffic engineer in regard to the general access arrangement for the site and the panel concludes that the resulting traffic levels in Woolcott and other nearby residential streets will be well within the accepted environmental capacity of these streets and will not unduly impact on the safety or functioning of the Pacific Highway intersection.

The panel considers that the scale, siting and design of the building is compatible with its context and will not result in unacceptable impacts on the amenity of nearby or adjacent residences.

The conditions of consent prepared by Council are acceptable, with the following additions:

Additional conditions

1. Hours of delivery to the loading dock will only be between the hours of 9am and 5pm Monday to Friday.
2. The rear fence on the western boundary shall be erected to a maximum of 2.1m wherever there is agreement with the adjoining owner.
3. A management plan shall be prepared and implemented to ensure that no staff parking shall occur on surrounding streets

4.
 - i. A fully detailed landscape plan shall be prepared and submitted to Council for the approval of Council's Manager Assessments that provides an itemised schedule of all plants to be used, and sufficient to ensure appropriate levels of beautification, enhancement and screening of adjoining properties consistent with the design principles outlined in the submitted Landscape Concept Plan
 - ii. The landscape plan is to be prepared by a suitably qualified landscape architect who shall certify prior to the occupation certificate that landscaping has been undertaken consistent with the plan.
 - iii. Landscaping shall be maintained during the life of the development.
 - iv. In relation to number 4 Woolcott Avenue, landscaping adjacent to the common boundary is to be designed in consultation with the property owners at number 4.
5. Condition 52 is to be amended as follows: A kitchen and laundry exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

JRPP member (chair)

JRPP member

JRPP member

JRPP member

JRPP member