

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 structures and construction of a 5 storey residential flat building comprising 81 units with basement car parking, Lot 1 Lot 1 DP 129733, Lot B DP 327882, Lot C DP 327882 and Lot D DP 327882, Nos. 40, 42 and 44 Edgeworth David Avenue and 55 Balmoral Street, Waitara

JRPP Ref: 2013SYW100 – Council Ref: DA1094/2013

Applicant:

Brewster Murray Pty Ltd / 55 Balmoral Street At Waitara Pty Ltd

Type of regional development:

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

A. Background

1. JRPP meeting

Sydney West Joint Planning Panel was held on 29 May 2014 at Hornsby Shire Council at 5.30pm.

Panel Members present:

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

Council staff in attendance:

James Farrington
Rodney Pickles
Cynthia Dugan
Greg New from GLN Planning Pty Ltd (External Planning Consultant)

Apology: Michael Smart

Declarations of Interest:

David Smart advised that, professionally, he knew some of the applicant's consultants but he did not consider this would affect his decision on this application.

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 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 19 December 2013.

A site visit was undertaken by Panel on 29 May 2014.

A final briefing meeting was held with Council on 29 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,

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (Building and sustainability Index: BASIX) 2004

- State Environmental Planning policy – Sydney Regional Environmental Plan no. 20 Hawkesbury – Nepean River
- Hornsby Shire Local Environmental Plan 1994
- Hornsby Shire 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 Development Control Plan 2013
- Heritage Development Control Plan
- Waste Minimisation and Management Development Control Plan
- Sustainable Water 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

- None entered into

(v) any coastal zone management plan

- Not applicable to this area

(iv) relevant regulations:

- Section 94A Contributions Plan 2012-2021

The Panel was provided with 1 submission made in accordance with the Act or the regulations, objecting 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 received 20 May 2014.
2. Locality Plan prepared by Hornsby Shire Council.
3. Site Plan, Architectural Plans, Elevations and Landscape Plans.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 29 May 2014:

- Andrew Duggan from JBA Planning on behalf of the applicant, agreed to the Council conditions.

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.

(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 suitable for the proposed development.

(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 in the public interest.

D. Why the decision was made

The Panel agrees with and endorses the conclusion of the assessment report.

It considers the variation to the development standard relating to height does not impact on the built environment and the proposed building is consistent in scale, form and character with those in its local context.

The Panel concludes:

- The proposed development does not adversely impact on the natural or built environments.
- The proposed development will add to the supply and choice of housing in a location near to transport of local service facilities.
- The proposal is considered to be in the public interest.

The Panel recognises the proposal creates an isolated site and notes the applicant's advice relating to:

- Attempts to acquire that site.
- Indicative concept plan for future development of the isolated site.

The Panel also notes Council advice that the owner of that land did not oppose the development.



JRPP member (chair)
Mary-Lynne Taylor



JRPP member
Bruce McDonald



JRPP member
Paul Mitchell



JRPP member
David White