

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Warringah Council Chambers on Wednesday 12 August 2015 at 2:00 pm

Panel Members: John Roseth (chair), Tim Moore, Steve Kennedy and Lloyd Graham

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE120 Warringah DA2014/1062 [at Lot 1113 DP 752038 Por 1113/752038 Oxford Falls Road Frenchs Forest] as described in Schedule 1.

Date of determination: 12 August 2015

Decision:

The majority of the Panel (John Roseth, Steve Kennedy and Tim Moore against Lloyd Graham) determined to grant deferred commencement consent to the application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The majority of the Panel considered the recommendation of the assessment report to refuse the application; however it did not accept the recommendation for the following reasons:

The first reason for refusal, the lack of General Terms of Agreement from the Rural Fire Service, no longer exists, as the Service has provided GTAs on 12 August 2015.

Apart from the above reason, the principal reason for refusal in the assessment report is that the proposal is inconsistent with the Desired Future Character of the area. The majority of the Panel believes, however, that the proposal, especially the component to preserve the northern part of the site in an undeveloped condition, to regenerate bushland on it and provide a 30m wide biodiversity corridor, is consistent with the Desired Future Character as expressed in the LEP. The majority of the Panel notes that a residential care facility is a permissible use in the zone, that such a facility cannot reasonably be expected to take the form of rural-residential development, that the proposed buildings are nestled into the slope of the site and that the FSR of the proposal is around 0.2:1. The majority also considers that concentrating the buildings on the southern part of the site and regenerating the vegetation on the rest is a better solution environmentally and visually than dispersing them over the site in an attempt to imitate the form of rural-residential development.

As regards the concerns expressed in the assessment report about the lack of information in relation to environmental impact, the majority of the Panel considers that the proposal to regenerate bushland and provide a biodiversity corridor on the site is a net environmental benefit.

The Panel has carefully considered the views of objectors, whose concerns, additional to those mentioned in the assessment report, related to the impact on threatened fauna species (Eastern Pygmy Possum and Powerful Owl) and inadequate parking. The Majority is persuaded that the proposal will not impact adversely on these species. It notes that the parking provided complies with the council's controls.

Lloyd Graham voted against approval on the grounds that the intensity of the proposed development was too high and would not be consistent with the desired rural-residential character of Oxford Falls.

Conditions: The development application was approved subject to the without prejudice conditions in the supplementary report, with the addition of a condition tying the commencement of the bush

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regeneration works to the commencement of construction and requirement to provide interim fauna habitat while the bush is regenerating. A deferred commencement condition is added at the request of the Rural Fire Service.

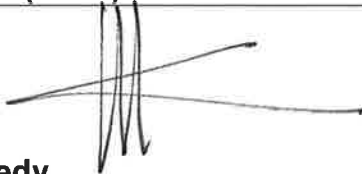
Panel members:



John Roseth (chair)



Tim Moore



Steve Kennedy



Lloyd Graham

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE120 Warringah DA2014/1062
2	Proposed development: Residential Care Facility - Demolition works and construction of residential care facility with associated car parking internal roads and landscaping
3	Street address: Lot 1113 DP 752038 Por 1113/752038 Oxford Falls Road Frenchs Forest
4	Applicant: City Plan Services Owner: A Spaliviero
5	Type of Regional development: General Development with a combined Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulations 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • SEPP (HSPD) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Warringah Local Environmental Plan 2011 • Warringah Development Control Plans No. 1 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated 27 February 2015 Written submissions during first public exhibition: 39 Memo from Council answering panel questions dated 10 March 2015 Verbal submissions at the panel meeting on 12 March 2015: Against - Alex Anderson, Chris Shaw on behalf of nine local residents, Ann Sharp on behalf of Friends of Narabeen Lagoon Catchment, Jacqui Marlow and Conny Harris on behalf of Garigal Landcare; On behalf of the applicant - David Ryan and John Travers Supplementary Council Assessment Report dated 30 July 2015 Written submissions during second public exhibition: 23 General Terms of Approval from the Rural Fire Service dated 12 August 2015 Verbal submissions at the panel meeting on 12 August 2015: Against - Jackie Marlow on behalf of Friends of Narabeen Lagoon and Sydney Wildlife, Ann Sharp on behalf of Friends of Narabeen Lagoon Catchment Area, Richard Cover and Conny Harris on behalf of the Belrose Community Association; On behalf of the applicant - David Ryan and John Travers
8	Meetings and site inspections by the panel: Briefing Meeting on 24 November 2014, public determination meeting on 12 March 2015
9	Council recommendation: Refusal
10	Draft conditions: Without prejudice conditions attached to the Supplementary Council Assessment Report