

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 three, nine storey residential flat buildings comprising of total of 295 units with basement car parking and dedication of land for a public park, No. S 21-39 Waitara Avenue and No. S 20-30 Orara Street, Waitara

JRPP Ref: 2014SYW010 – Council Ref: DA1370/2013

Applicant:

Applicant – Winten Property Group

Owners – May Harlow Pty Ltd, Woodsinta Pty Ltd, Owners Corp SP 42931, Mr F Chui, Mrs B Tantillo

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

Michael Smart – Panel Member

David White – Panel Member

Council staff in attendance:

James Farrington

Rodney Pickles

Apology: None

Declarations of Interest:

None

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 20 March 2014.

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,
 - SEPP 32 Urban Consolidation
 - SEPP 55 Remediation of Land
 - SEPP 65 Design Quality of Residential Flat Development
 - SEPP (BASIX)
 - SEPP (Infrastructure)
 - SREP 20 Hawkesbury Nepean River

- Hornsby LEP 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

(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

- A VPA is proposed to be entered into for the dedication of public open space.
- A second VPA may be entered into for the embellishment of the public open space as a condition of consent.

(v) any coastal zone management plan

- Not applicable

(iv) relevant regulations:

- Not applicable

The Panel was provided with 10 submissions made in accordance with the Act or the regulations, 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 received 20 May 2014.
2. Locality Plan prepared by Hornsby Shire Council.
3. Site Plans, Floor Plans, Elevations and Sections, Shadow Diagrams, Landscape Plans.
4. Draft VPA for dedication of land.
5. Written submission from Robert Bensley.
6. Supplementary memorandum dated 29 May 2014 from Scott Barwick (Planning Consultant) for Council.

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

1. Submissions addressing the Panel in favour of the application:
 - Andrew Duggan from JBA Planning on behalf of the applicant.
2. There were no submissions made against the application at the meeting.

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

This is an application for erection of 3 x 9 storeys residential flat buildings in an area zoned R4 high density residential and where high density development has already occurred.

The Panel considers the approach adopted for the development of the site has produced an outcome warranting approval of the development in that it results in –

1. The provision of the public open space that will complete the planned open space connection from Romsey Street to Mark Taylor Oval.
2. It will result in buildings consistent with the established high density context in which the site is placed.
3. Will secure the sites residential yield and contribution to housing supply potential in a favoured high density housing area located nearby to transport and local services.
4. Will add to the supply and choice of housing in Hornsby Shire.
5. Will not adversely impact on the natural or built environment.

For all of the above reasons the Panel concludes the proposal to be suitable use of the site and is in the public interest.

JRPP member (chair)
Mary-Lynne Taylor

JRPP member
Paul Mitchell

JRPP member
Bruce McDonald

JRPP member
Michael Smart

JRPP member
David White