

SYDNEY WESTJOINT 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 96(2) of the Environmental Planning and Assessment Act 1979 (EPA&Act) to modify a development consent subject to conditions in response to an application made by Canbrook Care Racf Pty Ltd.

JRPP Ref: 2014SYW015 – Council Ref: 215/2013/JP/B

A. Background

1. JRPP meeting

Sydney West Joint Planning Panel was held on 13 March 2014 at the Hills Shire Council at 3.00pm.

Panel Members present:

Mary-Lynne Taylor
Paul Mitchell
Bruce McDonald
Michael Edgar
Dave Walker

Council staff in attendance:

Robert Buckham
Paul Osborne
Cameron McKenzie

Apologies:

There were none

Declarations of Interest:

None made.

JRPP as consent authority

Pursuant to s 23G(1) of the EPA Act, the Sydney West Joint Regional Planning Panel, which covers the Hills Shire Council area, was constituted by the Minister (the “Panel”).

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 EPA Act).

The relevant environmental planning instrument in this application is the State Environment Planning Policy (State and Regional Development) 2011(SEPP). The following provisions of the SEPP are presently relevant:

- Part 4, clause 21 b) council consent functions exercised by regional panels.

Procedural background

A final briefing meeting was held with council on 13 March 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act 1979

s.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 State and Regional Development 2011**
- **The Hills Local Environmental Plan 2012**

(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

- **The Hills Development Control Plan 2012**
- **Section 94 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

- There is none

(iv) any coastal zone management plan

- There is none
- (iv) relevant regulations:
- Not applicable

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

1. The modification application dated 19 December 2013
2. Council's Assessment Report of the modification application received 1 March 2014

C. Findings on material questions of fact

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

(a) Satisfaction as to substantially the same development. (S96) The Panel is satisfied that the development to which the consent as modified would relate is substantially the same development as the development for which consent was originally granted.

(b) 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 each of the environmental planning instruments referred to in Section B.

(c) Development control plan. The Panel has considered the Hills Development Control Plan 2012 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.

(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 section 4 of 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 in section 4 of 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 in section 4 of 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. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made

1. In light of the Panel's findings in Section C, the Panel decided to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Report.
2. The panel notes the section 96 (2) application is substantially the same development as previously approved.
3. There have been no submissions to the development from the public.
4. The panel note the development meets all the requirements of the SEPP Housing for Seniors or People with a Disability 2004 with the Site Compatibility Certificate issued by Planning and Infrastructure.
5. The development does not strictly comply with council controls and the applicant has sought to justify this by the provision, in the form of a variation objection similar to a SEPP objection, of an explanation. The panel notes that a variation of this nature is not required for a s96 application but finds the explanation given to be adequate, and sufficient to persuade both the council assessing officer and the Panel that the variations are reasonable and strict compliance is unnecessary in the circumstances of this application.



JRPP member (chair)



JRPP member



JRPP member



JRPP member



JRPP member