

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 residential care facility with 106 beds and basement car parking (Lot A DP 420924) Nos. 9-17 Hinemoa Avenue, Normanhurst

JRPP Ref: 2014SYW025 – Council Ref: DA434/2013

Applicant:

Allity Aged Care 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 15 May 2014 at Hornsby Shire Council at 5.00pm.

Panel Members present:

Bruce McDonald – Acting Chair
Stuart McDonald – Panel Member
Paul Mitchell – Panel Member
Michael Smart – Panel Member
David White – Panel Member

Council staff in attendance:

James Harrington
Aditi Coomar
Rod Pickles

Apology: None

Declarations of Interest:

Mr Paul Mitchell advised that he has personal and professional association with CEO of Group GSA who is involved in the application. Mr Mitchell excused himself from briefing meeting and will not attend any further meetings in relation to this matter.

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 15 May 2014.

A final briefing meeting was held with Council on 15 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 (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 55 -Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Hornsby Local Environmental Plan 2013 – R2 Low Density Residential

(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

- Not applicable

(v) any coastal zone management plan

- Not applicable

(iv) relevant regulations:

- Section 94A Contributions Plan 2012-2021

The Panel was provided with 2 submissions made in accordance with the Act or the regulations, both of which objected to the proposal. In making the decision, the Panel considered those submissions.

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

1. Council's Assessment Report on the application received 30 April 2014.
2. Locality Plan prepared by Hornsby Shire Council.
3. Architectural Plans, Shadow Diagrams, Perspectives and Photomontage prepared by Allity Greenwood.
4. Metropolitan Plan for Sydney 2031 and (Draft) North Subregional Strategy

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 15 May 2014:

1. Submissions addressing the Panel in favour of the application:

The following people were available to answer questions on behalf of the applicant:

Meg Levy – Director, Smyth Planning – project Town Planner

Toby James – Smyth Planning – project town planner

Martin Elliott and Julie Bradley – operational questions – Allity

Lisa-Maree Carrigan – project architect – Group GSA

John Holland – project landscape architect – Group GSA

Warwick Spencer – Project Manager – Midson Group

2. There were no submissions made against the application.

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 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 of 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 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 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.

The Panel notes that the proposed development will provide transport to surrounding shopping facilities, services, community and health facilities at Hornsby.

(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

In light of the Panel's findings in Section C, the Panel decided unanimously to grant consent to the development application, subject to the conditions specified in Schedule 1 as amended at the meeting.

In taking its decision the Panel notes in particular that the proposed building exceeded the maximum height provisions specified in CL 40(4) and of the land that objection to that development standard has been lodged pursuant to SEPP No.1 Development Standards. Having considered the analysis of that issue contained in the assessment report the Panel concluded the requested variation to the Standard is justified and agreed to the standard being varied as requested.

Factors contributing to the Panel's conclusion that approval of the development is in the public interest, the site is suitable for the proposed use, and that approval of the application is warranted are:

- 1) The proposed development will provide a contemporary facility for aged care accommodation and services and increase the supply of such services currently delivered to the community from the subject site and thereby assist in addressing a recognised emerging demand for such services.


- 2) The building design and on site arrangement will result in development that is consistent with the residential character of the locality in which it is placed and will not unreasonably impact on the amenity of adjoining or nearby residential premises.
- 3) Subject to the requirement imposed to manage staff arrival and departure timing the development will not introduce significant traffic or parking impacts to the existing local road network.



JRPP member (chair)
Bruce McDonald



JRPP member
Stuart McDonald



JRPP member
Michael Smart



JRPP member
David White