

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979* (NSW)**

The Sydney West Joint 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

Demolish existing improvements and construct a residential flat building containing 34 apartments, basement car park and landscaping, 28-32 Dumaresq Street, Gordon.

Council Reference: DA-0501/12 - JRPP Reference: (2013SYW042)

Applicant: Australia Wenzhou Group Pty Ltd (applicant and owner), Ku-ring-gai Council (owner)

The proposal is council related development and has a Capital Investment Value of over \$5 million.

The proposal also seeks to vary the development standard within Clause 25J (2) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) and is supported by an objection to this development standard pursuant to State Environmental Planning Policy No. 1 (SEPP No. 1). A draft Voluntary Planning Agreement (VPA) has been adopted by Council which allows for the construction of a proposed new road adjacent to the development site and for the residual part of the lot to be incorporated into the subject site.

A. Background

An assessment report was considered by the Panel on 27 February 2014 where the Panel resolved to defer the determination to enable the applicant to further explore the opportunity to achieve a development that addresses the shortfall in car parking spaces, but at the same time comply with deep soil landscaping and on-site waste/garage vehicle manoeuvring requirements without the need to delete any residential units.

1. JRPP meeting

Sydney West Joint Planning Panel meeting was held on 23 May 2014 at Ku-ring-gai Council, 3.00 pm.

Panel Members present:

Bruce McDonald – Acting Chair
Stuart McDonald
Lindsay Fletcher
Councillor Elaine Malicki
Councillor Christiane Berlioz

Council staff in attendance:

Adam Richardson
Selwyn Segall
Anne Moore (Consultant Town Planner)
Michael Miocic
Corrie Swanepoel
Tempe Beaver
Ross Yuenrera

Apologies: 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 Ku-ring-gai 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 with council on 25 July 2013.

A **site visit** was undertaken by panel on 23 May 2014.

A **final briefing meeting** was held with council on 23 May 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

s79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- ***Ku-ring-gai Planning Scheme Ordinance***
- ***SEPP No. 1***
- ***SEPP No. 55***
- ***SEPP No. 65***
- ***SEPP (BASIX)***
- ***SREP (deemed SEPP) (Sydney Harbour Catchment) 2005***

(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

- ***Ku-ring-gai Local Centres LEP 2012 (draft instrument at time of lodgement)***

(iii) any relevant development control plan

- ***DCP 31- Access***
- ***DCP 40 – Waste Management***
- ***DCP 43 – Car Parking***
- ***DCP 47 – Water Management***
- ***DCP 55 – Multi Unit Housing***

(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

- ***Dumaresq Street Gordon Roadwork's Draft Planning Agreement, prepared by Lindsay Taylor Lawyers***

(a) (iv) Relevant Regulations:

- ***Environmental Planning & Assessment Regulation 2000.***

The Panel was provided with two submissions made in accordance with the Act or the regulations, objected to the proposal. In making the decision, the Panel considered the submissions.

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

1. Voluntary Planning Agreement;
2. Urban Design Report by Jan McCredie;
3. Environmental Site Management & Excavation Plan;
4. SEPP No. 1 Objection;
5. Applicant's Covering Letter
6. Revised SEPP No. 1 Objection;
7. Revised Landscape Plans;
8. Revised Setback, Deep Soil, Common Open Space;
9. Revised Plan Drawing;
10. Revised Drainage Plan;
11. Previous Assessment Report and attachments;
12. Council Supplementary Report and Conditions of Consent.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 23 May 2014:

1. Submissions addressing the Panel against the application:
 - Julian Fairfield
 - Will Parker
 - Sheryll Young
2. Submissions addressing the Panel in favour of the application:
 - Harvey Sanders

The Panel has carefully considered 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 each of the environmental planning instruments referred to in Section B.

(b) Development control plan. The Panel has considered the Ku-ring-gai Development Control Plan referred to in Section B above.

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. 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

The application is approved subject to the conditions contained in Councils Supplementary Assessment Report considered by the Panel on 23 May 2014 with minor amendments to Condition 19, Part 11 of Condition 20 and Condition 33.

1. The proposed development as amended by condition 19 will secure compliance with the development standard relating to parking provision contained in Clause 25J of the KPSO, will result in improved landscape presentation of the development to the proposed new road that the building will address and provide improved waste storage and collection arrangements.
2. Conditions 19 and 20 of the consent will ensure compliance with the development standard relating to deep soil provision contained in Clause 25(L2) of the KPSO.
3. The development constitutes suitable use of the land, and as amended by the terms of consent provides an appropriate design response to the particular characteristics of the site.
4. The proposed development is considered to be in the public interest as it will add to the supply and choice of housing in Ku-ring-gai.

In reaching its decision the Panel noted that the verbal submission made at the meeting on behalf of the applicant supported the determination of the application in accordance with the recommendation.

Having regard to verbal submissions made by members of the public at the meeting the Panel decided to suggest to Council that in conjunction with determination of a development application for construction of that section of the new road adjacent to this site that it require temporary screening from vehicular headlights to be provided at the end of the first stage of the road.



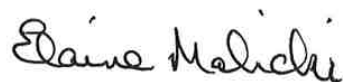
JRPP member (chair)
Bruce McDonald



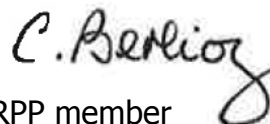
JRPP member
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