

## **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

Demolition of existing structures, bulk earthworks and the construction of a residential flat development comprised of two buildings containing eighty eight (88) units with ancillary site works, basement and landscaping on land at 100 Eton Road, Lindfield for a period of two (2) years from the date of the Notice of Determination

Council Reference: DA-0391/13 - JRPP Reference: (2013SYW098)

Applicant: Defence Housing Australia

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 meeting was held on 26 June 2014 at Ku-ring-gai Council, 12.00 pm.

Panel Members present:

Mary-Lynne Taylor - Chair

Bruce McDonald

Paul Mitchell

Elaine Malicki

Christiane Berlioz

Council staff in attendance:

Adam Richardson

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 **site visit** was undertaken by panel on 26 June 2014.

A **final briefing meeting** was held with council on 8 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 1971**
- **Concept Approval MP06\_0130**
- **State Environmental Planning Policy No. 55 - Remediation of Land**
- **State Environmental Planning Policy 65 – Design quality of residential flat development**
- **State Environmental Planning Policy (Building Sustainability Index: BASIX)**
- **Sydney Regional Environmental Planning Policy (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 Centers LEP 2012 (draft instrument at time of lodgement)**

(iii) any relevant development control plan

- **Edgelea Urban Design Guidelines**
- **DCP 47 – Water Management**

(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:

N/A

(a) (iv) Relevant Regulations:

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

There were two submissions made in accordance with the Act or the regulations for this application. In making the decision, the Panel considered the submissions.

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

1. Council's Assessment Report on the application received 16 June 2014.
2. Architectural Plans
3. Landscape Plans

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 26 June 2014:

1. Mr Peter Shellie of Defence Housing Australia addressed the panel in favour of the application.
2. Ms Vivienne Goldschmidt (Applicant's Planner) addressed the panel in favour of the application.

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 2010 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 Panel has determined that:

1. The development will add to the supply and choice of housing within the north Metropolitan Subregion and the Municipality of Ku-ring-gai.

2. The proposal is consistent with the Concept approval and associated regulations that have been adopted to establish the framework for redevelopment of the U.T.S Ku-ring-gai site.
3. The impact of the proposed development on the built and natural environment is consistent with that addressed and accepted upon approval of the adopted Concept Plan.
4. Adequate provision is made for the ecological management of the adjoining bushland and management of bushfire risk.

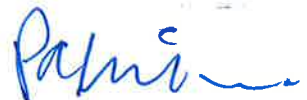
Accordingly the Panel considers the proposed development is a suitable use of the subject land and approval of the application is in the public interest.



JRPP member (chair)  
Mary-Lynne Taylor



JRPP member  
Bruce McDonald



JRPP member  
Paul Mitchell



JRPP member  
Elaine Malicki



JRPP member  
Christiane Berlioz