

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Thursday 24 March 2016 at 1.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, John Colvin, Cr Elaine Malicki and Cr Christiane Berlioz

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW090 – Ku-ring-gai Council, DA 0180/14, Demolish existing structures and construct a mixed use development containing 3 buildings, 144 residential apartments, retail space, basement parking and landscaping works, 870-898 Pacific Highway, Gordon.

Date of determination: 24 March 2016

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 the matters presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.



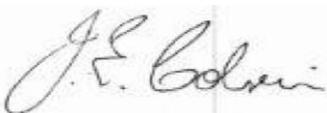


Panel Decision:

The panel determined to defer the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Reasons for the panel decision:

The majority of the Panel (Bruce McDonald, Cr Elaine Malicki and Cr Christiane Berlioz vote to defer, Mary-Lynne Taylor and John Colvin would vote to approve the application) has decided to defer the decision today, although the Panel is minded to approve the application based on the Assessment Report from Council Officers as to its' compliance and merit, but the majority considers that the provisions of clause 6 of the DCP 2013 (Local Centres) are engaged and should be met and the documentation provided to the Panel in accordance with those provisions.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 John Colvin
 Elaine Malicki	 Christiane Berlioz	

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SCHEDULE 1

1	JRPP Reference – 2014SYW090, LGA – Ku-ring-gai Council, DA/0180/14
2	Proposed development: Demolish existing structures and construct a mixed use development containing 3 buildings, 144 residential apartments, retail space, basement parking and landscaping works.
3	Street address: 870-898 Pacific Highway, Gordon.
4	Applicant/Owner: Applicant – Alto Prestige Pty Ltd. (Owner), Alto Prestige Pty Ltd, Georgio Altomonte Holdings Pty Ltd.
5	Type of Regional development: The proposed development has a capital investment value of greater than \$20 million.
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Ku-ring-gai Local Environmental Plan (Local Centres) 2012 ○ State Environmental Planning Policy 55 – Remediation of Land ○ SEPP 65 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SEPP (BASIX) 2004 ○ Sydney Harbour Catchment 2005 ○ Ku-ring-gai Local Environmental Plan (Local Centres) 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ku-ring-gai Contributions Plan 2010 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	<p>Material considered by the panel:</p> <p>4 December 2015 – While the Panel considered the proposed development would add the supply of choice of housing of the North Metropolitan subregion and add to the potential retail capacity of Gordon as planned, the Panel was not satisfied that orderly an economic development of this and adjacent land occurs as the development will result in isolated sites.</p> <p>Accordingly the matter was deferred to enable advice to be provided to the Panel on the latest submission and to seek legal advice about the issue of isolation and whether the terms of the relevant planning principles have been or yet need to be satisfied.</p> <p>Original Council assessment report and written submissions.</p> <p>Supplementary Report with supporting documents, Department of Planning & Environment Legal Advice.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • On behalf of the Applicant - David O'Donnell
8	<p>Meetings and site inspections by the panel:</p> <p>04 December 2015 – Final Briefing Meeting.</p> <p>24 March 2016 – Final Briefing Meeting.</p>
9	Council recommendation: Refusal

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10	Reasons: Attached to council assessment report
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