

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Thursday 30 June 2016 at 11.00 am**

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

**Apologies:** Cr Christiane Berlioz

**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:** 30 June 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.

**Panel Decision:**

The panel determined to approve 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:**

1. The proposed development will facilitate future supply and choice of housing within the North Metropolitan Subregion and the Ku-ring-gai local government area in a location with ready access to metropolitan transport service available from Gordon Railway Station and the Pacific Highway and access to the facilities and services provided by Gordon village. The proposal will also add to the retail and commercial capacity of the village.
2. The Panel has considered the legal advice provided and considers that the proposed development does not result in an adjacent isolated site as the only permitted development that would be restricted by site area requirements under the Local Centres LEP are residential flat buildings and these are not a required form of development on sites within the applicable B4 Mixed Use Zone.
3. The Panel considered the applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) and Clause 6.6 (Use of ground floor for residential purposes) of Ku-ring-gai LEP (Local Centres) 2012 and considers that compliance with these standards is unreasonable and unnecessary in the circumstances of this case as the variation assists in providing a development that is consistent with the scale and use of buildings in this locality and it is considered the development remains consistent with the objectives of the standards and the applicable B4 Mixed zoning of the subject site.
4. The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including SEPP 65 – Design Quality of Residential Development and its associated Residential Flat Design Code SEPP 55 – Remediation of Land, SEPP (Infrastructure) 2007.
5. The proposal adequately satisfies the provisions and objectives of Ku-ring-gai LEP (Local Centres) 2012 of Ku-ring-gai Local Centres DCP 2013.
6. The proposed development, subject to the conditions imposed, will have unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of nearby residential premises or the operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

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**Conditions:** The development application was approved subject to the conditions recommended in the council assessment report.

**Panel members:**

 <b>Mary-Lynne Taylor</b>	 <b>Bruce McDonald</b>	 <b>John Colvin</b>
 <b>Elaine Malicki</b>	 <b>Cheryl Szatow</b>	

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## SCHEDULE 1

1	<b>JRPP Reference – 2014SYW090, LGA – Ku-ring-gai Council, DA/0180/14</b>
2	<b>Proposed development:</b> Demolish existing structures and construct a mixed use development containing 3 buildings, 144 residential apartments, retail space, basement parking and landscaping works.
3	<b>Street address:</b> 870-898 Pacific Highway, Gordon.
4	<b>Applicant/Owner: Applicant –</b> Alto Prestige Pty Ltd. <b>(Owner),</b> Alto Prestige Pty Ltd, Georgio Altomonte Holdings Pty Ltd.
5	<b>Type of Regional development:</b> The proposed development has a capital investment value of greater than \$20 million.
6	<p><b>Relevant mandatory considerations</b></p> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Ku-ring-gai Local Environmental Plan (Local Centres) 2012</li> <li>○ State Environmental Planning Policy 55 – Remediation of Land</li> <li>○ SEPP 65</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ SEPP (BASIX) 2004</li> <li>○ Sydney Harbour Catchment 2005</li> <li>○ Ku-ring-gai Local Environmental Plan (Local Centres) 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ku ring gai Contributions Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<p><b>Material considered by the panel:</b></p> <p>30 June 2016 – Further Supplementary report with draft conditions of consent.</p> <p>24 March 2016 - The majority of the Panel (Bruce McDonald, Cr Elaine Malicki and Cr Christiane Berlioz voted to defer the application, Mary-Lynne Taylor and John Colvin would vote to approve the application) then decided to defer the decision on 24 March 2016, although the Panel were minded to approve the application based on the Assessment Report from Council Officers as to its' compliance and merit, the majority considered that the provisions of clause 6 of the DCP 2013 (Local Centres) were engaged and should be met and the documentation provided to the Panel in accordance with those provisions.</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>

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	<p>Supplementary Report with supporting documents, Department of Planning &amp; Environment Legal Advice.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• George Altmonte</li> <li>• Byron Sakka</li> </ul>
8	<p><b>Meetings and site inspections by the panel:</b></p> <p>04 December 2015 – Final Briefing Meeting.</p> <p>24 March 2016 – Final Briefing Meeting.</p> <p>30 June 2016 – Final Briefing Meeting.</p>
9	<p><b>Council recommendation:</b> Approval</p>
10	<p><b>Conditions:</b> Attached to council assessment report</p>