

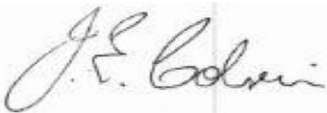




SYDNEY WEST JOINT REGIONAL PLANNING PANEL

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		
2015SYW164 – Ku-ring-gai Council, MOD0064/15, S96(2) modification to consent DA051/12, seeking to delete the deferred commencement component of the consent, delete Condition 19 and amend unit layouts, 28-30 Dumaresq Street, Gordon.		
Date of determination: 24 March 2016		
Panel consideration: The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.		
Panel Decision: The Panel unanimously agreed to refuse the application. The Panel having considered the report prepared by Council's planning assessment staff and the legal advice provided to the Panel concludes that the application under consideration was lodged pursuant to Section 96 of the Environmental Planning and Assessment Act, not S95A to extend the Deferred Commencement Consent arrangements. As the Deferred Consent arrangements have now expired and the consent has lapsed. In these circumstances the Panel considers it has no power to determine the application as there is no consent in place that can be modified.		
Panel members:		
 Mary-Lynne Taylor	 Bruce McDonald	 John Colvin
 Elaine Malicki	 Christiane Berlioz	

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SCHEDULE 1

1	JRPP Reference – 2015SYW164, LGA – Ku-ring-gai Council, MOD0064/15
2	Proposed development: S96(2) modification to consent DA051/12, seeking to delete the deferred commencement component of the consent, delete Condition 19 and amend unit layouts.
3	Street address: 28-30 Dumaresq Street, Gordon.
4	Applicant/Owner: Gelder Architects Pty Limited
5	Type of Regional development: S96(2) application
6	Relevant mandatory considerations <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Ku-ring-gai Local Environmental Plan (Local Centres) 2012 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: <ul style="list-style-type: none"> Voluntary planning agreement between Ku-ring-gai Council and Whenzou Australia Group 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	Material considered by the panel: <ul style="list-style-type: none"> 4 December 2015 - In this matter, Panel has been provided with conflicting legal advices from the applicant and the council and accordingly the Panel deferred and referred those advices to their own legal advisors. Original Council assessment report. Council Supplementary Report with supporting documents Department of Planning & Environment Legal Advice. Verbal submissions at the panel meeting: Nil
8	Meetings and site inspections by the panel: 04 December 2015 – Final Briefing Meeting. 24 March 2016 – Final Briefing Meeting.
9	Council recommendation: Refusal
10	Conditions: N\A