

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 14 August 2019
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Mark Grayson, Sam Ngai, Cedric Spencer
APOLOGIES	Peter Debnam
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 100 Walker Street, North Sydney, on 14 August 2019, opened at 10.30am and closed at 10.35am.

MATTER DETERMINED

2019SNH008 – Ku-ring-gia – MOD0006/19 at 870-8989 Pacific Highway for modifications to an approved development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION





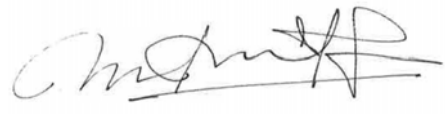
- The modified proposal is substantially the same as the original proposal.
- The proposed modifications will not have any material adverse impact on the surroundings.
- The Panel notes that the lift tower is taller by 1.5m than in the original application and that some of air conditioning plant has been re-located to the roof. While a written submission under cl 4.6 of the LEP is not required for a modification application, the Panel accepts that the minor changes to the height are consistent with the objectives of the zone and of the development standard.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during the public exhibition. There was no objector at the meeting. The Panel is satisfied that the written objection related to matters arising out of the original application and does not warrant changes to the modification application.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Mark Grayson	 Sam Ngai
 Cedric Spencer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SNH008 – Ku-ring-gai – MOD0006/19
2	PROPOSED DEVELOPMENT	Modification of the development consent to DA0180/14, proposing various changes including removal of Condition 40, amalgamation of two units into one and division of a single approved retail tenancy into three tenancies.
3	STREET ADDRESS	870 - 898 Pacific Highway, Gordon
4	APPLICANT/OWNER	Prime Gordon Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 - Remediation of Land; State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2007; State Environmental Planning Policy (Infrastructure) 2007; Sydney Regional Environmental Plan (Sydney Harbour Catchment); Ku-ring-gai Local Environmental Plan (Local Centres) 2012 Draft environmental planning instruments: Draft State Environmental Planning Policy (Remediation of Land) Development control plans: <ul style="list-style-type: none"> Ku-ring-gai Development Control Plan Ku-ring-gai Contributions Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 30 July 2019 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 24 July 2019 Final briefing to discuss council's recommendation, 14 August 2019 at 10.10am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: John Roseth (Chair), Sue Francis, Mark Grayson, Sam Ngai, Cedric Spencer <u>Council assessment staff</u>: Phillipa Frecklington, Rajiv Shankar, Michael Mason, Henry Burnett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report