

A Good Decision For Developers! JRPP Trumps Local Council

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Finally, some good news out of the Land & Environment Court...

The decision in Lane Cove Council v Orca Partners Management was handed down a few weeks ago, where the Land and Environment Court dismissed the application by Lane Cove Council to challenge the validity of a development consent granted by the Joint Regional Planning Panel (**JRPP**).

The Council argued that the JRPP did not have power to approve a "clause 4.6" variation to the development standards. The development standards allowed a maximum Floor Space Ratio (**FSR**) of 1.7:1 and included a height control; however. The JRPP had allowed Orca a FSR of 1.85:1 and the approved building envelope exceeded the 18 metre height control by a few metres, which Council was disputing.

The Land and Environment Court found against Council. This was a really good decision (on legal terms and also on policy grounds). Generally, the decision is good authority that decisions of the JRPP in development consents trump local councils in relation to the development standards.

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