

## MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 20 MAY 2024

Present: Chairperson (Kara Krason)  
Expert Panel Member (Michael Mason)  
Expert Panel Member (John O'Grady)  
Community Member (Ian Arnott)

Staff Present: Director Development & Regulation (Michael Miocic)  
Planning Panels Coordinator (Kerry Frair)

Team Leader Development Assessment (Amy Ayling)  
Acting Team Leader (Brodee Gregory)  
Executive Assessment Officer (Belinda Newell)  
Development Assessment Officer (Rachel Mofteh)  
Team Leader Engineering Assessment (Ross Guerrera)  
Senior Landscape Development Officer (Robyn Askew)  
Heritage Advisor (Leona Goldstein)  
Manager Urban & Heritage Planning (Antony Fabbro)  
Team Leader Urban Planning (Craig Wyse)  
Urban Planner (Alexandra Plumb)  
Consultant – Urban Designer (Jared Phillips)  
Strategic Traffic Engineer (Joseph Piccoli)

*The Public Meeting commenced at 12:30PM  
The Public Meeting closed at 1:45PM*

### **APOLOGIES**

File: S02194

### **RECOMMENDATION:**

That the apologies be accepted and leave of absence granted. No Apologies were made.

### **DECLARATIONS OF INTEREST**

The Chair advised of the necessity for the panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest was declared.

**ADDRESS TO PANEL****GB.1**

Danielle Horley  
Matthew Powell  
Andrew Minto

**GB.2**

Duncan Mann  
Robin McInnes  
Katherine Sheppard  
Sherry Lim

**GB.3**

Belinda Barrie  
Duncan Corrigan

**GENERAL BUSINESS**

KLPP07 **92 Carrington Road, Wahroonga - Demolition of existing structures and construction of a dwelling, tennis court and associated landscaping**

File: DA0235/23

*Vide: GB.1*

**The Panel Resolved:****DECISION**

- A. The Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grants development consent to DA0235/23 for demolition of existing structures and construction of a dwelling, tennis court and associated landscaping at, 92 Carrington Road, Wahroonga, subject to conditions, as per the Development Assessment Report, with the following changes:

Condition 3(f) is added to Condition 3 to read as follows, and Condition 18 is to be amended accordingly;

- *The privacy screens to the east and west edges of the rear alfresco concrete roof are to be deleted*

Condition 3(g) is added to Condition 3 to read as follows;

- *The concrete roof above the rear alfresco area is to be deleted and replaced with a non-trafficable light-weight roof.*

Conditions 3(a), 4, 66 and 90 are to be amended such that the reference to RL is RL189.58 and a maximum floor to ceiling height is to be 2.2 metres.

Condition 86 – to be deleted

Condition 87 is to read as follows –

***Tennis court use and illumination***

*The tennis court shall not be used after dusk and before dawn and its illumination by any means is prohibited.*

Condition 53 – is to be amended to require the established hedge planting along the east, west and north boundaries in the vicinity of the proposed tennis court to be maintained.

**Reason:** To protect the amenity of surrounding residents.

- B. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.
- C. Date of the decision: 20 May 2024
- D. Reason for the decision: The development proposal, subject to conditions, is acceptable in terms of the relevant provisions of the Environmental Planning and Assessment Act 1979 and is considered to be in the public interest.
- E. How community views were taken into consideration: The application was notified in accordance with the Council's Community Participation Plan and submissions made by members of the public were considered.

Voting: unanimous

KLPP08 **17 Lord Street, Roseville – Significant alterations and additions to existing dwelling house including new swimming pool, garage, landscaping and associated works.**

File: EDA0039/23

*Vide: GB.2*

### **The Panel Resolved:**

#### **DECISION**

#### **PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

- A. The Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grants development consent to eDA0039/23 for significant alterations and additions to the existing dwelling, and a new swimming pool and associated works at 17 Lord Street, Roseville, subject to conditions as per the development assessment report, with the following changes:

Amend Condition 1 to correct the date of plan - Elevation East DA07D to be 13.02.23

Amend Condition 14 to read as follows:

#### **Condition 14 Privacy**

*Prior to the issue of any Construction Certificate, plans and specifications shall be submitted to the Certifier demonstrating compliance with the following:*

- *Windows 10, 11, 7 & 8 to Bedroom 5 and Bedroom 4 must be permanently fixed and be of obscure glazing to a height of 1.6 metres above the FFL.*
- *Adhesive film is not acceptable.*

Add a new Condition 66 Restricting the development to a single occupancy dwelling house and insert the following reason for new condition:

**Reason:** To ensure the premise is occupied in accordance with the development consent.

- B. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.
- C. Reason for the decision: The development proposal, subject to conditions, is acceptable in terms of the relevant provisions of the Environmental Planning and Assessment Act 1979 and is considered to be in the public interest.

- D. How community views were taken into consideration: The application was notified in accordance with the Council's Community Participation Plan and submissions made by members of the public were considered.

Voting: unanimous

KLPP09 **Planning Proposal 345 Pacific Highway, Lindfield**

File: S14297

*Vide: GB.3*

To refer the Planning Proposal for 345 Pacific Highway, Lindfield to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

**ADVISED**

The Ku-ring-gai Local Planning Panel advise Council that:

It supports Council's recommendation noting that development on the site has strategic merit, but the Planning Proposal in its current form is not supportable on site specific merit grounds. The site is recognised as having strategic potential for greater density, however not to the extent proposed.

The Panel feels inadequate information has been submitted to demonstrate how a future development of the scale and height proposed would satisfactorily address the physical and locational constraints of the site. The Panel notes the Planning Proposal seeks a maximum height of buildings and FSR that significantly exceeds the maximum controls for any other key sites, including landmark sites within the Lindfield Local Centre and the main strategic centre of Gordon.

The Panel generally concurs with Council's recommendation that the Planning Proposal should be amended. However, it is considered this should occur prior to forwarding to Gateway. Further detailed testing is required to demonstrate whether Council's recommended amendment of a maximum height of buildings 38.5m (12 storeys) and floor Space Ratio 3.5 :1 is a satisfactory outcome for this site given locational and physical constraints or whether lower alternate height and FSR controls are appropriate.

Any outcome needs to be considered and informed by the physical and locational constraints and Council's vision for this strategic site in the context of the Lindfield Local Centre.

The Panel agrees with Council's recommendation that the Planning Proposal should be supported by the inclusion of:

- a high-quality documentation package including a fully developed urban design report;
- an analysis of the visual impact of the proposal from strategic locations as previously advised by Council;
- a more detailed analysis of overshadowing impacts of the proposal on Balfour Street development and surrounding public domain;
- a letter of offer for a Planning Agreement for provision for a 5-metre setback along part of the Pacific Highway frontage to allow future road widening; and
- Retain 7m setback to Wolseley Road.

In addition, the Planning Proposal should be supported by a more detailed investigation of potential siting and development yield in relation to the site's proximity to the rail corridor and Pacific Highway.

The Panel also agrees with Council's recommendation that a development control plan should be developed for the site to ensure a high level of design quality is achieved based on the locational and physical characteristics of this site. This should be prepared and submitted with the Planning Proposal to enable future concurrent exhibition.

Further consideration be given to the inclusion of a Design Excellence clause within the Planning Proposal and the LEP given its landmark site status under the LSPS.

The Panel notes that Council's report included further recommendations outlined in the Table of Assessment (Attachment A11) but no specific advice is provided at this stage given the significant issues raised.

The Panel recommends that prior to proceeding to Gateway the Planning Proposal and supporting documentation be amended and supplemented to address the matters raised in this advice.

Date of the decision: 22 May 2024

Voting: Unanimous

**KU-RING-GAI LOCAL PLANNING PANEL**

**Declaration of Interest**

MEETING DATE	20 May 2024
Agenda Item/Panel reference number	<b>GB.1</b> – 92 Carrington Road, Wahroonga - Demolition of existing structures and construction of a dwelling, tennis court and associated landscaping <b>GB.2</b> - 17 Lord Street, Roseville - Significant alterations and additions to existing dwelling house including new swimming pool, garage, landscaping and associated works. <b>GB.3</b> – 345 Pacific Highway Lindfield

In relation to this matter, I declare that I have:

no known conflict of interest

an actual<sup>1</sup> , potential<sup>2</sup>  or reasonably perceived<sup>3</sup>  conflict of interest as detailed below:

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 Signature ..... 13 May 2024  
 Date  
  
 Name

<sup>1</sup> An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.  
<sup>2</sup> A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.  
<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.  
 2019/067982

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**Signature**

.....  
**Date**

... John O'Grady..... 9 May 2024.....  
**Name**

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*Kerason*

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**Signature**

**Date**

.....Kara Krason.....17 May 2024.....

**Name**

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2019/067982

*The Determination Meeting opened at 1.45PM*

*The Determination Meeting closed at 3:45PM*

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 20 May 2024 (Pages 1 - 11) were confirmed as a full and accurate record of proceedings by Kara Krason on 20 May 2024.



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Chairperson