

MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 17 JUNE 2024

- Present: Chairperson (Kara Krason)
Expert Panel Member (Gregory Flynn)
Expert Panel Member (Larissa Ozog)
Community Member (Ian Arnott)
- Staff Present: Director Development & Regulation (Michael Miocic)
Development Assessment Services Manager (Shaun Garland)
Planning Panels Coordinator (Kerry Frair)
- Others Present: Team Leader – Development Assessment (Selwyn Segal)
Executive Assessment Officer (Brodee Gregory)
Team Leader Engineering Assessment (Ross Guerrera)
Senior Landscape Development Officer (Fiona Ambrosino)
Independent Planner (Michael Zanardo)

*The Briefing Meeting commenced at 10:00AM
The Briefing Meeting closed at 11:30AM*

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.

ADDRESSES TO THE PANEL

Lee Hughes

GENERAL BUSINESS

- KLPP10 **26 Pacific Highway, Roseville - Demolition of existing structures and construction of a residential flat building comprising 14 apartments, basement parking, landscaping and associated works**

File: DA0532/22
Vide: GB.1

Demolition of existing structures and construction of a residential flat building comprising 14 apartments, basement parking, landscaping and associated works

The Panel Resolved:**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, is not satisfied that the variation request submitted under Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to vary the floor space ratio development standard in Clause 4.4 of the KLEP 2015 has adequately addressed and demonstrated that, compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.
- B The Ku-ring-gai Local Planning Panel, as the consent authority, refuses development consent to DA0532/22 for demolition of existing structures and construction of a residential flat building comprising 14 apartments, basement parking, landscaping and associated works on land at 26 Pacific Highway, Roseville, for the reasons included in the Supplementary Development Assessment Report, as amended below.
- C Date of the decision: 17 June 2024
- D: Reason for the decision: The development proposal is unsatisfactory with regard to the relevant provisions of s4.15 of the Environmental Planning and Assessment Act 1979 and would not 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.

Changes to Reasons for Refusal

The panel notes duplication in numbering of Reasons in the report which is to be corrected prior to issue.

The Reasons for Refusal are as outlined in the Supplementary Development Assessment report, except with the following amendments:

Reason 1. Water Management (d, e, f and g) to be amended to read as below:

- d. There is uncertainty as to the condition of the existing pipe and its functionality.
- e. Should the existing drainage pipe be inadequate a new 150 millimetres diameter stormwater pipeline is required to be provided within the drainage easement. Council would require owners' consent from the Strata Corporations of all burdened properties, which has not been provided.
- f. Insufficient information exists to enable assessment of the inter-allotment drainage design, including but not limited to civil design of the pipeline and any potential impacts on trees and vegetation on adjoining properties. A

suitably qualified arborist report would be required should there be any identified impacts to trees and vegetation to enable an assessment.

- g.** The pipeline within the downstream properties as marked up by SureSearch does not correspond with the Survey Plan showing Easement for Drainage prepared by CMS Surveyors Pty Ltd.

Reason 2. Excessive floor space ratio and inadequate Clause 4.6 variation request (d and e) to be amended to read as below:

- d.** The FSR exceedance is attributable to non-compliances with the KDCP controls relating to the design of the top storey, parts of the car park that are not 'basement' and site coverage.
- e.** The proposal is inconsistent with objective (a) of the FSR development standard, which requires a built form that is compatible with the size of the land to be developed, its environmental constraints and contextual relationship.

Reason 4. Excessive site coverage

To be deleted

Reason . Insufficient Information (various) (d) add the following:

- d.** Lack of clarity over the proposed Right of Way over No 26 Pacific Highway and how it relates to the existing Right of Way over 26A Pacific Highway and whether the consent of the owners of 26A Pacific Highway is required.

Voting: unanimous

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	17 June 2024
Agenda Item/Panel reference number	GB.1 – 26 Pacific Highway Roseville - Demolition of existing structures and construction of a 3-storey residential flat building consisting of 14 units, underground carpark, landscaping and associated works

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

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

KKrason

Signature

Date
 ... Kara Krason 16/6/24.....
Name

¹ 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.
² 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.
³ 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

KU-RING-GAI LOCAL PLANNING PANEL

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

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:



16 June 2024

Gregory Flynn

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2019/067982

KU-RING-GAI LOCAL PLANNING PANEL

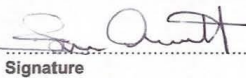
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17/6/2024

Signature
Law Aronoff
Name

Date

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KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	17 June 2024
Agenda Item/Panel reference number	GB.1 26 Pacific Highway, Roseville (DA532/2022)

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

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

Larissa Ozog

..... 17/06/2024

Signature

Date

Larissa Ozog

.....
Name

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2019/067982

*The Public Meeting opened at 12:30PM
The Public Meeting closed at 13:00pm*

*The determination meeting opened at 13:00PM
The determination meeting closed at 15:00PM*

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 17 June 2024 (Pages 1 - 8) were confirmed as a full and accurate record of proceedings by Kara Krason on 19 June 2024



Chairperson

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