

MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 18 NOVEMBER 2024

Present: Alternate Chairperson (Heather Warton)
Expert Panel Member (James Lidis)
Expert Panel Member (Rod Logan)
Community Member (Darren Tims)

Staff Present: Director Development & Regulation (Michael Miocic)
Development Assessment Services Manager (Shaun Garland)
Acting Planning Panels Coordinator (Nicole Kratochvil)
Senior Administration Officer (Natalie Shardlow)

Team Leader – Development Assessment (Jonathan Goodwill)
Executive Assessment Officer (Belinda Newell)
Executive Assessment Officer (Phillip Johnston)
Senior Development Engineer (Vincent Ooi)
Senior Landscape Development Officer (Geoff Bird)
Senior Landscape Development Officer (Fiona Ambrosino)
Heritage Advisor (Leona Goldstein)

The Meeting commenced at 9AM

APOLOGIES

File: S02194

Nil

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 KLPP

**GB.3 5 Holmes Street, Turrumurra - Demolition Of Existing Structures,
Construction Of A Centre-Based Childcare Facility With Associated
Works**

Against the application of GB.3

Ian Craig
James Adams
Ros Read (Urban Perspectives) on behalf of Ian Craig

For the application of GB.3

Alok Sabne (ArtMade Architects) on behalf of applicant
Julie Horder (Planning Bricks Pty Ltd) on behalf of applicant

GENERAL BUSINESS**KLPP26 29 Ada Avenue Wahroonga - Subdivision of one lot into two and associated works**

File: EDA0247/24
Vide: GB.1

Subdivision of one lot into two and associated works.

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

- A. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, refused development consent to eDA0247/24 for Torrens title subdivision of one lot into two and associated works on land at 29 Ada Avenue, Wahroonga, for the reasons in the Development Assessment Report (Attachment 1).
- B. Date of decision: 18 November 2024.
- C. Reason for the decision: The Panel concurs with the findings in the Councils Assessment report and supports refusal of the application for the reasons in attachment 1.

The Panel was briefed by representatives of the applicant and presented additional information on Friday 15 November 2024. The Council had insufficient time to assess the additional information but aspects of this were discussed in the briefing. The applicant at the Panel meeting briefed the Panel on matters pertaining to planning heritage, storm water and amenity issues.

- D. How community views were taken into consideration: The views of the community were considered by way of notification of the application and consideration of submissions made by members of the public.

Voting: Unanimous

KLPP27 **29 Ada Avenue, Wahroonga - Construction of a dwelling house, swimming pool and associated works on proposed Lot B in eDA0247/24**

File: EDA0248/24

Vide: GB.2

Construction of a dwelling house, swimming pool and associated works on proposed Lot B in eDA0247/24.

PANEL DECISION:

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

- A. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, refused development consent to eDA0248/24 for the construction of a dwelling house, swimming pool and associated works on proposed Lot B in eDA0247/24 on land at 29 Ada Avenue Wahroonga, for the reasons provided in the Development Assessment Report (Attachment A1).
- B. Date of decision: 18 November 2024.
- C. Reason for the decision: The Panel concurs with the findings in Council's Development Assessment report and supports refusal of the application for the reasons in Attachment 1. The subdivision application eDA0247/24 was refused, therefore the proposed dwelling house, which would constitute dual occupancy, is prohibited development.

The Panel was briefed by representatives of the applicant and presented additional information on Friday 15 November 2024. The Council had insufficient time to assess the additional information but aspects of this were discussed in the briefing. The applicant at the Panel meeting briefed the Panel on matters pertaining to planning heritage, storm water and amenity issues.

- D. How community views were taken into consideration: The views of the community were considered by way of notification of the application and consideration of submissions made by members of the public.

Voting: Unanimous

KLPP28 **5 HOLMES STREET, TURRAMURRA - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A CENTRE-BASED CHILDCARE FACILITY WITH ASSOCIATED WORKS**

File: EDA0109/24

Vide: GB.3

Demolition of existing structures, construction of a centre-based childcare facility with associated works.

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

- A. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council as the consent authority has not received a Clause 4.6 request to vary the floor space ratio development standard under Clause 4.4 (2a) of Ku-ring-gai Local Environment Plan 2015 that was relevant to the areas of gross floor area exceedance.
- B. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0109/24 for demolition of existing structures, construction of a centre-based childcare facility with associated works on land at 5 Holmes Street, Turramurra, for the reasons in the Development Assessment Report (Attachment A1), as amended in C.
- C. Reason 1 is amended, as follows:

1. **No Clause 4.6 variation request was submitted dealing with an accurate calculation of GFA and FSR**

There is no Clause 4.6 variation request demonstrating that:

- a) compliance with the development standard is unreasonable and unnecessary
- b) that there are sufficient environmental planning grounds to justify contravention of the development standard.

Particulars

- a. The Clause 4.6 variation request prepared by Planning Bricks Pty Ltd, dated March 2024, seeking a variation to the floor space ratio development standard in Clause 4.4 (2a) of Ku-ring-gai Local Environment Plan 2015 (KLEP) referenced superseded plans and did not calculate the gross floor area consistent with Council's calculations.
- b. The site area is 988.3m². Clause 4.4 (2A) in (KLEP) states that the maximum floor space ratio for this site is 0:371:1. This equates to a maximum gross floor area of 366.66m². The proposed gross floor area has been exceeded.
- c. The car park level is enclosed and is partly not defined as a "basement" under the provisions of KLEP, as the floor level of the floor above the car park is measured greater than 1 metre above natural ground level. Therefore, part of its floor area is included as gross floor area.
- d. The proposal will result in a built form that is not compatible, as

addressed within the KLPP Assessment Report, with the size of the land to be developed and its contextual relationship with other characteristic dwelling houses along Holmes Street and the immediate locality. The proposal is therefore inconsistent with objective (1) (a) of Clause 4.4 in KLEP.

- D. Date of decision: 18 November 2024.
- E. Reason for the decision: The Panel concurs with the findings in Council's Development Assessment report and supports refusal of the application for the reasons in Attachment 1, as amended.
- F. How community views were taken into consideration: The views of the community and applicant were considered by way of notification of the application and consideration of the written submissions and the presentations made at the Panel meeting.

Voting: Unanimous

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	Monday 18 November 2024
Agenda Item/Panel reference number	<p>GB.1 – 29 Ada Avenue Wahroonga - Subdivision of one lot into two and associated works</p> <p>GB.2 – 29 Ada Avenue, Wahroonga - Construction of a dwelling house, swimming pool and associated works on proposed Lot B in eDA0247/24</p> <p>GB.3 - 5 Holmes Street, Turramurra - Demolition of Existing Structures, Construction of a Centre-Based Childcare Facility with Associated Works</p>

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:

NIL CONFLICTS



17 November 2024

Signature

Date

HEATHER WARTON

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.

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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:

Signature

Date

Name

[Handwritten Signature] *12-11-24,*

James Lidis

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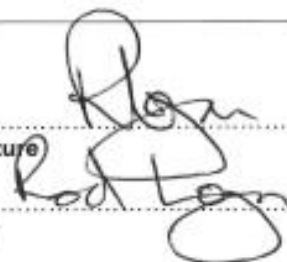
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	GB.3 - 5 Holmes Street, Turramurra - Demolition of Existing Structures, Construction of a Centre-Based Childcare Facility with Associated Works

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:

Signature 
 Name Rod Long

11.11.24.
 Date

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

no known conflict of interest X

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

Signature 

Date 08.11.2024

Name DARREN TIMS

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The Meeting closed at 2:13PM

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 18 November 2024 (Pages 1 - 10) were confirmed as a full and accurate record of proceedings by Heather Warton on 18 November 2024.



_____ (Heather Warton)

Chairperson