

## **MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 17 FEBRUARY 2020**

- Present: Chairperson (Justice Angus Talbot)  
Expert Panel Member (Gerard Turrisi)  
Expert Panel Member (James Colman)  
Community Member (Frank Ko)
- Staff Present: Director Development & Regulation (Michael Miocic)  
Development & Assessment Services Manager (Shaun Garland)  
Planning Panels Coordinator (Kerry Frair)
- Others Present: Team Leader – Development Assessment (Adam Richardson)  
Executive Assessment Officer (Amy Ayling)  
Team Leader – Development Assessment (Selwyn Segal)  
Senior Development Assessment Officer (Luke Marquet)  
Team Leader Engineering Assessment (Brian O’Connell)  
Heritage Advisor (Leona Goldstein)

*The Meeting commenced at 12:30PM*

### **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**

GB.2 – 17-21 Lindfield Avenue, Lindfield – Alterations and additions including restoration of external fabric of existing heritage mixed use premises and rear addition.

Ian Glendinning  
David White

*The public meeting closed at 12:55pm*

### **GENERAL BUSINESS**

- KLPP01 **58 Westbrook Ave, Wahroonga - alterations and additions to rear of dwelling and use of subfloor area for habitable purposes**

File: DA0321/19

*Vide: GB.1*

## **THE PANEL RESOLVED**

### **A. Decision**

The Ku-ring-gai Local Planning Panel, as the consent authority, refuses development consent to DA0321/19 for alterations and additions to the rear of the dwelling and use of the subfloor for habitable purposes on land at 58 Westbrook Avenue, Wahroonga, for the reasons provided in the Development Assessment Report

**B. The date of the decision:** 17 February, 2020

### **C. The reasons for the decision:**

The Panel has identified a fundamental obstacle to the consideration of this application and the granting of development consent in that the application seeks approval to existing works which have been carried out without development consent and of a prospective use, the latter being capable of attracting development consent only if there is a Building Information Certificate for the existing works. An application for a BIC was refused on 21 January, 2020.

Furthermore, the Development Assessment Report contends that there is a breach of the FSR development standard and, if this is correct, then the development application in its present form to be valid must be accompanied by a request pursuant to Clause 4.6 of the LEP.

### **D. How community views were taken into account in making the decision:**

The submission raised by an objector was considered

Voting      unanimous

KLPP02      **17-21 Lindfield Avenue, Lindfield - Alterations and additions including restoration of external fabric of existing heritage mixed use premises and rear addition**

File: DA0300/18

*Vide: GB.2*

## **THE PANEL RESOLVED**

### **A. Decision**

The Ku-ring-gai Local Planning Panel, as the consent authority, being satisfied that the proposed development will be in the public interest, grants development consent to DA0300/18 for alterations and additions, including restoration of

external fabric of existing heritage mixed use premises and a new rear addition at 17-21 Lindfield Avenue, Lindfield, subject to conditions as per the Development Assessment Report, as amended as follows:

**Condition 1A.**

This development consent does not grant approval for any works on any land other than on the subject site, excepting the works on Council land referred to in **Condition 23.**

Reason: No consent of the adjoining owner at 15 Lindfield Avenue has been obtained

**Condition 1B.**

The existing boundary wall to the north of the garage at No. 15 Lindfield Avenue is to remain and a new masonry wall is to be erected to its immediate north, entirely within the boundary of the subject site.

Reason: No consent of the adjoining owner at 15 Lindfield Avenue has been obtained

**Condition 13. Certification of external materials, colours and finishes**

A detailed Schedule of Materials and finishes, including the graphic panels to the northern and eastern elevations, is to be submitted to and approved by Council's Heritage Advisor prior to the issue of any Construction Certificate.

The graphic panels are to be permanent and illuminated to the satisfaction of Council's Heritage Advisor.

The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes and graphic panels specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent and the amended Schedule approved by Council's Heritage advisor as detailed above.

**Reason:** To ensure that the works are carried out in accordance with the Development Consent. To ensure the continuing heritage significance of the heritage item.

**Condition 76**

The graphic panels to the northern and eastern elevations are to be maintained and at all times.

Reason: To satisfy Heritage and Urban Design considerations.

Pursuant to Section 4.53(2) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within 2 years of the date of the Notice of Determination.

B. **The date of the decision:** 17 February 2020

C. **The reasons for the decision:** The proposed approved development

complies with the relevant legislation and has a satisfactory relationship to Council's DCP for the Village Green.

D. **How community views were taken into account in making the decision:**

Submissions made by members of the public were considered.

Voting      unanimous

# KU-RING-GAI LOCAL PLANNING PANEL

## Declaration of Interest

MEETING DATE	Monday 17 February 2020
Agenda Item/Panel reference number	<p>GB.1 – 58 Westbrook Avenue, Wahroonga – alterations and additions to rear of dwelling and use of subfloor area for habitable purposes.</p> <p>GB.2 – 17-21 Lindfield Avenue, Lindfield – alterations and additions including restoration of external fabric of existing heritage mixed use premises and rear addition</p>

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:

Signature

Date \_\_\_\_\_

Gerard Turrisi

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.

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[illegible]

Signature

**Signature**

17 Feb 2020  
Date

Date \_\_\_\_\_

Frank Ko

Name \_\_\_\_\_

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Signature

Date

Angus Talbot

Name

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2019/067982

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[illegible]

  
Signature

**Signature**

17-2-20  
Date

Date \_\_\_\_\_

James Colman

Name

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*The Meeting closed at 2:15pm*

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 17 February 2020 (Pages 1 - 9) were confirmed as a full and accurate record of proceedings by The Hon. Robert Neville (Angus) Talbot on 18 February 2020.



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Chairperson