

**MINUTES OF THE SYDNEY WEST
JOINT PLANNING PANEL MEETING
HELD AT KU RING GAI COUNCIL
ON THURSDAY 25 OCTOBER 2012 AT 3.00PM**

Present:

Mary-Lynne Taylor	Chair
Bruce Clarke	Panel Member
Bruce McDonald	Panel Member
Elaine Malicki	Panel Member
Ian Cross	Panel Member

In Attendance

Michael Miocic	Director – Development and Regulation
Corrie Swanepoel	Manager – Development Assessment Services
Shaun Garland	Team Leader – Development Assessments
Jonathon Goodwill	Development Assessment Officer
Tempe Beaven	Senior Landscape Assessment Officer
Kathy Hauken	Development Engineer
Judy Murphy	Administration Officer

Apology – Nil

1. The meeting commenced at 3.00 pm
2. Declarations of Interest – Nil

3. Business Item 1

2011SYW044 - Ku-ring-gai Council, DA0110/11, Demolition of existing dwellings and construction of two residential flat buildings comprising 43 units, landscaping and associated works, 6A & 8 Buckingham Road Killara NSW 2071

4. Public Submission –

- Peter Lane on behalf of Killara Golf Club addressed the panel against the item.
- Ross Middleton addressed the panel against the item.
- Allan Hughes addressed the panel against the item.
- Warwick Gosling on behalf of the applicant (Don Fox Planning, Town Planner) addressed the panel in favour of the item.

5. The Resolution of the Panel

The panel by a majority of 3-2 (M.L.Taylor, B.McDonald, B.Clarke in favour, Cr E.Malicki, and I. Cross against) approves the application for a deferred commencement consent.

The panel notes that this application required the submission of a SEPP 1 objection as there is a non-compliance with a KPSO requirement given the frontage of the site does not meet the 30m requirement of that ordinance. The majority of the panel agreed with the council staff assessment that the SEPP 1 objection is well founded, as the proposal complies with the underlying objectives of the standard and therefore strict compliance with that standard is unnecessary and unreasonable in the circumstances of this matter. The majority of the panel is aware of the deficiency of the application at this point in time in relation to the provision of vehicular access over neighbouring land, as suggested in previous court proceedings to be the better position for such access to the public road, and the need for the formal granting of a drainage easement over an adjoining property. The panel accepts that these two matters are capable of being the subject of deferred commencement conditions to be satisfied within 5 years.

The majority of the panel considers for those reasons that the application warrants conditional approval subject to a deferred commencement consent.

The reasons are that the proposal is considered to be in the public interest, as it will advance adopted public policy in the following ways:

The proposed development will contribute to the planned supply of additional housing within the Sydney North sub-region consistently with the housing supply strategy contained within the North Sub-Regional Strategy.

The proposed development will contribute to the planned housing targets and the diversity of housing choice within Ku-ring-gai Local Government Area on land identified for and zoned so as to provide that outcome.

- The proposed development exhibits generally satisfactory urban design qualities and characteristics when assessed against the urban design principles of SEPP 65.

The development is consistent in its scale and presentation with the Desired Future Character of the locality as reflected by the zoning and the relevant land development provisions applying under the Ku-ring-gai Planning Scheme Ordinance ("KPSO").

- The impact of the development on the adjacent heritage item is considered acceptable and does not constitute a reason for refusal.
- The deferred commencement conditions relating to access and drainage provide arrangements that will allow the orderly development of the land.

Accordingly, the panel determines for the reasons as stated above that the application be granted a deferred commencement consent subject to the conditions as prepared by councils assessment staff. Council's latest assessment report comments favourably on the amendments sought by the JRPP to the plans and favourably assesses the position in relation to overshadowing of adjoining land.

Reasons for refusal:

Councillor Malicki would refuse the application and supports the council staff recommendation to refuse the application as outlined in the planning report of July 2012 for reasons 1, 4 and 8 in their recommendation for refusal.

Ian Cross would refuse the application because the drainage easement is not yet in place and vehicular access over the neighbouring property is not yet available.

Resolution

The panel resolves to approve the application and adopts the conditions recommended in Council's supplementary assessment report for a deferred commencement consent, subject to the following:

- The deletion of condition No.94 (for duplication reasons)
- condition No.98 is amended to delete the first dot-point (referring to a new concrete driveway crossing)

Voting: 3 – 2.

6. Business Item 2

2012SYW083 - Ku-ring-gai, MOD0138/12, The proposal is for additional floor area to the 5th storey of Block A, minor floor layout changes, adjustments to window locations/sizes, 212-216 Mona Vale Road St Ives

7. Public Submission –

- Nigel Farquay (applicant) addressed the panel In favour of the item.

8. The Resolution of the Panel

The Panel unanimously resolved to approve the modification application for the reasons given in the council planning report and subject to the proposed conditions, as amended as follows:

76. Compliance with BASIX Certificate

Prior to the issues of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments, as applicable to the relevant stage of the development, in BASIX Certificates numbered 367598_06, 404354M_04, and 404379M_03 have been complied with.

Reason: Statutory requirement.

The meeting concluded at 4.25 pm

Endorsed by:

A handwritten signature in black ink, appearing to read 'MLT', is positioned below the text 'Endorsed by:'.

Mary-Lynne Taylor
Chair, Sydney West Joint Planning Panel
Date: 26 October 2012