

MINUTES OF THE SYDNEY WEST REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT KU-RING-GAI MUNICIPAL COUNCIL ON THURSDAY, 6 DECEMBER 2012 AT 4.30 PM

Mary-Lynne Taylor
Bruce McDonald
Stuart McDonald
Ian Cross
Elaine Malicki

Chair
Panel Member
Panel Member
Panel Member
Panel Member

COUNCIL STAFF IN ATTENDANCE

Corrie Swanepoel	Manager Development Assessment
Adam Richardson	Executive Assessment
Natalie Piggott-Herridge	Development Assessment Officer
Geoff Bird	Senior Landscape Officer
Kathy Hawken	Development Engineer
Grant Walsh	Executive Assessment Officer
Jan McCredie	External Consultant (Urban Design)
Richard Kinninmont	Team Leader – Development Assessment
Ian Francis	Team Leader – Land Scaping
John Whyte	Ecological Assessment Officer
Stuart Ratcliff	Senior Development Assessment Officer

1. The meeting commenced at 4.30 pm.

2. **Apologies** - Nil

3. **Declarations of Interest** –

Mayor – Elaine Malicki declared that she has a non-significant conflict of interest. The applicant for this development, Dugald MacKenzie, was a candidate in the ward in which she ran in the last Government elections. She did not exchange preferences.

She declared a conflict of interest during the election process when there was a briefing on this matter and was not present for the briefing, however now that the election is completed she does not feel that she has any conflict that would prevent her from making a decision on this matter.

4. **Business Items**

2011SYW127 - Ku-ring-gai, DA0605/11, Demolition of the existing structures & construction of a 5 to 7 storey residential flat building containing 135 units, basement car parking & strata, 1444B, 1446A, 1448, 1450, 1452 and 1454 Pacific Highway Turramurra

5. Public Submissions

Addressing the Panel against the proposal –

Carolyn Darby
Graham Carman
Marguerite Riley
Janet Harwood – on behalf of Friends of Ku-ring-gai Environment

Addressing on behalf of the applicant –

Brett Daintry – Planner
Garry Chapman – Town Planner
Joe Alonso – representative of land owners
Dugald MacKenzie – Architect
Elizabeth Ashbury – Tree Assessment
Derek Osborne

6. Panel's Decision

The panel notes that the application relies on a boundary adjustment with No. 1446 Pacific Highway to meet the requirement of DCP 55 not to bring about isolation of small sites. The panel has been advised by the applicant that this arrangement has not been agreed with the neighbour and it may not occur. As a result the application before the panel will need to be amended. It is noted that this matter remains unresolved.

The panel received amended plans shortly before this meeting and they have not been able to be assessed. The panel notes, however, that both urban designer for the council and the applicant agree that the design remains unsatisfactory and even these amended plans have not, in the opinion of the applicant's urban designers, finally resolved all the design issues.

As a result the panel unanimously **refuses** the application for the following reasons:

- 1/ The unsatisfactory aspects of the building design as identified in reason for refusal no. 1 in the council report, namely:

Massing, length of building, height, bulk and scale, visual impacts

have not been resolved and in the opinion of the panel require an amended design that would significantly differ from the plans under consideration.

- I. Building A-D would have a massive appearance due to its length of 97m, and number of "steps" at its upper levels, and it is not appropriate in its current form and should be configured into at least two separate buildings.
- II. The proposal breaches Clause 25I (5) Number of storeys development standard within the KPSO.
- III. The proposal breaches Clause 25I (7) limit on floor area of top storey development standard within the KPSO.
- IV. The proposal breaches Clause 25I (8) Maximum number of storeys and ceiling height development standard within the KPSO.

- V. The proposal exceeds the maximum building height contained within the Draft Local Centres LEP 2012 by a maximum of 7 metres.
 - VI. The proposal does not comply with Part 4.3 setbacks, Street boundary setback of DCP 55.
 - VII. The panel does not accept that the SEPP 1 objections in the circumstances are well founded.
 - VIII. The development proposal at 6 storeys at the Pacific Highway frontage is out of character with other residential flat buildings in the locality which are predominantly a maximum of 4 storeys with a reduced and set back 5th storey. This contravenes Clause 33 of the KPSO.
 - IX. The form of the building has resulted in failure to satisfactorily resolve the vehicular and pedestrian access within the site in terms of legibility, accessibility and amenity for residents and visitors, and the amenity of the residential apartments adjoining the circulation pathways and inclinator.
 - X. The proposed vehicle entry point and associated undercroft area would result in unsatisfactory visual impacts when viewed from Pacific Highway contravening Clause 33 of the KPSO.
 - XI. The proposal does not comply with the part 4.4 built form and articulation, control C5 of DCP 55 as the 97 metre length of Building A-D does not promote view corridors between buildings nor provide a leafy outlook from all dwellings.
 - XII. The form and organization of buildings does not enable the natural features of the site to dominate, does not create a clear legible series of spaces and relates poorly to the ground plane.
- 2/ The application has unsatisfactory impacts upon future development on land at 1456 and 1456A Pacific Highway as -
- The applicant has not demonstrated that the proposed building with a height of over 5 storeys and a setback of 6.0m to the north-western boundary makes allowance for a viable development to occur within the adjoining property to the north-west being 1456 and 1456a Pacific Highway when considering building separation requirements and the 27 metres combined width of those lots.
- 3/ The panel notes that Roads & Maritime Services is in agreement with a deceleration lane to allow vehicles to enter the site from the Pacific Highway but full details of the design have not been provided.
- 4/ The panel notes the matter of adverse impacts on a number of significant trees remains unresolved and notes any development of this site must address the Bluegum High Forest Community in a manner that ensures its sustained long-term viability.

The meeting concluded at 8.15 pm.

Endorsed by



Mary-Lynne Taylor
Chair, Sydney West Region
Joint Regional Planning Panel
Date: 6 December 2012