

**MINUTES OF THE SYDNEY WEST REGION
JOINT REGIONAL PLANNING PANEL MEETING
HELD AT GORDON LIBRARY
ON THURSDAY, 26 APRIL 2012 AT 4.00 PM**

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

COUNCIL STAFF IN ATTENDANCE

Michael Miocic	Director Development & Regulation
Corrie Swanepoel	Manager Development Assessment
Grant Walsh	Executive Assessment Officer
Jonathan Goodwill	Executive Assessment Officer
Tempe Beaven	Senior Landscape Officer
Kathy Hawken	Development Engineer
John Whyte	Ecological Assessment Officer

1. The meeting commenced at 4.20pm.
2. **Apologies** - Nil
3. **Declarations of Interest** – Paul Mitchell declared an interest in Item 1 – Knox Grammar School, however he did not consider this to be a conflict of interest.

4. **Business Items**

Item 1 - 2012SYW018 - Ku-ring-gai, DA0587/11, New Senior Centre for Knox Grammar School, 1499, 1495 Pacific Highway & 11 - 17 Woodville Avenue, Wahroonga

Item 2 - 2012SYW006 - Ku-ring-gai, DA0619/11, Demolition of existing dwellings and construction of 3 residential flat buildings comprising 124 units, landscaping works, car parking, 5A & 13 Memorial Avenue & 212-216 Mona Vale Road St Ives

5. **Public Submissions**

Item 1

- Mrs Faye Nourai (Legal representative) addressed the Panel against the item
- Mr John McFadden (Don Fox Planning – on behalf of Knox Grammar School – Town Planning) addressed the Panel in favour of the item
- Mr David Robertson (Cumberland Ecology – on behalf of Knox Grammar

School – Ecologist) addressed the Panel in favour of the item

Item 2

- Mr Steven MacJon addressed the Panel against the item
- Mr Steven Ding addressed the Panel against the item
- Mr Alex Tarasenko from The Village Company) CEO of Operations) addressed in favour of the item
- Mr Rudi Valla from DEM Architects (Managing Partner) addressed the Panel in favour of the item

6. Panel's Decision

ITEM 1 - 2012SYW018 - Ku-ring-gai, DA0587/11, New Senior Centre for Knox Grammar School, 1499, 1495 Pacific Highway & 11 - 17 Woodville Avenue, Wahroonga

The Panel by a majority of 4:1, (Mitchell, McDonald, Malicki and Cross, and in the minority – Taylor) refuses consent to Development Application DA0587/11 for a new senior centre for Knox Grammar School at 1499, 1495 Pacific Highway and 11–17 Woodville Avenue, Wahroonga for the following reasons:

Reasons for refusal – 1 – 7

1. Unsatisfactory impact on the Bluegum High Forest (BGHF) Critically Endangered Ecological Community (CEEC)

Particulars:

- a) The proposal will result in a loss 823m² Blue Gum High Forest resulting in local extinction of BGHF within the site.
- b) The proposal will result in further fragmentation of Blue Gum High Forest which contributes to a decrease in ecological processes which contributes to the survival of BGHF community.
- c) The proposal would result in exacerbation of key threatening process which further threatens the survival of BGHF community.
- d) The proposed mitigation measures of supplementary planting of Blue Gum High Forest can not be considered as part of the assessment process (DECC 2007/363).
- e) The impact assessment (7-part test) has not adequately considered the extent of impacts of the proposal on the local occurrence of Blue Gum High Forest.
- f) The impacts of proposal upon Blue Gum High Forest in accordance with the factors of the assessment as set out under section 5a part 2 factors c (i) (ii), d (ii) (iii) & g of the Environmental Planning & Assessment Act 1979 have not been adequately assessed.
- g) The proposal is contrary to part 1, section 3, objectives a, b, d & f of the Threatened Species Conservation Act 1995 (TSC Act 1995).
- h) No species impact statement has been prepared for the development. A species impact assessment is considered to be necessary due to the significant impacts of the proposal upon Blue Gum High Forest community, in accordance Part 4 Division 2, Section 78A part (8b) of the Environmental Planning & Assessment Act 1979.

- i) Insufficient information has been provided in relation to proposed Blue Gum High Forest impact offsets.
- j) The submitted application has not given any consideration to the biodiversity provisions contained within Draft LEP 218.

2. Unsatisfactory impacts on Existing Sydney Blue Gum trees

Particulars:

- a) The removal of Tree's 1 & 3 – 2 x Eucalyptus saligna (Sydney Blue Gum) is not supported as acceptable justification has been provided to allow their removal.
- b) The removal of Tree 4 – Eucalyptus saligna (Sydney Blue Gum) is not supported as it has not been adequately demonstrated that the tree cannot be retained with the construction of the new retaining wall adjacent to the tree. Furthermore, should it be ascertained that the tree can be retained; amendments would be required to the Seniors Centre to retain the tree.
- c) The impacts on Tree 9 – Eucalyptus saligna (Sydney Blue Gum) are significant to the point where its retention is not possible.
- d) The removal of 3 x Eucalyptus saligna (Sydney Blue Gum) and significant impact on or potential removal of 1 x Eucalyptus saligna (Sydney Blue Gum) deemed to be healthy and have high landscape and ecological significance, is not in accordance with clauses 1.2 & 2.5.1 of School Facilities Standards – Landscape Standard – Version 22/03/02.

3. Unsatisfactory impacts on adjoining heritage items and the Draft Heritage Conservation Area

Particulars:

- a) The application has not given any consideration to the Draft Heritage Conservation Area contained within Draft LEP 218.
- b) The scale of the proposed development is not consistent with the existing character of Borambil Avenue which would detrimentally affect the adjoining heritage item at 2 Borambil Street and the heritage significance of the Draft HCA.
- c) The proposal is not consistent with the requirements of Clause 61E of the KPSO due to the adverse impacts on adjoining heritage items.

4. Unsatisfactory visual impacts on Borambil Street as a result of insufficient front setback, excessive height and associated scale

Particular:

- a) The proposal is considered to be too high and too close to Borambil Street and this would result in adverse impacts on the character of the residential area.

5. The application has not demonstrated compliance with the Schools facilities standards as required by SEPP (Infrastructure) 2007

Particular:

- a) Clause 32 of SEPP (Infrastructure) 2007 requires consideration to be given to the standards contained within the Schools Facilities Standards to which the applicant has not addressed as part of the application.

6. The proposal fails to meet requirements contained within the Ku-ring-gai Schools Development Control Code

Particulars:

- a) The proposal results in the reduction of playground area by approximately 1,600m² and it is yet to be demonstrated that the required space is available for the playground area based on existing student numbers as required under part 4 a) of the schools development code.
- b) The proposal would result in a building which has an unsatisfactory visual amenity from nearby residential properties which contradicts the requirements of part 4 d) of the Ku-ring-gai Schools Development Control Code.

7. Inadequate investigation pursuant of SEPP 55 (Remediation of Land)

Particular:

Contaminants have previously been identified within the subject site which warrants a preliminary investigation to be carried out in accordance with SEPP 55. No preliminary investigation has been carried out as part of this application.

8. New reason

The bulk and scale of the proposed development and the inadequate front setback would be inconsistent with the character of Borambil Street and the surrounding residential area.

ITEM 2 2012SYW006 - Ku-ring-gai, DA0619/11, Demolition of existing dwellings and construction of 3 residential flat buildings comprising 124 units, landscaping works, car parking, 5A & 13 Memorial Avenue & 212-216 Mona Vale Road, St Ives

The Panel unanimously approved this application for the reasons outlined in the Council Town Planning Assessment Report subject to the conditions as amended. The amended conditions are attached to the minutes.

The meeting concluded at 6.20pm.

Endorsed by

A handwritten signature in black ink, appearing to read 'ML Taylor'.

Mary-Lynne Taylor
Chair, Sydney West Region
Joint Regional Planning Panel
Date: 2 May 2012