

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	17 October 2017
PANEL MEMBERS	Dr. Deborah Dearing (Chair), Dr. John Roseth, Dr. Louise Camenzuli, Dr. Cedric Spencer
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Sue Francis declared a non-pecuniary conflict as her company City Plan Services undertook the Heritage Assessment for the development.</p> <p>Sam Ngai declared a reasonably perceived conflict of interest as a Councillor for the Roseville and Lindfield Ward, and has therefore chosen to stand aside on this particular matter.</p> <p>Dr. Deborah Dearing (Chair), Dr. John Roseth, Dr. Louise Camenzuli, and Dr Cedric Spencer declared that they had no conflict of interest.</p>

Public meeting held at Christie's Conference Centre, 100 Walker St, North Sydney on 17 October 2017, opened at 2:35 pm and closed at 4:35 pm. The Panel adjourned, with the meeting concluding at 5:45 pm.

MATTER DETERMINED

2017SNH008 – Ku-ring-gai –DA0651/16

8-10 Tryon Road and 3-5 Kochia Lane Lindfield

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal complies with the Ku-ring-gai LEP (Local Centres) 2012 and is generally consistent with Ku-ring-gai Local Centres Development Control Plan, and the Lindfield Village Green Masterplan.
- The proposal provides much needed green space and additional parking.
- The Panel considered the submissions received in relation to the allocation of short-term and commuter parking spaces.
- A condition has been included in the approval so that the use of the car park does not include the restriction of parking to different classes of users. Any allocation of long-term or commuter parking shall be limited to between 7am and 7pm Monday to Friday. Such long-term parking spaces shall be available for use by others outside these times.

CONDITIONS

The development application was approved subject to Council's amended draft conditions dated 16 October 2017, with the following amendments.

- **Modify Condition One**

Add the following to the end of Condition One:

'The use of the approved car park does not include the restriction of parking to different classes of users. Any allocation of long-term or commuter parking shall be limited to between 7am and 7pm Monday to Friday. Such long-term parking spaces shall be available for use by others outside these times.'

- **Modify Condition 5, 10, 19, 33, 39, 59, 60, and 73**

Replace the word 'applicant' with 'proponent'.

- **Modify Condition 18**

Replace the word 'construction' with 'occupation' in both instances.

- **Modify Condition 19**

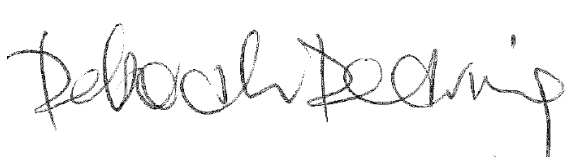
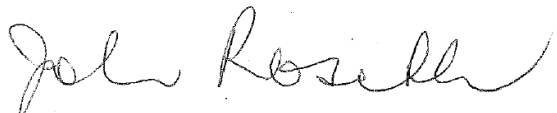

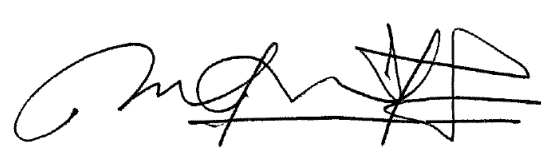
In the first sentence replace the word 'obtain' with the word 'seek'.

Delete the words "Prior to the release of the Construction Certificate the applicant shall seek approval from the Local Traffic Committee for the following:", after Paragraph C.

- **Modify Condition 20**

Delete Paragraph A.

- **Delete Condition 86**

PANEL MEMBERS	
 Dr. Deborah Dearing (Chair)	 Dr. John Roseth
 Dr. Louise Camenzuli	 Dr. Cedric Spencer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH008 – Ku-ring-gai –DA0651/16
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a two-level basement car park for commuter and short term parking, a public park, café, gazebo, water feature, road works and associated civil works and landscaping
3	STREET ADDRESS	8 & 10 Tryon Road, 3 & 5 Kochia Lane, Chapman Lane and Kochia Lane, Lindfield
4	APPLICANT/OWNER	DEM (Aust) Pty Ltd / Ku-ring-gai Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Regional Environmental Plan (Sydney Harbour Catchment) 2005 Kur-ring-gai Local Environmental Plan (Local Centres) 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Kur-ring-gai Local Centres Development Control Plan Planning agreements: Development Contributions Plan 2010 Provisions of the Environmental Planning and Assessment Regulation 2000: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 11 September 2017 Written submissions during public exhibition: 101 submissions (including pro-forma letters), a petition of 1931 signatures and a second petition of 435 signatures. Verbal submissions at the public meeting: <ul style="list-style-type: none"> Neutral – <ul style="list-style-type: none"> Sarah Ingram (on behalf of Jonathan O’Day, local member for Davidson) Object – <ul style="list-style-type: none"> Lilian Wong (representing Strata Plan 81401) William Kelly Gary Stein Brad Harrison Alan Blumberg Bryan Rowe John Wall (representing Strata Committee) Merryn Sheriff Linda McDonald (representing Support Lindfield) Ron Taylor Scott Blamey Tom Sheehan Richard Elliott (on behalf of Gary Walker) Bruce Murphy

		<ul style="list-style-type: none"> - Alexander Bendeli <p>On behalf of the applicant –</p> <ul style="list-style-type: none"> - Andrew Watson (Kur-ring-gai Council - Director Strategy and Environment) - Ian Dreghorn (Manager Strategic Projects at Kur-ring-gai Council) - Jon Pizey (Group Design Partner, DEM) - Graham Pindar (Independent Traffic Consultant)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting 14 June 2017 • Final briefing meeting to discuss council's recommendation, 17 October 2017 at 2 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dr. Deborah Dearing (Chair), Dr. John Roseth, Dr. Louise Camenzuli, Dr. Cedric Spencer ○ <u>Council assessment staff</u>: Kerry Gordon, Graham Pindar, Kathy Hawken, Tempe Beaven, Selwyn Seagall, Jonathan Goodwill, Michael Miocic
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Council provided amended draft conditions dated 16 October 2017