

<b>DATE OF DEFERRAL</b>	Wednesday 21 March 2018
<b>PANEL MEMBERS</b>	Julie Savet Ward (Chair), Steve Kennedy, Marcus Sainsbury and Louise Camenzuli
<b>APOLOGIES</b>	John Roseth
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a non-pecuniary conflict as City Plan Services was engaged to write the Access Report.

Public meeting held at Christie Conference Centre, 100 Walker Street, North Sydney on Wednesday, 21 March 2018, opened at 12.40pm and closed at 4.05pm.

The Panel adjourned at 2.15pm to deliberate. Meeting reconvened at 4.00pm.

#### **MATTER DEFERRED**

**2017SNH040 – Northern Beaches – DA2017/0385 and Lot 2/ 1145029 Myoora Rd Terry Hills (AS DESCRIBED IN SCHEDULE 1)**

#### **REASONS FOR DEFERRAL**

The Panel acknowledges that the development application was deferred in December 2017 in order that Council consider the Species Impact Statement (SIS) that was lodged the day before the December 2017 meeting. Council has now assessed the SIS and has had the SIS reviewed by an independent external expert. Council has also considered the potential impact on the Coastal Upland Swamp Endangered Ecological Community, including groundwater and surface water management, and has had an independent external engineer review these aspects of the proposal.

The Panel has considered the Supplementary Report (and its attachments), the draft Conditions of Consent, the Natural Environment and Climate Change Referral Response, the SIS, the peer review of the SIS undertaken by Keystone Ecological Pty Ltd and verbal information presented on the meeting day by the Applicant and one community representative.

The Panel concluded that:

1. The section 88B easement for the German International School authorises the undertaking of bushfire hazard reduction works across the whole of the easement.
2. The SIS is a comprehensive document but the Applicant and Council conclude very differently on the potential impact on the Eastern Pygmy-possum, Duffys Forest Endangered Ecological Community, Grevillea caleyi and Glossy Black Cockatoo.
3. The SIS has not had the concurrence of the Office of Environment and Heritage.
4. There is an inherent conflict between biodiversity conservation and bushfire hazard reduction works but Council and the Applicant are willing to agree on the measures to resolve this in the Biodiversity Conservation Plan, noting that the Rural Fire Services has granted consent to the application
5. The issues of traffic impact and the adequacy of local infrastructure has been satisfactorily resolved in Council's original report.





The Panel is of a mind to approve the application but has deferred the approval subject to:

1. The concurrence of the Chief Executive of OEH

2. Satisfactory agreement on the maintenance measures within the Biodiversity Management Plan to address the manner in which Asset Protection Zones are managed to ensure the ongoing retention of biodiversity values. A positive covenant will be created to ensure these measures are implemented over the life of the development.
3. A Biodiversity Stewardship Agreement. The Applicant has offered during the course of the discussions and under cover of letter dated 21 February 2018 to enter into a Biodiversity Stewardship Agreement and to retire all biodiversity credits relating to the Eastern Pygmy-possum and the Duffys Forest Endangered Ecological Community.
4. Amended Conditions of Consent.

On receipt of the Councils second supplementary report, the Panel will determine the matter electronically unless the Panel considers that another public meeting is warranted.

The Panel is unanimous in its decision.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Steve Kennedy
 Marcus Sainsbury	 Louise Camenzuli

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH040 – Northern Beaches – DA2017/0385
2	PROPOSED DEVELOPMENT	Construction of a Health Services Facility Private Hospital with associated consulting rooms, car parking, signage and landscaping
3	STREET ADDRESS	Lot 2 DP 1145029 Myoora Rd, Terry Hills
4	APPLICANT/OWNER	Gran-Dia Investments Pty Ltd (Owner) Wyvern Health Pty Ltd (Applicant)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>State Environmental Planning Policy – Infrastructure 2011</li> <li>Warringah Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Warringah Development Control Plan 2011</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 8 December 2017</li> <li>Council supplementary report: 12 March 2018</li> <li>Applicant submissions: 20 March 2018</li> <li>Written submissions during public exhibition: 20</li> <li>Verbal submissions at the public meeting 20 December 2017: <ul style="list-style-type: none"> <li>On behalf of the applicant – Adam Byrnes, Dr. Bill Sears, Kurtis Lindsay, Paul Burcher, Tom Heal and Jeff Fulton.</li> </ul> </li> <li>Verbal submissions at the public meeting 21 March 2018: <ul style="list-style-type: none"> <li>In objection: Paul Fullerton on behalf of the Terry Hills Progress Association,</li> <li>On behalf of the applicant – Adam Byrnes, Dr. Bill Sears, Danielle Le Bretton, Kurtis Lindsay, Paul Burcher</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting 31 August 2017</li> <li>Final briefing meeting to discuss council's recommendation, Wednesday, 20 December 2017 at 9.30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: John Roseth (Chair), Steve Kennedy, Marcus Sainsbury, Julie Savet Ward and Louise Camenzuli</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Lashta Haidari, Brendan Smith, Anna Williams, Elizabeth Ashby and Ben Fallowfield</li> <li>○ <u>In attendance as an observer</u>: Peter Debnam</li> <li>• Final briefing meeting to discuss council's recommendation, Wednesday 21 March 2018 at 12.00pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Julie Savet Ward (Chair), Steve Kennedy, Marcus Sainsbury, and Louise Camenzuli</li> <li>○ <u>Council assessment staff</u>: Lashta Haidari, Brendan Smith, Anna Williams, Elizabeth Ashby and Ben Fallowfield</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report