

<b>DATE OF DEFERRAL</b>	Wednesday 4 March 2020
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Cheryl Szatow, Martin Smith
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None (must include reason for declaration and whether the member participated or not)

Public meeting held at Ku-ring-gai Municipal Council on 4 March 2020, opened at 12.00pm and closed at 4.08pm.

#### **MATTER DETERMINED**

2018SNH040 – Ku-ring-gai – DA0134/18 at 64-66 Pacific Highway Roseville for redevelopment of the Roseville Memorial Club (as described in Schedule 1)

#### **REASONS FOR DEFERRAL**

The Panel agreed to defer the determination of the matter until a Supplementary Assessment Report is received covering the issues listed below.

The Panel is of the view the DA could not be approved given the outstanding Contamination Report and the inadequacy of the Clause 4.6 written requests for the Breach of Height and FSR. In relation to the Clause 4.6 written requests, the Panel considers there have been insufficient environmental planning grounds particular to the circumstances of the proposed development demonstrating why dispensation from compliance with the development standards is justified in this instance.

However, the Panel felt there was merit in the proposal warranting a deferral to await the Contamination Report, expected at the end of March, and to resolve the following issues:

- a) Clarify Car Parking Credits (obtained by the historic monetary contributions paid to Council) and reconsideration of the allocation of spaces between residential and Club with a view to increasing the number of car spaces for the Club staff and patrons.
- b) Further clarify gaming room smoke exhaust and outlet design and the visual interface between the street and gaming room
- c) Provide details of sustainability initiatives for the proposed development.
- d) Consider redesign or construction methods to provide appropriate acoustic separation (e.g. a minimum of 10RW units above the minimum requirement specified in the Building Code of Australia) between the bedrooms of one unit and the living rooms or bathrooms of any adjoining unit where these rooms align.
- e) Consider redesign to minimise any height breach, given additional uncertainties arising from the likelihood of further shade structures and the constraints of the proposed floor to floor heights.
  - With regard to the proposed floor to floor heights, it is noted that the proposed development is a 6-storey mixed- use building, with 5 storeys (levels 1 to 5) to be residential units. The residential levels to be Class 2 building under the BCA2019.
  - The proposed height of the building above ground level is 23.7 metres at the lift overrun and stairs.



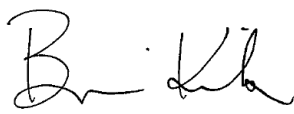

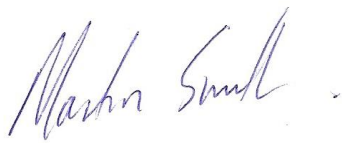
- Clause E1.5 of BCA2019 for a Class 2 building requires sprinklers throughout the whole of the building , including any part of another class, if any part of the building has a rise in storeys of 4 or more (basements are not counted) and an effective height of not more than 25m.
- The Panel notes that any Construction Certificate lodged after 1 May 2019 for a building that contains 4 or more storeys and are Class 2 residential must provide a sprinkler system in accordance with Specification E1.5 and E1.5a of BCA2019. This was not required under the previous version of the BCA.
- The Applicant is requested to consider the resultant impacts from any sprinkler pipes given that they will need to be concealed within the ceiling void – thereby requiring additional head height to ensure the minimum BCA2019 and SEPP65 head heights are achieved.

The Applicant is requested to address these issues and provide Council with supplementary and amended plans and documentation by the end of April to allow the Independent Assessor to provide a Supplementary Report to the Panel as soon as possible.

When this information has been received, the Panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Cheryl Szatow
 Martin Smith	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH040 – Ku-ring-gai – DA0134/18
2	PROPOSED DEVELOPMENT	Subdivision of land, demolish existing structures (including Roseville Memorial Club and retail tenancy) and construct mixed- use building comprising new ground floor Memorial Club, shop-top housing of 33 residential dwellings, basement parking and associated works.
3	STREET ADDRESS	62 to 66 Pacific Highway, Roseville NSW
4	APPLICANT/OWNER	Ku-ring-gai Council (62 Pacific Highway, Roseville) Roseville Returned Servicemen's Memorial Club Limited (64-66 Pacific Highway, Roseville)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>○ State Environmental Planning Policy (BASIX)</li> <li>○ State Environmental Planning Policy (Vegetation in No-Rural Areas)</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ Ku-ring-gai Local Environmental Plan (Local Centres) 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ku-ring-gai Development Control Plan 2016</li> <li>○ Ku-ring-gai Development Contributions Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>○ Clause 92(1)(B)</li> </ul> </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: <b>6 February 2020</b></li> <li>• Clause 4.6 Height of Building written request</li> <li>• Clause 4.6 Floor Space Ratio written request</li> <li>• Applicants response: 27 February 2020</li> <li>• Written submissions during public exhibition: 68</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Russell Norwood, Bill Brookman, John Whitworth, David Barker, Wayne Kearns, Adrian Minaard, Alex Roth</li> <li>○ In objection – Soon lee, David Castle, Natalie Richter for Emma Addario, Frank Walker</li> <li>○ Council assessment officer – Vince Hardy, Michael Miocic</li> <li>○ On behalf of the applicant – Stephen Abolakian, Tina Christy, Aaron Gadiel, Tim Rogers, Renzo Tonin, Phillip Lord</li> </ul> </li> </ul>

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 5 September 2018               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Cedric Spencer</li> <li>○ <u>Council assessment staff</u>: Janice Buteux-Wheeler, Selwyn Segall, Brian O'Connell, Jamie Talor, Chris Drury, Joseph Piccollo, Tempe Beaven, Corrie Swanepoel, Vince Hardy (consultant planner), Kerry Hunter (Urban Design consultant)</li> </ul> </li> <li>• Site inspection: 4 March 2020               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Save Ward, Brian Kirk, Cheryl Szatow, Martin Smith</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 4 March 2020. Attendees:               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Save Ward, Brian Kirk, Cheryl Szatow, Martin Smith <u>Council assessment staff</u>: Brian O'Connell, Ian Francis, Stuart Ratcliff, Adam Richardson, Vince Hardy, Michael Miocic, Kerry Hunter</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report