

DATE OF DETERMINATION	10 July 2023
DATE OF PANEL DECISION	10 July 2023
DATE OF PANEL MEETING	05 July 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Martin Smith, Kim Wheatley
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 26 June 2023.

MATTER DETERMINED

PPSSNH-365 – MOD0185/22 - 376-384 Pacific Highway LINDFIELD, Multi unit, Modification to Land and Environment Court Approval 391613 of 2018 (DA0197/18) proposing to modify three conditions of consent to reflect amendments to plans, relevant green star provisions and allow the approved coffee shop to include a greater range of appliances - Heritage item (as described in Schedule 1).

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 briefings and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The Panel determined to approve the modification application for the reasons set out below and in Council's Assessment Report.

The modification involves a large number of minor amendments to plans for the basement, lower ground floors, upper ground floor and residential levels.

The Panel concurs with Council that the modification has been properly assessed in accordance with relevant planning controls, the likely impacts of the modification are acceptable and approval of the modification is in the public interest.

CONDITIONS

The Panel heard extensive debate from the Applicant and Council regarding the Applicant's proposed amendment to Condition 53E(d). However, the Panel concurred with Council that the Condition should remain as proposed in Council's draft conditions.

The modification application was approved subject to the conditions submitted with Council's Assessment Report with a new Condition 53 E(e) relating to Services and Fire Hydrant Enclosure.

New Condition 53 E(e) Services and Fire Hydrant Enclosure

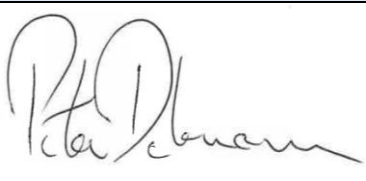
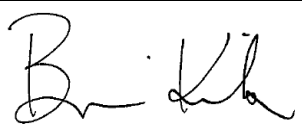
Prior to the issue of a Construction Certificate for works above ground slab level, the Certifier is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler

booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted no written submissions were made during public exhibition.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Kim Wheatley
 Brian Kirk	 Martin Smith

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-365 – MOD0185/22 – Ku ring gai
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Approval 391613 of 2018 (DA0197/18) proposing to modify three conditions of consent to reflect amendments to plans, relevant green star provisions and allow the approved coffee shop to include a greater range of appliances - Heritage item
3	STREET ADDRESS	376-384 Pacific Highway LINDFIELD
4	APPLICANT/OWNER	Third I Group / PPI Lindfield Landowner Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 modification
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Regulation 2001 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Biodiversity & Conservation) 2021 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development - State Environmental Planning Policy (Industry and Employment) 2021 - Ku-ring-gai Local Environmental Plan 2015 (KLEP) - Ku-ring-gai Contributions Plan 2010 - Draft environmental planning instruments: Nil - Development control plans:

		• Ku-ring-gai Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: Nil • Other relevant plans: 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	• Council assessment report with draft conditions of consent. • Attachment A - Location sketch • Attachment B - Zoning Extract • Attachment C – Amended Architectural Comparative Plans • Attachment D – Elevations • Attachment E – Additional Sections • Attachment F – Amended Landscape Plans • Attachment G – Amended Landscape Report • Attachment H – most recent modified development consent MOD0219/21 • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• 12 April 2023 - Briefing • 05 July 2023 - Final briefing to discuss council's recommendation: ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Martin Smith, Kim Wheatley ○ <u>Council assessment staff</u>: Michael Miocic, Amy Ayling, Sabina Jamo, Kerry Frair ○ <u>Applicant</u>: Anna Limnios, Karl Weaver, Anthony Kazacos
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report