

DATE OF DETERMINATION	06 July 2023
DATE OF PANEL DECISION	06 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	Sue Francis advised that her firm was involved in the initial DA For Coles.

Public meeting held by teleconference on 05 July 2023, opened at 1.01pm and closed at 1.11pm.

MATTER DETERMINED

PPSSNH-369 – MOD0001/23 - KU-RING-GAI – 1 and 1A Balfour Street, Lindfield (formerly known as 376-384 Pacific Highway, 386-390 Pacific Highway and 1 Balfour Street, Lindfield), Modification to Land and Environment Court Consent 391613 of 2018 (DA0197/18) proposing deletion of Condition 17 and amendment to Condition 1 (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 below and Council's Assessment Report.

The modification proposes no physical changes to the approved development but rather amendments to Conditions 1 and 17. During the public meeting, aspects of the proposed conditions were discussed with the Applicant and Council including procedures for out of hours work applications.

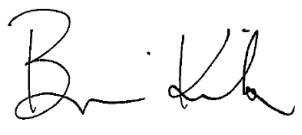
The Panel concurred with Council that the proposed modification has been properly assessed in accordance with relevant planning controls, is substantially the same development as that originally approved, is consistent with the previous court approval and approval of the modification is in the public interest.

CONDITIONS

The modification application was approved subject to the conditions in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 18 written submissions made during public exhibition of the proposal. Issues included pedestrian & child safety, traffic survey, control and congestion, amended CTMP 2, parking, access issues for neighbouring dwellings, breaches of current CTMP and dust emissions. No members of the public chose to address the public meeting. The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report and in the conditions.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-369 – MOD0001/23 - KU-RING-GAI
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Consent 391613 of 2018 (DA0197/18) proposing deletion of Condition 17 and amendment to Condition 1
3	STREET ADDRESS	1 and 1A Balfour Street, Lindfield (formerly known as 376-384 Pacific Highway, 386-390 Pacific Highway and 1 Balfour Street, Lindfield)
4	APPLICANT/OWNER	Knight Frank Town Planning / PPI Lindfield Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 modification
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Regulation 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 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 (KDCP) - 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</i>

		<i>and Assessment Act 1979 or regulations</i> • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Assessment Report • Attachment A - Location sketch • Attachment B -Zoning Extract • Attachment C – Construction Traffic Management Plan ‘Issue K’ • Attachment D – Engineering Statement dated, 24 November 2022 • Attachment E – most recent modified development consent MOD0219/20 • Written submissions during public exhibition: 18 • Verbal submissions at the public meeting: ○ Members of the community – Nil ○ Council Assessment Officers – Michael Miocic, Amy Ayling, Sabina Jamo, Ross Guerrero, Kerry Frair ○ On behalf of the applicant – Mark Grayson and Jason Raad
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, Ross Guerrero, Kerry Frair
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report