

DATE OF DEFERRAL	30 July 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Alec Taylor, Kim Wheatley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 July 2025.

MATTER DEFERRED

PPSSNH-575– Ku-ring-gai – eDA0516/24 at 136 – 144 and 148 Fox Valley Road, Wahroonga – Demolition works, tree removal, subdivision, lot consolidation and construction of a residential apartment development, including basement, landscaping and associated works (as described in Schedule 1).

REASONS FOR DEFERRAL

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

The Councils draft reasons for refusal were discussed extensively and it became apparent to the Panel that further communication between Council and the Applicant may resolve outstanding issues.

Consequently, the majority of Panel resolved to defer the determination of the matter to allow additional time for discussions, provision of additional information and further assessment.

The majority of the Panel agreed to defer the determination of the matter until September 2025.

The decision to defer the matter was 3:2 in favour, against the decision were Kim Wheatley and Alec Taylor. Alec Taylor and Kim Wheatley's reason for refusal, against the decision is included below:

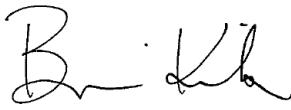
The applicant has constructively engaged with Council, expressed willingness to adopt Council's conditions, and has addressed outstanding issues. However, the applicant's response dated 29/7/25 does not provide sufficient justification to move away from Council's refusal recommendation, as it does not definitively address the core issue of permissibility regarding the storm water trench in C2 environmental land. In addition, bushfire certification may require amendments to plans that could be better addressed prior to approval, there is ongoing disparity in deep soil calculation methodology, and the applicant could adopt some of Council's latest suggestions in order to move further toward the DCP requirement of 50% deep soil (notwithstanding the Apartment Design Guide minimum requirement of 7%).

ACTIONS

To allow progression of the Development Application to determination:

1. The Applicant and Council are to urgently meet in the next week to address the reasons for refusal. Specifically, to resolve the issue of permissibility and address any other matters which the applicant indicated in their response to the Panel dated 29 July 2025 which could be addressed, either in plan or by conditions of consent.
2. The Applicant is to submit to Council amended plans and any additional information by 13 August 2025

3. Council is to upload a Supplementary Assessment Report and revised Draft Conditions as quickly as possible thereafter
4. The Panel will hold a final briefing on 3 September 2025 and determine the application by way of electronic determination after receiving the supplementary report and revised conditions

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Alec Taylor
 Kim Wheatley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-575 - Ku-ring-gai - eDA0516/24
2	PROPOSED DEVELOPMENT	Demolition works, tree removal, subdivision, lot consolidation and construction of a residential apartment development, including basement, landscaping and associated works
3	STREET ADDRESS	136 – 144 and 148 Fox Valley Road, Wahroonga
4	APPLICANT/OWNER	Applicant: The Trustee for Capital Corporation Wahroonga 3 Unit Trust Owner: Australasian Conference Association Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Wahroonga Estate Concept Plan (MP07_0166) – MOD 9 (Concept Plan) - Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Housing) 2021 - Ku-ring-gai Local Environmental Plan 2015 - Draft environmental planning instruments: Nil - Development control plans: - Ku-ring-gai Development Control Plan - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Assessment Report: 24 July 2025 - Letter to Sydney North Planning Panel – Ethos Urban: 29 July 2025 - Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 12 March 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk <u>Council assessment staff</u>: Jonathan Goodwill, Shanika Kappagoda, Rathna Rana, Asmaa Rabiee, Kerry Hunter <u>Applicant representatives</u>: Julian Frate, Janene Fowlstone, Sally Lewis, Claire Burdett, Ben Porges, James McCarthy <u>DPHI</u>: Nikita Lange, Jade Buckman - Assessment Briefing: 2 April 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Cedric Spencer, Kim Wheatley <u>Council assessment staff</u>: Jonathan Goodwill, Shanika Kappagoda

		○ <u>Applicant representatives</u>: Julian Frate, Sally Lewis, Claire Burdett, Ben Porges, James McCarthy, Janene Turner ○ <u>DPHI</u>: Lillian Charlesworth, Jade Buckman ● Final briefing to discuss council's recommendation: 30 July 2025 ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Alec Taylor, Kim Wheatley ○ <u>Council assessment staff</u>: Jonathan Goodwill, Shanika Kappagoda, Vincent Ooi, Fiona Ambrosino, Ross Guerrero, Joseph Piccoli ○ <u>Applicant representatives</u>: Julian Frate (Capital Corporation), Sally Lewis (Capital Corporation), Nicole Topple (Capital Corporation), Jim Hunter (Capital Corporation), Kayleen Bassett (Capital Corporation), Claire Burdett (Ethos Urban), Ben Porges (Ethos Urban), Isabel Lu (Ethos Urban), Alex Longley (Arcadia), Rose Gurney (Arcadia), Janene Fowlstone (Turner), James McCarthy (Turner), Tiffany Kuo (Turner), Grace Carpp (TTW), Mitchell Leighton (TTW)
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report