



## **KU-RING-GAI LOCAL PLANNING PANEL MEETING TO BE HELD ON MONDAY, 16 FEBRUARY 2026 AT 12:30 PM BY ZOOM CONFERENCING**

**This meeting will be live streamed – click on the link below at 12:30pm  
on Monday, 16 February 2026 to watch the live stream**

<https://www.krg.nsw.gov.au/Council/Council-meetings/Ku-ring-gai-Local-Planning-Panel-KLPP-meetings/Ku-ring-gai-Local-Planning-Panel-meetings-live-stream>

### **DISCLAIMER**

#### **Ku-ring-gai Local Planning Panel Meetings and COVID-19**

In line with social distancing requirements to limit the spread of the COVID-19 virus, Ku-ring-gai Local Planning Panel meetings may be held using conferencing technology (until further notice).

Meetings will be webcast and members of the public can watch and listen to meetings live via Ku-ring-gai Council's website. If you are an owner, applicant, architect or submitter to the Development Application you may register to speak. Please see our [Register to Speak page](#).

### **IMPORTANT**

Any persons speaking at a Local Planning Panel meeting, are advised that their voice and personal information (including name and address) will be recorded as part of the meeting and made publicly available on Council's website via live stream and on-demand access (except any part of the meeting that is held in closed session). Accordingly, you must ensure that your address to the Panel is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

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# AGENDA

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NOTE: For Full Details, See Council's Website –  
[www.krg.nsw.gov.au](http://www.krg.nsw.gov.au) under the link to business papers

## APOLOGIES

## DECLARATIONS OF INTEREST

## GENERAL BUSINESS

GB.1 **5-7 Lonsdale Avenue, Pymble - Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling** 4

File: EDA0545/25

Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling.

### RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is not satisfied that the requests submitted under clause 4.6 to vary the Height of Buildings and Floor Space Ratio development standards have met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standards is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standards.
- B. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0545/25 for construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling, on land at 5-7 Lonsdale Avenue Pymble, for the reasons as outlined in the Assessment Report (**Attachment A1**).

GB.2 **2 Forsyth Street, Killara - Demolition of existing building, construction of a multi-dwelling housing development with basement car parking** 96

File: EDA0580/25

Demolition of existing building, construction of a multi-dwelling housing development with basement car parking

### RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0580/25 for the demolition of existing building, construction of a multi-dwelling housing development with basement car parking on land at 2 Forsyth Street Killara, for the reasons as outlined in the Development Assessment Report (**Attachment A1**).

- GB.3 **15 Frances Street, Lindfield - Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision** **213**

File: EDA0442/25

Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision

### **RECOMMENDATION**

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0442/25 for demolition of existing structures and the construction of a dual occupancy (detached) and associated civil and landscaping works at 15 Frances Street, Lindfield for the reasons provided in the Development Assessment Report **(Attachment A1)**.

- GB.4 **40 Roseville Avenue, Roseville - Boundary adjustment, demolition of patio, tree removal and landscaping works** **470**

File: EDA0530/25

Boundary adjustment, demolition of patio, tree removal and landscaping works

### **RECOMMENDATION**

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping works at 40 Roseville Avenue, Roseville, for the reasons outlined in the Assessment Report **(Attachment A1)**.

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# DEVELOPMENT APPLICATION

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## *SUMMARY SHEET*

<b>REPORT TITLE:</b>	5-7 LONSDALE AVENUE, PYMBLE - CONSTRUCTION OF A DETACHED CAR PARKING & STORAGE STRUCTURE WITH ROOFTOP TENNIS COURT TO THE REAR OF THE EXISTING DWELLING
<b>ITEM/AGENDA NO:</b>	GB.1

<b>APPLICATION NO:</b>	eDA0545/25
<b>ADDRESS:</b>	5-7 Lonsdale Avenue, Pymble
<b>WARD:</b>	Comenarra
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling.
<b>APPLICANT:</b>	Minto Planning Services Pty Ltd
<b>OWNER:</b>	D. Scott
<b>DATE LODGED:</b>	03/10/2025
<b>SUBMISSIONS:</b>	3 submissions
<b>ASSESSMENT OFFICER:</b>	Brent Pearce
<b>RECOMMENDATION:</b>	Refusal

<b>KLPP REFERRAL CRITERION:</b>	Departure from a development standard in excess of 10%.
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## PURPOSE OF REPORT

To determine Development Application No. eDA0545/25 for the construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's S 9.1 Local Planning Panels Direction as it proposes a departure from a development standard in excess of 10%.

## RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, is not satisfied that the requests submitted under clause 4.6 to vary the Height of Buildings and Floor Space Ratio development standards have met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standards is not unreasonable or unnecessary in the circumstances of the case and that there are not sufficient environmental planning grounds to justify the variation to the development standards.
- B. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0545/25 for construction of a detached car parking & storage structure with rooftop tennis court to the rear of the existing dwelling, on land at 5-7 Lonsdale Avenue Pymble, for the reasons as outlined in the Assessment Report (**Attachment A1**).

Brent Pearce  
Executive Assessment Officer

Selwyn Segall  
Team Leader Development Assessment

Shaun Garland  
Manager Development Assessment Services

<b>Attachments:</b>	A1	Assessment Report	2025/370212
	A2	Location Sketch	2026/005166
	A3	Zoning Sketch	2026/005167
	A4	Survey Plan	2025/317878
	A5	Landscape Plans	2025/317875
	A6	Stormwater Plans	2025/361934
	A7	Schedule of Materials & Finishes	2025/317881
	A8	Clause 4.6 Variation - Height of Buildings	2025/317880
	A9	Clause 4.6 Variation - Floor Space Ratio	2025/317866

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## DEVELOPMENT APPLICATION

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### ASSESSMENT REPORT

<b>REPORT TITLE</b>	5-7 Lonsdale Avenue, Pymble - Construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.
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<b>APPLICATION NO</b>	eDA0545/25
<b>PROPERTY DETAILS</b>	5-7 Lonsdale Avenue, PYMBLE Lot 1 in DP 1152396 5,047.8m <sup>2</sup> C4 Environmental Living
<b>WARD</b>	COMENARRA
<b>PROPOSAL/PURPOSE</b>	Construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.
<b>TYPE OF DEVELOPMENT</b>	Local
<b>APPLICANT</b>	Minto Planning Services Pty Ltd
<b>OWNER</b>	D. Scott
<b>DATE LODGED</b>	3 October 2025
<b>RECOMMENDATION</b>	Refusal

## PURPOSE OF REPORT

To determine Development Application No. eDA0545/25 for construction of a detached car park with rooftop tennis court to the rear of the existing dwelling.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's section 9.1 Local Planning Panels Direction as it proposes a departure from a development standard in excess of 10%.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

## EXECUTIVE SUMMARY

### Issues

- Visual amenity
- Local character
- Bulk and scale
- Floor space ratio
- Building height
- Excavation
- Landscaping
- Ecology

### Submissions

Yes: 3

### Land and Environment Court

N/A

### Recommendation

Refusal

## HISTORY

### Site history

The site has a history of residential use and has been developed for the purposes a single residential dwelling house since approximately 2009 ([DA0328/09-1](#), [CCPCA0569/11](#)). Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
DA	<a href="#">DA0328/09-1</a>	Demolition of existing dwellings, consolidation of two lots into one and construction of a new two storey dwelling.	Approved (LEC 10496/06)	05/06/2009
MOD	<a href="#">MOD0229/10</a>	Modification of DA0328/09 proposing removal of 4 trees.	Approved	03/09/2010
CDC	<a href="#">PCDC0190/10</a>	Demolition of swimming pool.	Approved	08/09/2010
CDC	<a href="#">PCDC0217/10</a>	Construction of swimming pool.	Approved	11/10/2010
CC	<a href="#">CCPCA0569/11</a>	Construction Certificate for demolition of existing & construction of a new dwelling.	Approved	6/12/2011
MOD	<a href="#">MOD0088/14</a>	Modification to DA0328/09 proposing to remove turntable and delete condition relating to positive covenant.	Approved	11/06/2014

### Current Development Application History

Date	Action
3 October 2025	Application lodged.
15 October 2025	The application was notified to neighbouring property owners for a period of 14 days and three submissions in objection were received.
30 November 2025	A letter was sent to the applicant indicating that the proposal was unsatisfactory having regard to: <ul style="list-style-type: none"> <li>1. The objectives of the C4 Zone in KLEP 2015.</li> <li>2. Unsatisfactory Clause 4.6 Height and FSR requests.</li> <li>3. The objectives of Clause 4.3 in KLEP 2015.</li> <li>4. The objectives of Clause 4.4 in KLEP 2015.</li> <li>5. Part 2 of the KDCP.</li> <li>6. Various Chapters in Part 4 of the KDCP.</li> <li>7. Additional information and amended plans were required to address Ecology, Engineering and Landscaping issues.</li> </ul> <p>Note: the date on this letter was incorrectly listed as 1 October 2025</p>
8 December 2025	An amended letter with the correct date (that being 30 November 2025) was uploaded to the Planning Portal.

**THE SITE**



**Figure 1: Aerial view of the subject site**



**Figure 2: Rear setback looking east**



**Figure 3: Rear setback looking west**

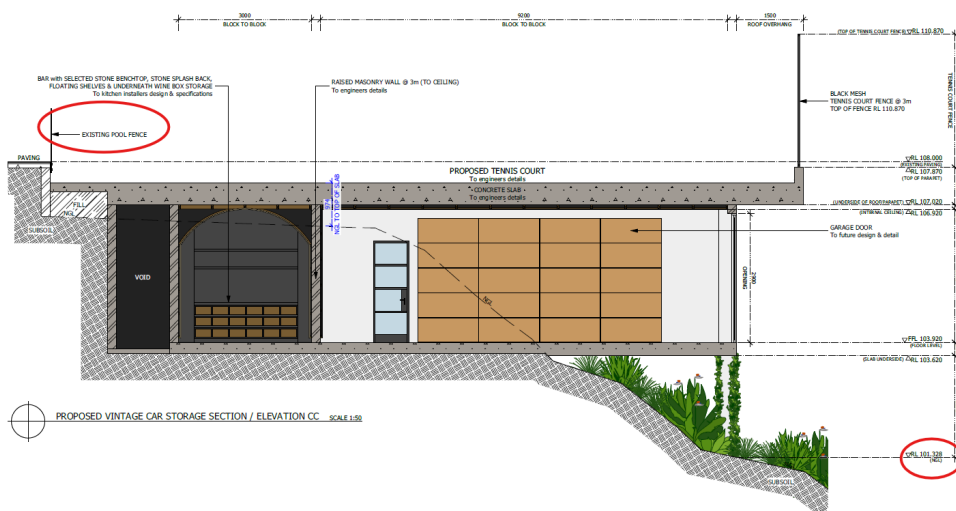


**Figure 4: Existing garage looking east**

## Site Description

The subject site is legally known as Lot 1 in DP 1152396 and generally known as No. 5-7 Lonsdale Avenue, Pymble. Having a total site area of 5,047.8m<sup>2</sup> (by survey calculation) the site is mostly rectangular but has several boundary projections in the front third of the site; the site also slopes steeply down toward the north-west. Located on the low side of the street, the site experiences a significant drop in natural ground level to the north of the existing swimming pool in the location of the proposed development where the site falls 7 metres over a 14-metre run (refer to **Figure. 5** below). The rear setback of the site contains undeveloped bushland including Turpentine Ironbark Forest and Terrestrial Biodiversity.

The bushland setting of the site is characterised by dense undergrowth and mature tree canopies that form corridors and high quality landscape connections to the adjoining properties. Vistas across the side and rear boundaries permit a continuous landscape outlook that defines the high quality features of the neighbourhood.



**Figure 5. Section through proposed development**

<b>Constraint:</b>	<b>Application:</b>
Visual character study category	1945-1968.
Easements/rights of way	None identified
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes: 6 Lonsdale Avenue
Bush fire prone land	Yes: Flame Zone
Natural Resources Biodiversity	Yes: Core Biodiversity
Natural Resources Greenweb	Yes: Corridors and consolidation
Natural Resources Riparian	Yes: Category 2
Within 25m of Urban Bushland	No
Contaminated land	No

## **Surrounding development**

The surrounding development consists of low density residential dwelling houses of varying architectural designs. The neighbouring properties also benefit from swimming pools and tennis courts in their rear setback areas, although it is noted that adjoining tennis courts are situated at ground level. Due to the sloping topography, the subject and neighbouring properties enjoy views over and across their rear and side boundaries with a degree of overlooking common amongst properties located on the low side of Lonsdale Avenue. Despite this, adjoining dwellings and ancillary developments are positioned sympathetically into their surrounds via generous building separation, screen planting and locating finished floor levels as close to existing ground level as possible.

## **THE PROPOSAL**

### Demolition

- Removal of sandstone retaining walls, lawn and gardens in the rear yard.
- Removal of existing gravel section of existing driveway.
- Removal of four trees (Trees 1, 3, 11 and 12).

### Construction

- A partially suspended parking garage, with undercroft area and tennis court above. The parking garage will also include a wine cellar, storage rooms, a bathroom and vehicle turn-table.
- Internal fit out of wine storage room with bar, benchtop, stone splash back, floating shelves and underneath wine box storage.
- Provision of fixed full height windows and louvres to vintage car storage area.
- Provision of 3 metres high black mesh tennis court fencing to edge of concrete parapet roof structure.
- Construction of a driveway extension which connects to the existing paved driveway to provide access to the proposed car parking and storage structure.
- Installation of a garage door and vehicle turntable to car parking & storage.
- Construction of raised masonry retaining walls having a maximum height of 1.7 metres & 3.6 metres to adjoin the proposed new portion of driveway.
- Construction of new paved stairs with steel balustrade to the north eastern side of proposed structure.
- The proposed tennis court to be used as an on-site detention basin with overflow directed to the natural drainage path to the rear of the site via a 10 metre level spreader.
- Revegetation of the site in accordance with the proposed landscape plans and Vegetation Management Plan.

## **CONSULTATION**

### **Community**

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. In response, three submissions from the following were received:

1. *R. Brennan, No. 2 Barclay Close Pymble.*
2. *D. Black, No. 18B Lawley Crescent Pymble.*

3. *G. Stagnitta and M. Maloney, No. 18A Lawley Crescent Pymble.*

The submissions raised the following issues:

***The Vegetation Management Plan approved by the Land and Environment Court in DA0328/09 was never implemented. The Site has become overgrown as a result. This is supported by the Biodiversity Development Assessment Report for the subject proposal. The Vegetation Management Plan for the subject proposal should be carried out in full.***

The original VMP approved by the Court on 16/12/2009 was in effect for 5 years. Whilst the Court approved VMP included a schedule of works over the 5-year period that culminated in a final VMP to be presented Council, no record of a final VMP could be located. It is noted that a CDC was approved within that 5-year period which may have impacted the viability of the VMP and this has not been taken into account either.

Council's Ecological Advisor has determined that the Vegetation Management Plan lodged with the subject application can satisfy the objectives and controls in Part 18.7 of KDCP if the application were to be approved.

***The proposal will permit unreasonable overlooking into the front yard and dining room of No. 2 Barclay Close.***

It is agreed that the proposal will result in unreasonable overlooking. This issue informs reason for refusal number 6.

***The proposal will result in a 'light commercial' level of acoustic nuisance to the adjoining properties, due to reverberations from the tennis court onto the adjacent gully.***

It is not agreed that the proposal will result in a 'light commercial' level of acoustic nuisance. The proposal is not for a commercial tennis court and as such will only create noise that is commensurate with a residential use. However, it is agreed that the elevation of the tennis court will result in a greater acoustic impact compared to an at-grade tennis court.

***The proposed bulk and scale are inconsistent with the first objective of the C4 Environmental Living Zone.***

It is agreed that the bulk and scale is inconsistent with the first objective of the C4 Zone, as it is not 'low impact', this issue informs reason for refusal number 5 (b).

***The proposed development is not considered to be 'low impact' to the site or surrounding sites.***

It is agreed that the proposal is not 'low impact'. This issue informs reason for refusal number 5.

***The proposed development has been incorrectly described in the SEE as 'non-habitable' but the proposal includes habitable rooms and is therefore not permissible.***

It is agreed that the proposal includes habitable use, this has been taken into account when calculating gross floor area.

***The extensive use of glass is inconsistent with the bushland setting, will result in adverse light-spill and glare towards neighbouring properties.***

It is agreed that the continuous glass windows on the rear elevation will detract from the bushland setting and result in adverse impacts to neighbouring properties. This issue informs reason for refusal number 10.

***The proposal will result in a loss of vegetation that includes Turpentine Ironbark Forest, the environment assessments provided are insufficient and the proposed excavation is excessive.***

It is agreed that the Biodiversity Development Assessment Report (BDAR) is inadequate, and that the proposal will result in unnecessary excavation that is detrimental to environmentally sensitive land on the site. This issue informs reasons for refusal numbers 7, 8 and 10.

***The proposed replacement tree planting (4 trees having 150mm diameter pot size) is inadequate considering the size of the trees to be removed.***

It is agreed that the proposed impact amelioration measures are inadequate. This issue informs reason for refusal number 9.

**Internal Referrals**

**Ecology**

Council's Ecological Assessment Officer commented on the proposal as follows:

<b>Biodiversity Conservation Act 2016</b>		
<b>Section 7.3</b>	<b>Proposed</b>	<b>Complies</b>
<i>The purpose of the Act is to maintain a healthy, productive and resilient environment</i>	<p><i>The native vegetation within the subject property is representative of Sydney Turpentine Ironbark Forest (STIF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.</i></p> <p><i>The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal.</i></p> <p><i>A biodiversity development assessment report (BDAR) has been submitted with the DA however is not supported for the following reasons:</i></p> <ul style="list-style-type: none"> <li>• <b>Plot Location Mapping:</b> <i>The location of the BAM plot(s) must be clearly placed within the representative vegetation zone. The BAM plot currently straddles two zones cleared and PCT 3262 Sydney Turpentine Ironbark Forest.</i></li> <li>• <b>Appendix E</b> <i>is missing from the BDAR no SAI assessment</i></li> </ul>	<b>NO</b>

<b>Biodiversity Conservation Act 2016</b>		
<b>Section 7.3</b>	<b>Proposed</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• <b>Large-eared Pied Bat:</b> The justification for excluding the Large-eared Pied Bat is insufficient. The site is located within 2 km of areas likely to support suitable habitat features, including rocky areas, caves, escarpments. Further assessment is required.</li> <li>• <b>Exclusion of Candidate Species:</b> Insufficient justification has been provided for the exclusion of the following candidate species: <i>Rhizanthella slateri</i>, and <i>Rhodamnia rubescens</i>. This omission must be addressed and supported by appropriate evidence.</li> <li>• <b>Credit Reports:</b> All biodiversity credit output reports must be appended to the BDAR to support and validate offset calculations and proposed measures. The current credit reports are outdated and are not in accordance with section 6.15 of the BC Act.</li> </ul>	

<b>LEP 2015 COMPLIANCE TABLE</b>		
<b>Part 5 Miscellaneous provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>KLEP 2015 COMPLIANCE TABLE</b>		
<b>Part 6 Additional local provisions</b>	<b>Proposed</b>	<b>Complies</b>
<b>Clause 6.3 – Biodiversity Protection</b> The objective of this clause is to protect maintain and improve the diversity and condition of native vegetation and habitat	An amended BDAR is required before this clause is satisfied.	<b>NO</b>
<b>Clause 6.4 – Riparian land</b> The objective of this clause is to protect and improve riparian lands and adjoining waterways	The proposed development will result in the removal of native trees from lands mapped as riparian land.  Despite this the proposed tree removal is accepted on merit and is offset by the proposed VMP works.	<b>YES</b>

<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 17 Riparian Lands</b>		
<i>Part 17.1 General</i>	<i>The subject site contains mapped riparian land and the proposal includes a minor encroachment into the Core Riparian Zone (CRZ). Part 17.1 provides that encroachments onto riparian land may be permitted, subject to consideration of the scale of the development, the extent to which the encroachment has been minimised through siting and design, and whether appropriate environmental enhancements are proposed, including rehabilitation measures and protection of ecological values. A Vegetation Management Plan (VMP) has been submitted with the DA and provides a structured mechanism for the protection and enhancement of riparian vegetation where works are proposed within the CRZ, consistent with Part 17.1 requirements for vegetation management planning within riparian lands. On this basis, and with implementation of the VMP as part of the development, the proposal is considered to satisfy the intent of Part 17.1 in maintaining riparian land values and ensuring appropriate management outcomes, notwithstanding the minor encroachment.</i>	<b>YES</b>
<i>Part 17.3 Category 2 Terrestrial and aquatic habitat</i>	<p><i>The subject site is identified as Category 2 Riparian Land, which includes a 20 metre Core Riparian Zone (CRZ) measured from the top of bank, with the CRZ forming part of the mapped riparian lands framework under Part 17 of the Kuring-gai DCP.</i></p> <p><i>The north-eastern corner of the proposal encroaches into the Category 2 buffer area. Notwithstanding this, the proposal is supported by the submission of a Vegetation Management Plan (VMP) prepared by a suitably qualified ecologist, which provides a clear framework for the protection, rehabilitation and enhancement of riparian vegetation and habitat values within the rear of the site.</i></p> <p><i>The VMP identifies that the riparian vegetation within the Study Area is currently in poor to moderate condition and is affected by a high prevalence of environmental weed species. The VMP proposes staged bush regeneration works including manual weed removal, limited and targeted herbicide use (where required), and revegetation using locally indigenous species, supported by ongoing maintenance and monitoring.</i></p>	<b>YES</b>

	<p>The VMP includes performance and monitoring measures over a five (5) year implementation period, with defined success criteria including weed reduction targets and increasing native vegetation cover, supporting the long-term viability and ecological function of the riparian corridor. Accordingly, while a minor encroachment is proposed within the 20 metre setback, the overall development outcome is considered to be consistent with the objectives of Category 2 – Terrestrial and Aquatic Habitat, as the proposal incorporates mitigation and rehabilitation measures that will enhance native vegetation condition, improve habitat values, and strengthen riparian resilience over time.</p>	
<b>Part 18 Biodiversity</b>		
<p>18.3 Category – Support for Core Biodiversity Lands.</p>	<p>The site contains land mapped as Support for Core Biodiversity Lands and mapped Biodiversity Corridors and Buffer Areas, and a small number of native trees within these mapped areas are proposed for removal and/or may be indirectly impacted by construction works. The objectives and controls of KDCP Part 18 require development to be sited to avoid and minimise impacts on native vegetation, maintain ecological function, retain native canopy where feasible, and ensure biodiversity supporting lands and corridor areas are not fragmented or degraded by inappropriate siting or unnecessary vegetation loss. The proposal has been positioned within the most modified and historically disturbed part of the site, outside the higher-quality native canopy and corridor vegetation that occurs further downslope. Alternative locations would shift the footprint further into intact vegetation within mapped Support for Core lands and corridor areas, resulting in greater native tree loss, increased soil disturbance and a reduction in landscape connectivity. The chosen siting therefore represents the least-impact option available and is consistent with the KDCP avoidance and minimisation principles. Notwithstanding the above, Council's Landscape &amp; Tree Assessment Officer has identified that impacts to Tree 2 (<i>Syncarpia glomulifera</i> – Turpentine) and Tree 6 (<i>Eucalyptus pilularis</i> – Blackbutt) are not supported at this stage or require further information to demonstrate long-term retention. The driveway is proposed to be constructed more than 2 metres below natural ground level and may require additional excavation beyond what is shown on the plans, with a risk of encroachment into the Structural Root Zone (SRZ). The extent of excavation in</p>	<p>YES (subject to updated AIA and design refinement to address Tree 2 &amp; Tree 6 TPZ/SRZ impacts)</p>

	<p><i>proximity to the SRZ of Trees 2 and 6 is not supported, and Council recommends that excavation be reduced to minimise impacts, with further root investigation potentially required to support the proposal. As such, while TPZ encroachment may be acceptable in principle, the proposal must be supported by an updated Arboricultural Impact Assessment demonstrating that works are designed and constructed to ensure the long-term health and retention of Trees 2 and 6, including construction specifications for tree-sensitive methods within the TPZ and measures to avoid SRZ intrusion. Although some tree removal is required, the proposal includes a Vegetation Management Plan to guide stabilisation, rehabilitation and long-term management of mapped biodiversity lands, including weed removal, replanting with appropriate indigenous species, canopy and understorey replacement, soil stabilisation and monitoring. These measures will improve vegetation condition and strengthen ecological corridor function over time. In summary, the proposal is capable of achieving compliance with KDCP Part 18.3 and 18.5, however this is contingent on further arboricultural assessment and design refinement to ensure unacceptable impacts to Trees 2 and 6 are avoided and that long-term retention is demonstrated.</i></p>	
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The submitted Biodiversity Development Assessment Report (BDAR) requires the following amendments and additional information to address gaps and ensure compliance with assessment requirements:

1. **Plot Location Mapping:** The location of the BAM plot(s) must be clearly placed within the representative vegetation zone. The BAM plot currently straddles two zones cleared land and PCT 3262 Sydney Turpentine Ironbark Forest.
2. **Appendix E** is missing from the BDAR no SAIL assessment
3. **Large-eared Pied Bat:** The justification for excluding the Large-eared Pied Bat is insufficient. The site is located within 2 km of areas likely to support suitable habitat features, including rocky areas, caves and escarpments. Further assessment is required.
4. **Exclusion of Candidate Species:** Insufficient justification has been provided for the exclusion of the following candidate species: *Rhizanthella slateri*, and *Rhodamnia rubescens*. This omission must be addressed and supported by appropriate evidence.
5. **Credit Reports:** All biodiversity credit output reports must be appended to the BDAR to support and validate offset calculations and proposed measures. The current credit report is outdated and is not in accordance with section 6.15 of the BC Act.

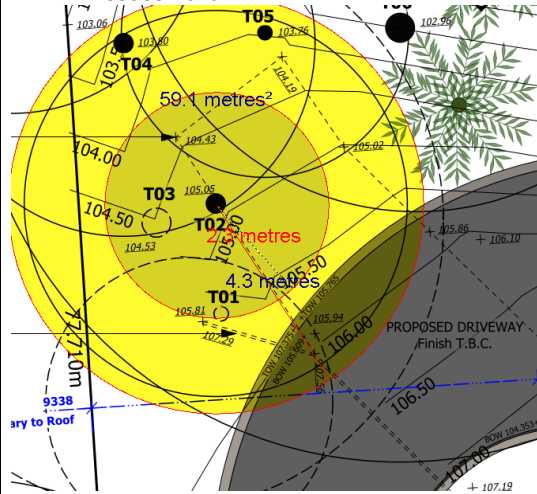
Amendments addressing the above items are required before further assessment can proceed.

**Landscaping**

Council's Landscape and Tree Assessment Officer commented on the proposal as follows:

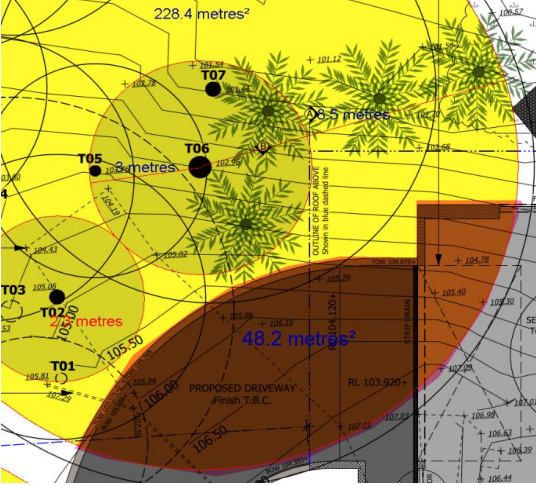
<b>KDCP COMPLIANCE TABLE</b>		
<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 4A.4 Landscaping and Part 13 Tree and Vegetation Preservation</b>		
C1. Landscape proposals are to retain existing trees where possible	<p><b>Tree removal</b> The proposal includes the removal of four (4) trees including trees: T1 <i>Syncarpia glomulifera</i> (Turpentine) T3 <i>Eucalyptus pilularis</i> (Blackbutt) T11 <i>Pittosporum undulatum</i> (Sweet Pittosporum) T12 <i>Eucalyptus resinifera</i> (Red Mahogany)</p> <p>The removal of T3 <i>Eucalyptus pilularis</i> (Blackbutt) is acceptable as the tree is in decline and has a low retention value (Z4 – high risk of death and in advanced decline).</p> <p>The removal of T1, T11 and T12 is <b>not supported</b>. These trees have been assessed as A1 and A2, indicating high retention value, and form part of the local indigenous vegetation community.</p> <p><b>Tree impacts</b> The following trees are impacted by the proposal:</p> <p>T2 <i>Syncarpia glomulifera</i> (Turpentine)</p> <ul style="list-style-type: none"> <li>• The proposed driveway will encroach into the TPZ by 6.5sqm (11.16%), which constitutes a major encroachment under AS4970–2025.</li> <li>• Although the encroachment slightly exceeds the 10% threshold permitted under the standard and may be acceptable in principle, the impacts on this tree have not been adequately assessed.</li> <li>• The driveway is proposed to be constructed more than 2 metres below the natural ground level. This will require additional excavation beyond what is shown on the plans and is likely to encroach into the Structural Root Zone (SRZ) of T2. This has not been addressed in the submitted Arboricultural Impact Assessment.</li> <li>• It is recommended that excavation be reduced to minimise impacts on this tree.</li> <li>• The extent of excavation in proximity to the SRZ of T2 is not supported. The proposal must be redesigned to ensure the long-term health and retention of the</li> </ul>	<b>NO</b>

tree. Construction specifications demonstrating tree-sensitive methods within the TPZ, including measures to avoid SRZ intrusion, must be provided in an updated Arboricultural Impact Assessment.



**T6 Eucalyptus pilularis (Blackbutt)**

- The proposed driveway will encroach into the TPZ by 48.2sqm (21%), which constitutes a major encroachment under AS4970–2025.
- Although the AIA report stated the southern portion of the TPZ addresses the proposed driveway to be constructed more than 2 metres below the natural ground level; the proposed works will require additional excavation beyond the extent of the proposed retaining wall, and which is likely to encroach into the Structural Root Zone (SRZ) of T2. This has not been addressed in the submitted Arboricultural Impact Assessment.
- It is recommended that excavation be reduced to minimise impacts on this tree.
- The extent of excavation in proximity to the SRZ of T6 is not supported. The proposal must be redesigned to ensure the long-term health and retention of the tree. Construction specifications demonstrating tree-sensitive methods within the TPZ, including measures to avoid SRZ intrusion, must be provided in an updated Arboricultural Impact Assessment.

	 <p><b>T10 Eucalyptus resinifera (Red Mahogany)</b></p> <ul style="list-style-type: none"> <li>The proposed building structures will encroach into the TPZ by (37%) and 23% into the SRZ which is a major encroachment under AS4970-2025.</li> <li>The encroachment is more than the allowed under the standard however is considered to be within acceptable limits as the proposed building will be cantilevered and the garage/ ground level will encroach by 26% into the TPZ mostly cantilevered, and with minor impacts into the TPZ of T10 due to supporting pillars and stormwater pipes.</li> <li>Arboricultural impact assessment report includes suitable tree sensitive recommendation for the construction of proposed building and installation of the rainwater tank within the TPZ of this tree.</li> </ul>					
<p>C2. Tree replenishment and planting to be provided.</p>	<p>The proposal satisfies this part on merit.</p> <table border="1" data-bbox="703 1368 1166 1451"> <thead> <tr> <th>Lot size</th> <th>Number of trees</th> </tr> </thead> <tbody> <tr> <td>Over 1,500m<sup>2</sup></td> <td>10 or as directed</td> </tr> </tbody> </table> <p>For a site area of 5,047.8 sqm, the proposal is required to maintain a minimum of ten (10) tall trees capable of attaining a height greater than 13 metres.</p> <ul style="list-style-type: none"> <li>The Vegetation Management Plan proposes the planting of 8 new tall trees (150mm tube stock) in the area adjacent to the proposed building works.</li> <li>Considering the site is within a bushfire prone area, with a maximum of 15% tree</li> </ul>	Lot size	Number of trees	Over 1,500m <sup>2</sup>	10 or as directed	<p><b>YES</b></p>
Lot size	Number of trees					
Over 1,500m <sup>2</sup>	10 or as directed					





















































































































































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# DEVELOPMENT APPLICATION

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## *SUMMARY SHEET*

<b>REPORT TITLE:</b>	2 FORSYTH STREET, KILLARA - DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT WITH BASEMENT CAR PARKING
<b>ITEM/AGENDA NO:</b>	GB.2

<b>APPLICATION NO:</b>	eDA0580/25
<b>ADDRESS:</b>	2 Forsyth Street, Killara
<b>WARD:</b>	Gordon
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing building, construction of a multi-dwelling housing development with basement car parking
<b>APPLICANT:</b>	Mackenzie Architects International Pty Ltd
<b>OWNER:</b>	North Point Group Pty Ltd
<b>DATE LODGED:</b>	23 October 2025
<b>SUBMISSIONS:</b>	9
<b>ASSESSMENT OFFICER:</b>	Isabel Dong
<b>RECOMMENDATION:</b>	Refusal

<b>KLPP REFERRAL CRITERION:</b>	Development which proposes a departure from a development standard more than 10%.
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## PURPOSE OF REPORT

To determine Development Application No eDA0580/25 for demolition of existing building, construction of a multi-dwelling housing development with basement car parking at 2 Forsyth Street, Killara.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's Section 9.1 Local Planning Panels Direction as it proposes a departure from a development standard in excess of 10%.

## RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0580/25 for the demolition of existing building, construction of a multi-dwelling housing development with basement car parking on land at 2 Forsyth Street Killara, for the reasons as outlined in the Development Assessment Report (**Attachment A1**).

Isabel Dong  
Senior Development Assessment Officer

Brodee Gregory  
Team Leader Development Assessment

Shaun Garland  
Manager Development Assessment Services

<b>Attachments:</b>	A1	Assessment Report	2025/382899
	A2	Location Sketch	2026/004016
	A3	Zoning Sketch	2026/004017
	A4	Architectural Plans	2025/348106
	A5	Landscape Plans	2025/348096
	A6	Stormwater Plans	2025/348108
	A7	Clause 4.6 Variation Request - Height	2025/348086







































































































































































































































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# DEVELOPMENT APPLICATION

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## *SUMMARY SHEET*

<b>REPORT TITLE:</b>	15 FRANCES STREET, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A DUAL OCCUPANCY (DETACHED), ASSOCIATED CIVIL AND LANDSCAPING WORKS AND TORRENS TITLE SUBDIVISION
<b>ITEM/AGENDA NO:</b>	GB.3

<b>APPLICATION NO:</b>	eDA0442/25
<b>ADDRESS:</b>	15 Frances Street, Lindfield
<b>WARD:</b>	Roseville
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing structures and the construction of a dual occupancy (detached), associated civil and landscaping works and Torrens title subdivision
<b>APPLICANT:</b>	Fei Yu
<b>OWNER:</b>	Mrs M Younan, Mr W Younan, Mr J Younan, Mr R Younan, Mr A Younan
<b>DATE LODGED:</b>	15 August 2025
<b>SUBMISSIONS:</b>	18
<b>ASSESSMENT OFFICER:</b>	Rachel Mofteh
<b>RECOMMENDATION:</b>	Refusal

<b>KLPP REFERRAL CRITERION:</b>	Contentious development that received 10 or more unique submissions by way of objection.
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## PURPOSE OF REPORT

To determine Development Application No eDA0442/25 for the demolition of the existing dwelling house and associated structures and the construction of a dual occupancy (detached) dwelling and associated civil and landscaping works.

This application is reported to the Ku-ring-gai Local Planning Panel in accordance with the Minister's S 9.1 Local Planning Panels Direction as it is considered contentious development that received 10 or more unique submissions by way of objection.

## RECOMMENDATION

- A THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0442/25 for demolition of existing structures and the construction of a dual occupancy (detached) and associated civil and landscaping works at 15 Frances Street, Lindfield for the reasons provided in the Development Assessment Report (**Attachment A1**).

Rachel Moftah  
Executive Assessment Officer

Brodee Gregory  
Team Leader Development Assessment

Shaun Garland  
Manager Development Assessment Services

<b>Attachments:</b>	A1	Assessment Report	2025/313587
	A2	Location Sketch	2026/003908
	A3	Zoning Sketch	2026/003909
	A4	Architectural Plans	2026/004202
	A5	Landscape Plans	2026/004218
	A6	Stormwater Plans	2026/004243
	A7	BASIX Certificate	2026/004300
	A8	Heritage Impact Statement	2026/004328
	A9	Geotechnical Report	2026/004329
	A10	Arborist Assessment Report	2026/004334































































































































































































































































































































































































































































































































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# DEVELOPMENT APPLICATION

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## *SUMMARY SHEET*

<b>REPORT TITLE:</b>	40 ROSEVILLE AVENUE, ROSEVILLE - BOUNDARY ADJUSTMENT, DEMOLITION OF PATIO, TREE REMOVAL AND LANDSCAPING WORKS
<b>ITEM/AGENDA NO:</b>	GB.4

<b>APPLICATION NO:</b>	eDA0530/25
<b>ADDRESS:</b>	40 Roseville Avenue, Roseville
<b>WARD:</b>	Roseville
<b>DESCRIPTION OF PROPOSAL:</b>	Boundary adjustment, demolition of patio, tree removal and landscaping works
<b>APPLICANT:</b>	Corona Projects Pty Ltd
<b>OWNER:</b>	BC Wheeldon, J Amigh
<b>DATE LODGED:</b>	26 September 2025
<b>SUBMISSIONS:</b>	11
<b>ASSESSMENT OFFICER:</b>	Kirrally Northey
<b>RECOMMENDATION:</b>	Refusal

<b>KLPP REFERRAL CRITERION:</b>	Contentious development that received 10 or more unique submissions by way of objection and sensitive development which involves partial demolition of a heritage item.
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## PURPOSE OF REPORT

To determine Development Application No. eDA0530/25 for Boundary adjustment, demolition of patio, tree removal and landscaping works.

This application is reported to the Ku-ring-gai Local Planning Panel for determination in accordance with the Minister's S 9.1 Local Planning Panels Direction as it:

- (a) is contentious development in respect of which 10 or more unique submissions, by way of objection, have been received, and
- (b) is sensitive development given that the extent of demolition works to the heritage item (including tree removal) will have more than a minimal impact on the integrity of the heritage item.

## RECOMMENDATION

- A. THAT the Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as the consent authority, pursuant to Section 4.16 of the Environment Planning and Assessment Act 1979, refuse development consent to eDA0530/25 for boundary adjustment, demolition of patio, tree removal and landscaping works at 40 Roseville Avenue, Roseville, for the reasons outlined in the Assessment Report (**Attachment A1**).

Kirraly Northey  
Development Assessment Officer

Brodee Gregory  
Team Leader Development Assessment

Shaun Garland  
Manager Development Assessment Services

<b>Attachments:</b>	A1	Assessment Report	2025/366974
	A2	Location Sketch	2026/005153
	A3	Zoning Sketch	2026/005154
	A4	Site Plans	2025/306130
	A5	Landscape Plan	2025/306122
	A6	Heritage Impact Statement	2025/306128
	A7	Stormwater Plan	2025/306132
	A8	Arborist Report	2025/306124
	A9	Survey Plan	2025/306134





























































































































































































































































































































































