

MINUTES OF KU-RING-GAI LOCAL PLANNING PANEL MEETING HELD ON MONDAY, 17 FEBRUARY 2025

Present: Chairperson (The Hon. David Lloyd KC)
Expert Panel Member (Deborah Dickerson)
Expert Panel Member (John O'Grady)
Community Member (Ian Arnott)

Staff Present: Director Development & Regulation (Michael Miocic)
Development Assessment Services Manager (Shaun Garland)
PA to Director Development & Regulation/Acting Planning Panels
Coordinator (Nicole Kratochvil)

Senior Development Assessment Officer (Raymond Law)
Team Leader – Development Assessment (Selwyn Segall)
Senior Development Assessment Officer (Bonnie Yue)
Team Leader – Landscape & Ecological Assessment (Ian Francis)
Heritage Advisor (Zoran Popovic)
Senior Landscape Assessment Officer (Constanza Bottazzini)
Executive Assessment Officer (Peggy Wong)
Team Leader Urban Planning (Craig Wyse)
Natural Areas Team Leader (Sophia Findlay)
Urban Planner (Alexandra Plumb)
Student Urban Planner (Nicholas Howarth)

The Meeting commenced at 9:45 AM

APOLOGIES

File: S02194

NIL

DECLARATIONS OF INTEREST

The Chair advised of the necessity for the panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest was declared.

Address to KLPP

**GB.2 100 Eton Road, Lindfield – Upgrade to Telecommunications Facility -
eDA0318/24**

Against the application of GB.2

Jacqui Dunford
Nicole Hammond
Lee Dunford
Vanessa Holtham

For the application of GB.3

Max Peel
Philip Dieters

GENERAL BUSINESS**KLPP01 72 Ridge Street, Gordon – Torrens subdivision & new garage**

File: EDA0365/24
Vide: GB.1

Torrens title subdivision of one lot into two, construction of a new garage, driveway works to an existing front fence and tree removal

The Panel Resolved:**PURSUANT TO SECTION 4.16(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

- A. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the request submitted under Clause 4.6 to vary the minimum lot size development standard contained in Clause 4.1(3) of KLEP 2015 has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.
- B. Ku-ring-gai Local Planning Panel, exercising the functions of Ku-ring-gai Council, as consent authority, under Section 4.16 of the Environment Planning and Assessment Act 1979, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0365/24 for Torrens title subdivision of one lot into two and construction of a new garage, works to existing front fence and tree removal at 72 Ridge Street Gordon, subject to conditions contained in the Development Assessment Reports (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.
- C. Date of decision: 17 February 2025

- D. Reason for the decision: The Panel concurs with the recommendations in Council's Development Assessment Report (Attachment A1). Additionally, the development is consistent with the R2 residential zoning of the site and with the surrounding subdivision pattern.
- E. How community views were taken into consideration: The views of the community were requested by way of notification of the application and there were three submissions which have been considered in the assessment and determination of the application.

Voting: Unanimous

KLPP02 **100 Eton Road, Lindfield – Upgrade to Telecommunications facility**

File: EDA0318/24

Vide: GB.2

Upgrade of telecommunications facility

The Panel Resolved:

- A. 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, being satisfied that the proposed development would be in the public interest, grant development consent to eDA0318/24 for upgrade the existing telecommunications facility at 100 Eton Road, Lindfield, subject to conditions contained in the Development Assessment Report (**Attachment A1**). Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.
- B. Date of the decision: 17 February 2025
- C. Reason for the decision: The Panel concurs with the recommendations in Council's Development Assessment Report (Attachment A1) and, whilst appreciating the community's concern, the Panel notes that ARPANSA are the lead authority for the determination of appropriate EME levels.
- D. How community views were taken into consideration: The views of the community were requested by way of notification of the application and there were fifteen submissions which have been considered in the assessment and determination of the application.

Voting: Unanimous

KLPP03 **Planning Proposal for 77 Kulgoa Road Pymble**

File: S14501

Vide: GB.3

To refer the Planning Proposal for 77 Kulgoa Road, Pymble to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The Panel Advised:

- A. The Planning Proposal, amended as per the Table of Amendments (Attachment A1), be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
- B. That Council authorise the General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan making process.
- C. Date of the decision: 17 February 2025.
- D: Reason for the decision: The Panel concurs with the recommendation in Council's Planning Proposal Assessment Report.

Voting: Unanimous

KLPP04 **Planning Proposal for 40 Dumaresq Street Gordon**

File: S14341

Vide: GB.4

To refer the Planning Proposal for 40 Dumaresq Street, Gordon to the KLPP for advice as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The Panel Advised:

- A. That Council does not support the planning proposal in its current form for the following reason:
 - The rezoning to R3 Medium Density Residential does not ensure transition in height and scale between higher density development to the east to the adjoining low density R2 zone to the west in the longer term.
- B. That Council recommend that the proponent amend the proposal by proposing an additional permissible use for this site of multi dwelling housing reflecting the height and floor space ratio controls for the R3 zone for the following reasons:

- To achieve a better flooding and drainage outcome for the site and downstream properties.
- To ensure in the longer term transition in scale of development.

C. That Council amend the DCP to include relevant controls for multi dwelling housing apply to this site.

D. Date of the decision:17 February 2025

Voting: Unanimous

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	Monday 17 February 2025
Agenda Item/Panel reference number	<p><u>GB.1</u> – 72 Ridge Street, Gordon – Torrens subdivision & new garage</p> <p><u>GB.2</u> - 100 Eton Road, Lindfield – Upgrade to Telecommunications facility</p> <p><u>GB.3</u> - Planning Proposal for 77 Kulgoa Road Pymble</p> <p><u>GB.4</u> - Planning Proposal for 40 Dumaresq Street Gordon</p>

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:



..... 12.02.2025

Signature

Date

Deborah Dickerson

.....

Name

¹ An ‘actual’ conflict of interests is where there is a direct conflict between a member’s duties and responsibilities and their private interests or other duties.

² A ‘potential’ conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

³ A ‘reasonably perceived’ conflict of interests is where a person could reasonably perceive that a panel member’s private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.

2019/067982

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	Monday 17 February 2025
Agenda Item/Panel reference number	<p><u>GB.1</u> – 72 Ridge Street, Gordon – Torrens subdivision & new garage</p> <p><u>GB.2</u> - 100 Eton Road, Lindfield – Upgrade to Telecommunications facility</p> <p><u>GB.3</u> - Planning Proposal for 77 Kulgoa Road Pymble</p> <p><u>GB.4</u> - Planning Proposal for 40 Dumaresq Street Gordon</p>

In relation to this matter, I declare that I have:

no known conflict of interest X

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:



..... 14 February 2025.....
Signature **Date**

John O'Grady.....
Name

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.
² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.
³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.
2019/067982

KU-RING-GAI LOCAL PLANNING PANEL

Declaration of Interest

MEETING DATE	Monday 17 February 2025
Agenda Item/Panel reference number	<u>GB.1</u> – 72 Ridge Street, Gordon – Torrens subdivision & new garage <u>GB.2</u> - 100 Eton Road, Lindfield – Upgrade to Telecommunications facility <u>GB.3</u> - Planning Proposal for 77 Kulgoa Road Pymble <u>GB.4</u> - Planning Proposal for 40 Dumaresq Street Gordon

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:



16 February 2025

Signature

Date

..... Ian Arnott
Name

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.

2019/067982

The Meeting closed at 1.14PM

The Minutes of the Ku-ring-gai Local Planning Panel Meeting held on 17 February 2025 (Pages 1 - 4) were confirmed as a full and accurate record of proceedings by The Hon. David Lloyd KC on 17 February 2025.



Chairperson