

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

Present: Chairperson (The Hon. David Lloyd KC)
Expert Panel Member (Vincent Hardy)
Expert Panel Member (Andrew Martin)
Community Member (Ian Arnott)

Staff Present: PA to Director Development and Regulation (Nicole Kratochvil)
Planning Panels Coordinator (Sascha Solomon)

Team Leader – Development Assessment (Jonathan Goodwill)
Team Leader – Development Assessment (Selwyn Segall)
Executive Assessment Officer (Brodee Gregory)
Executive Assessment Officer (Asmaa Rabiee)
Senior Landscape Development Officer (Constanza Bottazzini)
Development Assessment Officer (Thomas Xi)

The Meeting commenced at 11:00 AM

APOLOGIES

File: S02194

An apology was received from the Director of Development & Regulation, Manager Development Assessment Services and Team Leader Engineering Assessment which were accepted and leave of absence was granted.

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.

Expert Panel Member Andrew Martin declared a reasonably perceived conflict of interest in Item GB.2. and the Chair confirmed he will withdraw from the meeting during discussion and would not vote on the matter.

GENERAL BUSINESS**KLPP25 21 Mahratta Avenue Wahroonga - Alterations and additions to the existing principal dwelling house**

File: EDA0438/25

Vide: GB.1

Alterations and additions to the existing principal dwelling house.

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, refused development consent to eDA0438/25 for alterations and additions to the existing principal dwelling house on land at 21 Mahratta Avenue Wahroonga, for the reasons provided in the Development Assessment Report with amendments to reason 1, as outlined below.
- B. Date of decision: 17 November 2025
- C. Reason for the decision: The Panel concurs with the recommendation in Council's Development Assessment report and the reasons for refusal, as amended below.
- D. How community views were taken into consideration: The views of the community were requested by way of notification of the application in accordance with the Council's Community Participation Plan and there were no submissions received.

Amendments to Reasons for Refusal

The panel amends reason **1. Floor Space Ratio** to read as below:

1. Floor space ratio

The proposed building exceeds the 0.39:1 floor space ratio (FSR) development standard set out in Clause 4.4 of the Ku-ring-gai Local Environmental Plan 2015.

Particulars:

- (a) The proposed floor space ratio is calculated as 0.448:1. The 14.72% variation to the numerical standard is unacceptable.
- (b) The request pursuant to Clause 4.6 of the Ku-ring-gai Local Environmental Plan 2015 to vary the floor space ratio development standard is not well-founded. The request has not demonstrated that compliance with the development standard is unreasonable or unnecessary, nor has it provided sufficient environmental planning grounds to justify contravening the development standard, as follows:

- i. The proposed development does not satisfy the first objective of Clause 4.4 of KLEP 2015. There are no environmental constraints identified on the site that contribute to the non-compliance with the development standard. The non-compliance is incompatible with the existing character of the R2 Low Density Residential zone.
- ii. Demonstration of an absence of impact, of itself, is not a sufficient reason.
- iii. On an environmental planning basis the existing private open space (POS) for the dwelling is adequate, it is covered, of reasonable size and has a garden outlook. The POS performs its intended function as an area for outdoor recreation. The dwelling also has adequate indoor living spaces which include an open plan living/kitchen/dining space with an area of 68.5m². The dwelling already provides indoor and outdoor areas of a suitable size to meet the reasonable amenity expectations for a dwelling house in the R2 Low Density Residential zone.

The applicant has not demonstrated that a nexus exists between the non-compliant FSR and any unique site circumstances that would justify an unavoidable contravention of the standard. The existing dwelling already achieves a balanced and liveable outcome through functional indoor and outdoor areas.

Voting: Unanimous.

Due to a declared conflict of interest for item GB.2, Expert Panel Member Andrew Martin left the meeting at 11:25 am and did not partake in the discussion or vote on this matter.

KLPP26 **1 Russell Avenue, Lindfield - Demolition of existing structures and construction of a residential flat building with basement carparking and associated works**

File: EDA0313/25

Vide: GB.2

Demolition of existing dwelling and construction of a residential flat building with basement car parking and associated works.

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, refused development consent to eDA0313/25 for demolition of existing dwelling and construction of a residential flat building with basement car parking and associated works on land at 1 Russell Avenue Lindfield, for the reasons provided in the Development Assessment Report with amendments to reason 1, as outlined below.
- B. Date of decision: 17 November 2025
- C. Reason for the decision: The Panel concurs with the recommendation in Council's Development Assessment report and the reasons for refusal, as amended below.

- D. How community views were taken into consideration: The views of the community were requested by way of notification of the application in accordance with the Council's Community Participation Plan and there were four submissions which were considered as part of this decision.

Amendments to Reasons for Refusal

The panel amends reason **1. Minimum site dimensions** to read as below:

1. Minimum site dimensions

The site does not meet the minimum dimensions specified in Clause 6.6(2)(b) in Ku-ring-gai Local Environmental Plan and the proposed development is therefore prohibited development and cannot be approved.

Particulars:

- a) Subclause (2) in Clause 6.6 in KLEP provides –
 - (2) *Despite any other provision of this Plan, development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot in a residential zone unless the lot has an area of at least 1,200 square metres and minimum dimensions (width and depth) of at least—*
 - (a) *if the area of the land is less than 1,800 square metres—24 metres, or*
 - (b) *if the area of the land is 1,800 square metres or more—30 metres.*
- b) The Development Application proposes a residential flat building. The site has a total area of 1,131.3m². The site has the following dimensions having a primary frontage to Russell Avenue –
 - a. Minimum site width (northern boundary) – 16.47 metres
 - b. Minimum site depth (eastern boundary) – 44.527 metres
- c) Given the site has an area less than 1,800m² according to Clause 6.6(2)(a), it must meet the minimum dimensions of 24 metres for both width and depth.
- d) As detailed in particular (b) above, the width of the site is only 16.47 metres at the northern end which is non-compliant with Clause 6.6 (2)(b) in KLEP 2015.
- e) Clause 4.6 does not apply since clause 6.6(2) is a prohibition and not a development standard

Voting: Unanimous

KU-RING-GAI LOCAL PLANNING PANEL**Declaration of Interest**

MEETING DATE	Monday 17 November 2025
Agenda Item/Panel reference number	GB.1 - 21 Mahratta Avenue Wahroonga - Alterations and Additions to the Existing Principal Dwelling House GB.2 - 1 Russell Avenue, Lindfield - Demolition of existing structures and construction of a residential flat building with basement carparking and associated works

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:

D.H. Lloyd
 Signature
DAVID LLOYD
 Name

5. 11. 2025
 Date

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.

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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:

ITEM GB.2 1 Russell Ave Lindfield


 Signature

12/11/2025
 Date


 Name

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The Meeting closed at 11:40 AM

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

A handwritten signature in black ink, appearing to read 'D. D. Lloyd', is positioned above a horizontal line.

Chairperson