

## MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 3 FEBRUARY 2010

Present: Elizabeth Crouch (Chairperson)  
Kerry Bedford

Staff Present: Director Corporate (John Clark)  
Manager Development Assessment Services (Corrie Swanepoel)  
Senior Governance Officer (Geoff O'Rourke)

*The Meeting commenced at 5.02pm*

### PP1 **APOLOGIES**

File: S06347

Mr Bill Tsakalos tendered an apology for non-attendance [prior commitments] and requested leave of absence.

**NOTE:** The General Manager, John McKee tendered an apology for non-attendance and Director Development and Regulation, Michael Miocic tendered an apology for non-attendance.

#### **Resolved:**

(Moved: Chairperson, E Crouch/K Bedford)

That the apology by Mr Bill Tsakalos for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

### **DECLARATIONS OF INTEREST**

The Chairperson adverted to the necessity for the Ku-ring-gai Planning Panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

## ADDRESSES TO THE PANEL

The following members of the public addressed the Ku-ring-gai Planning Panel on items not on the Agenda:

C Berlioz (Submission concerning Land Reclassification presented for Planning Panel to forward to the Minister for Planning)

## CONFIRMATION OF MINUTES

### PP2 Minutes of Ku-ring-gai Planning Panel

File: S06347

Meeting held 9 December 2009  
Minutes numbered PP38 to PP41

#### **Resolved:**

(Moved: Chairperson, E Crouch/K Bedford)

That Minutes numbered PP38 to PP41 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## GENERAL BUSINESS

### PP3 43 and 43A Tryon Road, Lindfield - Proposed Boundary Adjustment

File: DA0596/09

Ward: Roseville

Applicant: Michael A W Thomas

Owners: Tracy Taylor and Peter McGraw (43 Tryon Road), Helen Thomas and Michael Thomas (43a Tryon Road)

To determine Development Application No.0596/09, which is for a boundary adjustment between 43 and 43a Tryon Road, Lindfield. Given that this DA proposes a variation (via SEPP1 objection) to a development standard which is in excess of 10%, department

#### **Resolved:**

(Moved: Chairperson, E Crouch/K Bedford)

THAT the Ku-ring-gai Planning Panel, as the consent authority, is of the opinion that

the objections under *State Environmental Planning Policy No. 1 – Development Standards* to the minimum allotment size and built-upon area (BUA) standards in clause 58B and clause 60C(2) of the Ku-ring-gai Planning Scheme Ordinance are well founded. The Ku-ring-gai Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as:

- there would not be any change to existing levels of amenity
- the application solely relates to rectifying an existing boundary anomaly only, no other works are proposed
- the existing streetscape character is maintained and will not be impacted upon by the proposed works.

**AND**

THAT the Ku-ring-gai Planning Panel, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA0761/09 is consistent with the aims of the Policy, grant development consent to 0596/09 for proposed boundary adjustment on land at 43 and 43a Tryon Road Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**The conditions of consent are as follows:**

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

**1. Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
Proposed boundary adjustment Plan 01/09	K H Zeggelink (Surveyor)	10/10/07

**Reason:** To ensure that the development is in accordance with the determination.

**2. Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:****3. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the development is in accordance with the determination.

**4. Sydney Water Section 73 Compliance Certificate**

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-develop" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:****5. Sydney Water Section 73 Compliance Certificate**

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

**Reason:** Statutory requirement.

**6. Requirements of public authorities for connection to services**

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

**Note:** Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure that services are available to the allotments of land.

#### 7. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

#### 8. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

#### 9. Submission of plans of subdivision (Torrens Title)

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

**Reason:** Statutory requirement.

#### 10. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

**CARRIED UNANIMOUSLY**

PP4 **29 Beaconsfield Parade, Lindfield - Alterations and Two (2) Storey Addition including Garage and Front Fence**

File: DA0660/09

Ward: Roseville

Applicant: Cindy & Co Pty Ltd

Owner: Cindy & Co Pty Ltd

**The following members of the public addressed the Panel:**

**D Marchant  
M Lawton  
G Chapman**

To determine Development Application No. 0660/09 for alterations and a two (2) storey addition including garage and front fence.

**Resolved:**

(Moved: Chairperson, E Crouch/K Bedford)

That consideration of the matter be deferred to allow for a review of the new plans and other matters identified.

**CARRIED UNANIMOUSLY**

*The Meeting closed at 5.29pm*

The Minutes of the Ku-ring-gai Planning Panel held on 3 February 2010 (Pages 1 - 6) were confirmed as a full and accurate record of proceedings on 24 February 2010.

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Chairperson