

## **Public Consultation**

The site has been the subject of various Development Applications by the owner requiring public consultation, mediation and exhibition since 1980. Specifically;

1980 Subdivision of 1 and 1a Avon Rd into building blocks was placed on exhibition and approved by Council. Development was commenced but abandoned because it was apparent that the construction of houses and their access, garages, swimming pools and tennis courts, would result in so much clearing that the area would be aesthetically diminished. SEPP5 had recently been gazetted however the Mayor and Chief Planner recommended a "sensitive rezoning" to medium density.

1982 Sabemo prepared plans for medium density buildings of 8 storeys and a density of 1:1. These were presented to the Mayor, Chief Planner and Town Clerk, who were supportive, and the proposal was discussed with neighbours. It did not go to exhibition.

1986 A DA under SEPP5 for the lands at 2-10 Beechworth Ave was submitted by Consulere and placed on public exhibition. The DA was approved with conditions but not carried out. This exercise assisted the owner and his consultants to understand what neighbours wanted and what Council thought was reasonable.

1987 The owner bought 4 and 8 Beechworth Rd and added these lots to the site. 10 Beechworth Rd was subdivided after public exhibition and developed as 5 blocks of land with houses and this resulted in the removal of *every* tree and the heritage house from the land.

1991 The owner approached the DOP who made an extensive six month study of the site. Their team was managed by Charles Hill and led by Simon Brockwell. The Assistant Director General of DOP, Sean O'Toole, called a meeting attended by the owner, Ku ring gai Chief Planner Chris Young and a member of his staff, and members of DOP.

The ADG stated that the owner should apply to council for rezoning and that if a reasonable application was refused then the DOP would call the site in using SEPP32.

1995 After the demise of the Derwent council the owner applied for rezoning to 2(d).

1996 Plans were amended after constructive criticism by council. The owner had lengthy discussions with every adjoining neighbour and many other residents of the area. The owners of 2 and 6 Beechworth, 3 Arilla Rd, and 7 Avon joined in the rezoning application.

1997 Plans were exhibited. They gave rise to approximately 180 letters from residents, a number of expert reports and legal opinion. A formal mediation over 9 months between the owner and the residents was conducted. Mediator James Nangle conducted the meetings. The owner attended all of them. The Ku ring gai assessing officer for the site, Tony McDermott also attended all the meetings and kept the minutes. He reported to the Mayor and the Chief Planner. Mr Nangle finally recommended a medium density application should proceed.

1998 The assessing officer, Mr McDermott, resigned from Council. The Chief Planner appointed a taskforce comprising the heads of all council departments and a senior planner to

prepare a site analysis and determine the application. They had substantial interaction with the residents. The owner made submissions as to the relevant law regarding his obligation to observe constraints arising from the trees and the creek. He submitted the High Court ruling in Newcrest and his legal advisor's opinion. The Council engaged Abbott Tout to advise them and legal opinion was also submitted by residents' groups. It was common ground that higher density and taller buildings should compensate the owner for not developing the low-lying and treed areas of the site.

1998 The Staff unanimously recommended a "special 2(d)" approval which exceeded the normal 2(d) maxima as to;

1. Height — 5 storey instead of 3.
2. Density 0.85, which was the 2(d) maximum plus a heritage bonus of 0.06.

1998 Councillors rejected the unanimous recommendation in a meeting attended by several hundred residents.

2002 The Minister called the site in under SEPP53 and DOP prepared plans which were put on public exhibition ("The UDAS Plans"). There were several public meetings which were attended by residents, the owner and councillors.

2002 An independent report by Scott Carver considered the UDAS plans, alternative plans prepared for the owner, and public responses.

2008 Architect Peter Dalton prepared further plans which were submitted to the DOP, the Ku ring gai Panel, and Ku ring gai council officers in the context of the proposed Draft Town Centres LEP. They were exhibited as part of that process.

2009 7 Avon Rd was sold at auction earlier this month and the owner has contacted the agent and offered to discuss the current application and plans with the new owner.

The owner, Ku ring gai council, the Panel, Scott Carver and DOP have been listening to the views of residents about the site and processing them diligently for over 30 years.