

MINUTES OF THE SYDNEY EAST REGIONAL PANEL MEETING HELD AT WOOLLAHRA COUNCIL ON WEDNESDAY, 20 OCTOBER 2010 AT 5:30 PM

PRESENT:

John Roseth	Chair
David Furlong	Member
Julie Savet Ward	Member
Toni Zeltzer	Member
Malcolm Young	Member

IN ATTENDANCE

Jacquelyne Jeffery	Team Leader Strategic Planning
Tom Jones	Urban Design Planner
Peter Kauter	Executive Planner
Dimitri Lukas	Senior Assessment Officer
Eleanor Smith	Acting Team Leader
David Waghorn	Team Leader
Les Windle	Manager Governance

APOLOGY: Nil

The meeting commenced at 5.30pm

1. Declarations of Interest – Nil.

2. Business Items

ITEM 1 - 2010SYE031 – Woollahra - 2010/0257/1 - Demolition of 3 existing buildings & ancillary structures, the erection of a 23 unit RFB, a child care centre, 43 carspaces & consolidation of lots - 88-96 Newcastle Street, Rose Bay NSW 2029

3. Public Submission -

Maureen Clark	addressed the panel against the item
Maria Luisa-Scala	addressed the panel against the item
Peter Poland	addressed the panel against the item
Adrian Galasso	addressed the panel in favour of the item
Maurice Beraldo	addressed the panel in favour of the item (on behalf of the applicant)

4. Business Item Recommendations

2010SYE031 – Woollahra - 2010/0257/1 - Demolition of 3 existing buildings & ancillary structures, the erection of a 23 unit RFB, a child care centre, 43 carspaces & consolidation of lots - 88-96 Newcastle Street, Rose Bay NSW 2029

- 1) The Panel resolves, by a majority of 3:2 (for: Julie Savet-Ward, Toni Zeltzer and Malcolm Young; against: John Roseth and David Furlong) to accept the recommendation of the planning assessment report to refuse the application for the reasons mentioned in the report, except as expanded on below.
- 2) Those members of the Panel who voted for refusal are particularly concerned with:
 - a) the poor performance of the proposed apartments in regard to amenity when measured against the requirements of SEPP 65;
 - b) the significant non-compliance with the FSR and height controls and the failure of the SEPP 1 Objections to justify these departures;
 - c) the lack of adequate communal open space with deep-soil landscaping.
- 3) The Panel notes that the demolition of the two churches is **not** a reason for refusal.
- 4) The Panel considered the applicant's request for an approval of the demolition part of the application, but believes that demolition should not be approved without knowledge of what will be built in its place.
- 5) John Roseth and David Furlong would approve the application for the following reasons:
 - a) the site is a corner "gateway" site and ideal for increased density;
 - b) the non-compliance with density and height control has minimal impact on nearby buildings;
 - c) they do not consider the amenity of the apartments to be as poor as do the other three members of the Panel.
- 6) However, John Roseth and David Furlong believe that the proposal's setback from its northern boundary with 458 Old South Head Road is inadequate and, had they the power to approve the application, they would require a larger setback, with the resultant area being devoted to landscaping.

5. Business Items

ITEM 2 - 2010SYE033 – Woollahra - 258/2010/1 - Demolition of 4 residential flat buildings and construction of 4 new residential flat buildings containing 83 apartments with basement parking - 315, 317, 321 & 327 New South Head Road, Double Bay

6. Public Submission -

Scott Barwick	addressed the panel against the item
H J Major	addressed the panel against the item
Penny Coombes	addressed the panel against the item
Josephine Ridge	addressed the panel against the item
Morry Fayne	addressed the panel against the item
Terry Clarke	addressed the panel against the item
John Foo	addressed the panel against the item
Justin Horribin	addressed the panel against the item
Tim Schwager	addressed the panel against the item
Tony Moody	addressed the panel against the item
Richard Lamb	addressed the panel against the item
Sophia Hart	addressed the panel against the item
Geoff Rundle	addressed the panel against the item
Michael Gheorghiu	addressed the panel in favour of the item (the applicant)
Justin Nichalles for the applicant	addressed the panel in favour of the item

(the applicant)

7. Business Item Recommendations

2010SYE033 – Woollahra - 258/2010/1 - Demolition of 4 residential flat buildings and construction of 4 new residential flat buildings containing 83 apartments with basement parking - 315, 317, 321 & 327 New South Head Road, Double Bay

1. The Panel resolves unanimously to accept the recommendation of the planning assessment report to refuse the application, generally for the reasons mentioned in the report.
2. The most important reason for the refusal is the non-compliance of the proposal with significant planning controls (such as FSR, height, setbacks and landscaped area) and the consequent devastating impact on the daylight, views and outlook of neighbours to the south.
3. The Panel considered the applicant's request to defer its decision, but sees no utility in agreeing to it. To be acceptable, the proposal needs such major changes (mainly reductions) that it would be an entirely new proposal. To amend the proposal in minor ways would only put the applicant to unnecessary expense.

8. Business Items

ITEM 3 - 2009SYE005 – Woollahra - 441/2009/1 - Cruising Yacht Club of Australia marina redevelopment - 1 New Beach Road, Darling Point

9. Public Submission -

Allegra Spender
Morris Seamonds
Michael Heenan

addressed the panel **against** the item
addressed the panel **against** the item
addressed the panel **in favour** of the item (on behalf of the applicant.)

10. Business Item Recommendations

2009SYE005 – Woollahra - 441/2009/1 - Cruising Yacht Club of Australia marina redevelopment - 1 New Beach Road, Darling Point

1. The Panel resolves unanimously to accept the recommendation of the planning assessment report to approve the application, for the reasons mentioned in the report and subject to the conditions recommended in the report, except as noted below.
2. Condition C.1(c) is changed to read:
“The public access walkway from the north side of the CYCA Club building to the north boundary being of a minimum width of 2.7m and in a straight line.”
3. New Condition I.20 is added:
*“I.20 Maintenance of foreshore public access walkway
The public foreshore access walkway is to be maintained free of boat storage, equipment and other items at all times to ensure that public use of the walkway is not impeded.”*
4. The Panel notes the applicant's request to amend several conditions. The Panel believes the best way to do this is by an application under s96(1) of the *Environmental Planning and Assessment Act 1979*, which can be determined by the council.

MOTION CARRIED

The meeting concluded at 9.40pm

Endorsed by

John Roseth
Chair, Sydney East Region Planning Panel
Date 22 October 2010