

MINUTES OF THE SYDNEY EAST REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT NORTH SYDNEY COUNCIL ON WEDNESDAY, 7 SEPTEMBER 2011 AT 12.30PM

PRESENT:

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| John Roseth | Chair |
| David Furlong | Panel Member |
| Veronique Marchandean | Panel Member |
| Michel Reymond | Panel Member |

IN ATTENDANCE

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| Geoff Mossemeneau | North Sydney Council |
| George Yohanna | North Sydney Council |

APOLOGY: TIM MOORE

1. The meeting commenced at 12.37pm.

2. Declarations of Interest -

Nil.

Note: Veronique Marchandean and Michel Reymond declared that they abstained from voting at the Council Meeting on Monday 5 September 2011 and stepped out of the room in all 3 items.

3. Business Items

ITEM 1 - 2011SYE060 - North Sydney - DA163/11 - Demolition of existing 7 storey commercial building and construction of a 15 storey mixed use development - 619 Pacific Highway, St Leonards

4. Public Submission -

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| David Carter | Addressed the panel against the item |
| Pat Quirk-Parry | Addressed the panel against the item |
| Michael Rowe, JBA, Planner | Addressed the panel on behalf of the applicant |
| Claire Swan, JBA, Planner | Addressed the panel on behalf of the applicant |
| Robert Jurukiovski, Architect | Addressed the panel on behalf of the applicant |

5. Business Item Recommendations

ITEM 1 - 2011SYE060 North Sydney DA163/11 - Demolition of existing 7 storey commercial building and construction of a 15 storey mixed use development; 619 Pacific Highway, St Leonards

1. The Panel resolves unanimously that it would approve an amended application that complies with the planning control of 3m average setback from Pacific Highway for all parts of the building except the core. Balconies, if any, must be behind the setback.
2. The Panel's decision is subject to the conditions recommended in the planning assessment report, except for Condition C31, which is to include the requirement to underground the Atchison Street overhead wires in front of the property.
3. The Panel gave consideration to the objectors' concern with traffic; however, the Panel notes that the council's engineer raises no concern on traffic grounds.
4. The Panel also considered the council's request to defer the application in order to give more weight to draft North Sydney LEP 2009, which would prohibit the residential component of this proposal. The Panel considers that it cannot lawfully defer the application indefinitely. All the information before the Panel, including the planning assessment report and verbal advice from the Department of Planning, suggests that the draft LEP is not imminent. Given that it is not imminent, it would be an error to place major weight on it.
5. The Panel requests the applicant to submit, by 23 September 2011, an amended application that responds to paragraph 1 of this resolution. The Panel requests the council's planning assessment officer to report on the amended application by 30 September 2011. Following that report, the Panel will communicate by electronic means to determine the application.

6. Business Items

ITEM 2 - 2011SYE062 North Sydney 205/11 - Demolition and construction of 31 storey commercial building that has Part 3A Concept Plan approval; 177-199 Pacific Highway North Sydney

7. Public Submission -

Angus Finney
Anthony Otto

Addressed the panel **against** the item
Addressed the panel on behalf of the applicant

8. Business Item Recommendations

ITEM 2 - 2011SYE062 North Sydney 205/11 - Demolition and construction of 31 storey commercial building that has Part 3A Concept Plan approval; 177-199 Pacific Highway North Sydney

The Panel resolves unanimously to accept the recommendation of the planning assessment report that on the receipt of certification by the Director-General of the Department of Planning under cl28C of the North Sydney LEP 2001, the Panel grants consent to the application for the reasons mentioned in the report and subject to the conditions recommended in the report with the addition of two conditions, C44 and C45.

C44: The applicant shall submit a bank guarantee to the amount detailed in the Railway Deed of Agreement to council before the release of any Construction Certificate.

C45: The setback of the glass of the podium, from the tower to the corner of Berry Street, facing the Pacific Highway shall be set back one metre from the boundary, with the setback to be finished at grade to match the levels of the Pacific Highway footpath.

3. Business Items

ITEM 3 - 2011SYE078 – North Sydney - 291/11 - Demolition of existing building and construct 10 storey mixed use building with retail space; 40 apartments and basement parking - 156-158 Pacific Highway North Sydney

4. Public Submission -

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| Soon Lim | Addressed the panel against the item |
| Jeff Hudson | Addressed the panel against the item |
| Phillip Raskall | Addressed the panel against the item |
| Cr Gillian Christie (she also spoke on behalf of Cr Zoe Baker) | Addressed the panel against the item |
| Larisa Brennan, LJB Urban Planning, Town Planning Consultant | Addressed the panel on behalf of the applicant |
| Paul Buljevic, PBD Architects and Project Managers, Architect | Addressed the panel on behalf of the applicant |

5. Business Item Recommendations

ITEM 3 - 2011SYE078 – North Sydney - 291/11 - Demolition of existing building and construct 10 storey mixed use building with retail space; 40 apartments and basement parking - 156-158 Pacific Highway North Sydney

1. The Panel resolves unanimously to accept the recommendation of the planning assessment report that, following the gazettal of the Planning Proposal reducing the non-residential FSR to 0.5:1, it should approve the application, for the reasons mentioned in the report and subject to the conditions recommended in the report, except for Condition C29, which is deleted, and the amendment of Condition C24 to require the removal of the power pole in front of the building on Pacific Highway.
2. The Panel has considered again the concerns of objectors who will lose their northern windows on the southern adjoining site as a result of this development. The Panel considers that it would be unreasonable to require this applicant to set back from the common boundary a distance that provides adequate light to these windows. To set back 1m, as the objectors have suggested, would lead to the worst possible result, namely windows that look at a blank wall at a distance of 1m.
3. The Panel accepts the planning report's assessment of the SEPP 1 Objection that it is well founded.

The meeting concluded at 3.50pm.

Endorsed by

John Roseth
Chair, Sydney East
Joint Regional Planning Panel
7 September 2011