

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Monday 15 December 2014 at 10.30am

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Paul Stein and Tom Sherlock

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE114 – Mosman DA 8.2014.162.1 [at 339 Military Road, Mosman] as described in Schedule 1.

Date of determination: 15 December 2014

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.





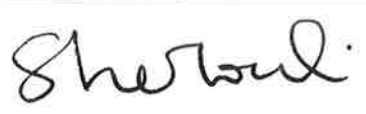
Reasons for the panel decision:

1. The application complies with the principal development standards for the site, with the exception of the height standard.
2. The variation of the height standard under cl 4.6 of the Mosman LEP 2012 is justified by the written request of the applicant and the proposal meets the objectives of the height standard.
3. The Panel has carefully considered the comments of the objectors; however, those comments do not justify the refusal of the application. As regards the request on behalf of the owners of the adjoining heritage item, 114 Belmont Road to delay the approval pending negotiations over the right-of-way, the Panel notes that, should such negotiations be necessary, they can take place independently of the approval under the EPA Act. As regards the proposal's impact on the heritage item, the Panel notes that all the expert advice before it suggests that that impact is acceptable. As regards the nominated area for garbage bins, the Panel considers that the area is large enough for the likely number of bins.
4. The reason for the majority decision to delete condition 23 is that the required 2m setback would have achieved little change for the streetscape of Belmont Road, while it would have made the planning of the affected apartment very difficult. The reason for the deletion of condition 27 is that the relevant balcony is far away from the common boundary with 114 Belmont Road not to have an impact on its privacy. *enough*

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report subject to the following:

- Conditions 23 and 27 are deleted. (The decision on Condition 23 was a majority decision of 4:1 as Tom Sherlock opposed it.)
- Condition 97 is clarified to indicate clearly that the 73 residential parking spaces include the 3 spaces for persons with a disability.

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Paul Stein	 Tom Sherlock	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE114 – Mosman DA 8.2014.162.1
2	Proposed development: Demolition of existing commercial building and retention of part of the basement garage; Construction of a five storey mixed use building comprising commercial/retail and residential uses and two levels of basement car parking; New two storey townhouses comprising of two dwellings; Refurbishment and conversion of the two storey stables building into two dwellings; and Landscaping works including tree removal
3	Street address: 339 Military Road, Mosman
4	Applicant/Owner: M Andre Bali C/- Centuria Funds Management Ltd / BNY Trust Company of Aust Ltd C/- Century Funds Mgmt Ltd
5	Type of Regional development: Capital investment value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy - Building Sustainability Index: BASIX 2004 • Mosman Local Environmental Plan 2012 • Draft State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development • Planning Proposal to Amend Mosman Local Environmental Plan 2012 • Mosman Business Centres Development Control Plan • Mosman Section 94A Development Contributions Plan 2012 • As demolition is proposed the provisions of AS 2601 (C.92) • Fire protection and structural capacity (C.93) • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 1 December 2014 Written submissions during public exhibition: 38 Verbal submissions at the panel meeting: Against- Steve Smith, Clifford Ireland on behalf of Linda Roberts, Linda Roberts on behalf of Peter Abelson (Mayor, Mosman Council), Nicholas Roberts, Margaret Skilbek; On behalf of the applicant- Ben Craig and Guy Lakes
8	Meetings and site inspections by the panel: Briefing Meeting on 6 November 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report