

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 19 October 2017
PANEL MEMBERS	Maria Atkinson (Chair), John Roseth, Louise Camenzuli, Luise Elsing and Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis declared a conflict of interest as she has previously worked on this site in her role as a planning consultant.

Public meeting held at Christie Conference Centre, 3 Spring St, Sydney on Thursday 19 October 2017, opened at 10:00 am and closed at 12:05 pm.

MATTER DETERMINED

2016SCL002 – Woollahra – DA502/2016/1 AT 6 & 8 Queens Avenue, Vaucluse (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

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*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was 4:1 in favour, against the decision was John Roseth.

REASONS FOR THE DECISION






The reasons for the decision are contained in the Woollahra Council Assessment Report.

With regard to the Applicant's request for the deletion of Condition C.1 f), the majority of the Panel members were not satisfied that the needs of the Applicant in relation to the five bedrooms and ensuites - comprising approximately 150m², could not be accommodated within the existing and proposed building footprint, on a site of approximately 2900m². If the Applicant is minded to include the five bedrooms and ensuites this may be achieved by way of a Section 96 application.

John Roseth voted to delete Condition C.1 f). While he accepts that, in general, the control in the Woollahra Council DCP aimed at reducing the extent of excavation is environmentally desirable, in his opinion, in this case there are sufficient planning grounds to vary the control. Those grounds include that the original levels on the site are not known, that the height of the new dwelling is lower than permissible, that the curtilage of the heritage item will be increased and that the adjoining site is excavated to a lower level than is proposed for this site.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Maria Atkinson AM (Chair)	 John Roseth
 Louise Camenzuli	 Luise Elsing
 Toni Zeltzer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SCL002 – Woollahra – DA502/2016/1
2	PROPOSED DEVELOPMENT	The consolidation of two allotments, alterations and additions to the existing heritage listed dwelling-house at 6 Queens Ave, the demolition of an existing dwelling-house at 8 Queens Ave and the construction of a new dwelling to form a horizontally attached (at lower ground floor level) dual occupancy development, swimming pool, landscaping & earthworks
3	STREET ADDRESS	6 & 8 Queens Avenue, Vaucluse
4	APPLICANT/OWNER	Mr J & Ms Y Lin
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No 55 – Remediation of Land • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) • Draft State Environmental Planning Policy (Coastal Management) 2016 • Woollahra Local Environmental Plan 2014 • Woollahra Development Control Plan 2015 • Woollahra Section 94A Contributions Plan • Clause 92 of the EPA Regulation 2000 • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 2 August 2017 • Written submissions during public exhibition: three (3) • Minutes of Woollahra Municipal Council ordinary meeting on 7 August 2017 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – [names of speakers] ○ Object – [names of speakers] ○ On behalf of the applicant – Nick Eastman, Alec Tzannes, Kostas Haramis, Stephen Kerr and Jin Lin
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting on 9 February 2017 • Final briefing meeting to discuss council's recommendation, 19 October 2017, 9:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), John Roseth, Louise Camenzuli, Luise Elsing and Toni Zeltzer ○ <u>Council assessment staff</u>: David Booth, Eleanor Smith and Tegan Ward
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report