

DATE OF DETERMINATION	16 February 2017
PANEL MEMBERS	John Roseth (Acting Chair), Sue Francis, Louise Camenzuli, Luise Esling, Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on Thursday 16 February 2017, opened at 10.00 am and closed 10.20 am.

MATTER DETERMINED

2016SYE099 – Woollahra – DA2016/2016/1 at 636-646 New South Head Road, Rose Bay (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 decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

While the height of the proposal exceeds the permissible building height, the Panel considers this reasonable because the flooding constraint requires the ground floor level to be raised. Moreover, the scale of the proposal is consistent with that of the surrounding buildings. The objection under cl 4.6 of the Woollahra LEP 2014 justifies the variation of the height development standard under cl 4.3 on the basis that it satisfies the objectives of the standard.






The proposal sets back further from the foreshore than required and thus preserves the views from the buildings to either side.

While the proposal impacts on views from buildings on the other side of New South Head Road, the view loss is not due to the height exceedance.

The Panel notes that only one objector spoke at the meeting and he was satisfied when the drawings were explained to him.

CONDITIONS

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

PANEL MEMBERS		
 John Roseth (Acting Chair)	 Sue Francis	 Louise Camenzuli
 Luise Esling	 Toni Zeltzer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE099 – Woollahra – DA2016/2016/1
2	PROPOSED DEVELOPMENT	Demolition of the existing service station at 638-646 New South Head Road & residential flat building at 636 New South Head Road; Remediation of the site(s); the erection of a new Seniors Living Development comprising of 9 residences, 2 retail and 2 commercial tenancies & 19 car parking spaces
3	STREET ADDRESS	636-646 New South Head Road, Rose Bay
4	APPLICANT/OWNER	Mr D Rabinowitz Owner No. 636 NSHR: The Owners – Strata Plan 22533 Owners Nos. 638-646 NSHR: Mr A & Mrs I Spindel
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment >\$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Water Management Act 2000 (Section 91 – Integrated Development) State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (BASIX) 2004 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 (Housing for Seniors or People with a Disability) 2004 Sydney Regional Environmental (Sydney Harbour Catchment) 2005 Woollahra Local Environmental Plan 2014 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft State Environmental Planning Policy (Coastal Management) 2016 Development control plans: <ul style="list-style-type: none"> Woollahra Development Control Plan 2015 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 1February 2017 Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Mark Heeley On behalf of the applicant – Dennis Rabinowitz
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meetings – 24 November 2016 and 16 February 2017 Site inspection – 19 January 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report