

DETERMINATION AND STATEMENT OF REASONS SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	22 March 2017
PANEL MEMBERS	Deborah Dearing (Chair), Clare Brown, John Roseth, Michel Reymond
APOLOGIES	Veronique Marchandean
DECLARATIONS OF INTEREST	Sue Francis declared a conflict of interest as her colleague is the Project Planner for the applicant.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on Wednesday, 22 March 2017, opened at 10.30 am and closed at 11.30 am.

MATTER DETERMINED

2017SNH001 – North Sydney – DA115/11/3 at 106 Kirribilli Avenue Kirribilli (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 96 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 unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The proposed modifications have been considered against the relevant planning instruments including North Sydney LEP 2013, North Sydney DCP 2013, SEPP 65 and SREP (Sydney Harbour Catchment) and submissions and considered to remain generally satisfactory.

Further, the amended development remains substantially the same as that previously approved by the Sydney East Regional Planning Panel.

The Panel accepts Council's assessment that the view impacts on Unit 8, 65 Upper Pitt St, Kirribilli will not be materially different from that already approved.

CONDITIONS

The Section 96 application was approved subject to the conditions in the Council Assessment Report with the following amendments:

1. That Conditions be renumbered to remove duplication of Conditions A11 (currently noted as "A11 Level 6 Awning/Canopy deleted" and "A11 Pedestrian Entry Gate")
2. Reason for imposition of Condition "A11 Level 6 Awning/Canopy deleted" to be amended to read "To minimise negative impacts on urban and architectural design"

3. Delete reference to the Canopy to L6, in the Schedule associated with Condition A9
4. Delete Condition A12 and replace with the following two conditions

Eastern Boundary Fencing/wall

- A12. The proposed brushwood material to the eastern boundary wall/fence on the boundary with No. 108 Kirribilli Avenue is not approved. The boundary fence/wall must be of open design or solid masonry walls and be a maximum of 1.0 metre height along the boundary.

The details of the proposed eastern boundary wall/fence must be submitted to Council and approved in writing by Council's Conservation Planner prior to the release of the relevant Construction Certificate.




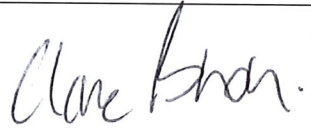
(Reason: To be consistent with the palette of materials used in the conservation area.)

Retaining Walls to front courtyard

- A12A. The Planter Box Retaining Walls to the ground floor unit courtyard shall have a sandstone finish consisting of a split, rock-faced or sparrow-picked texture to match the approved entry walls.

The Certifying Authority must be satisfied that the retaining walls and boundary fencing will be completed to match the above requirements as shown on the relevant Construction Certificate plans.

(Reason: To be consistent with the palette of materials used in the conservation area.)

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Michel Reymond	 Clare Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH001 – North Sydney – DA115/11/3
2	PROPOSED DEVELOPMENT	Modification to DA 115/11 pursuant to S.96(2) including various changes to building layout and external configuration including building entry and basement changes, changes to approved RLs (no increase overall building height), facade and window changes and layout changes to all levels to facilitate increase from three (3) units over six floors to four (4) x 3 bedroom units.
3	STREET ADDRESS	106 Kirribilli Avenue Kirribilli
4	APPLICANT/OWNER	AGA Project Control
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SREP – Sydney Harbour Catchment 2005 ○ SEPP No. 55 – Contaminated Lands ○ SEPP No. 65 – Design Quality of Residential Flat Development ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ SEPP (State and Regional Development) 2011 ○ Apartment Design Guidelines (ADGs) ○ North Sydney Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ North Sydney Development Control Plan 2013 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> ○ Clause 23G ○ Clause 123B • 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: 24 February 2017 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Harlen Redgen
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 22 March 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report