

<b>DATE OF DETERMINATION</b>	Wednesday 14 November 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Michel Reymond, Veronique Marchandau
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney, on 14 November 2018, opened at 11am and closed at 1.21pm.

#### **MATTER DETERMINED**

2017SNH072 – North Sydney – DA326/17 at 25 Shirley Road Wollstonecraft (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous in favour.

#### **REASONS FOR THE DECISION**

The Panel has considered the planning assessment report's recommendation for refusal as well as the views of objectors, both written and spoken at the public meeting. While the Panel fully understands the reasons for the report's recommendation, it has nevertheless resolved unanimously to approve the application for the following reasons.

The revised proposal, as constrained by Condition A2, complies with the requirements of the Panel formulated at the public meeting on 11 July 2018 at which the determination of the application was deferred.

The Panel accepts that the impact of the proposed building on views and solar access of several properties near the site is severe. However, the Panel also accepts that the views and solar access of those properties are extremely vulnerable and that a building on this site that complies with the controls over surrounding sites, in particular, if the building complied with the 8.5m height limit applying to surrounding sites, the solar and visual impact would be similar.

The Panel notes that the LEP does not contain development standards for this site.

The Panel heard the concern of objectors regarding the proposal's impact on traffic and parking in the area; however, the Panel notes that the expert opinion of the council's engineer as well as the applicant's traffic expert is that the traffic and parking impacts are acceptable.

The Panel notes that the applicant objects to the imposition of Condition A2, which requires the removal of the eastern extension. While the Panel accepts that this extension does not cause material additional solar




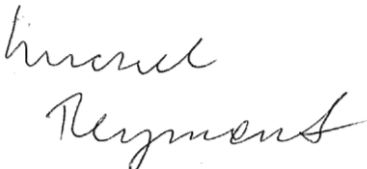
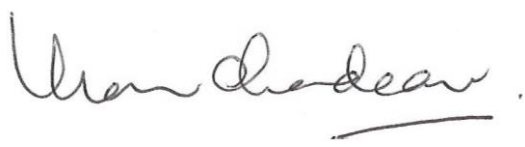
and view impacts, it does add to the overall bulk of the building and is not in line with the Panel's decision made at the meeting of 11 July 2018.

The Panel considered in its July deferral that the initial proposal was an overdevelopment of the site in the form that it was then proposed. It indicated a lower height may be acceptable including increased setbacks to the southern boundary. Seeking to extend the proposal further to the east is contrary to the Panel's stated position in relation to the size of the building relative to its neighbours.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

- C.16 to delete the word 'any' and to insert the words 'the relevant'.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Michel Reymond
 Veronique Marchand	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH072 – North Sydney – DA326/17
2	PROPOSED DEVELOPMENT	Construction of 5-storey health facility with lower ground level parking for 11 cars, demolition of ancillary buildings to permit vehicle driveway, earthworks, associated landscaping, conservation works to Carpenter House.
3	STREET ADDRESS	25 Shirley Road Wollstonecraft
4	APPLICANT/OWNER	Tresillian Family Care Centres
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No.55 – Remediation of Contaminated Lands</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>North Sydney Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>North Sydney Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 27 June 2018</li> <li>Council supplementary Assessment report: 26 October 2018</li> <li>Written submissions during public exhibition: 131 first exhibition, 103 second exhibition (total of 189 unique submissions)</li> <li>Late submission received 10 November 2018</li> <li>Verbal submissions at the public meeting 11 July 2018: <ul style="list-style-type: none"> <li>Object – Pete Sloane &amp; Paul Grech on behalf of body corporate of 24 Tryon Ave Wollstonecraft, John Hancox on behalf of the Wollstonecraft Precinct Group, Cate &amp; David Fryda, Koji Katsumata, Peter Butt, Denise Ouyang, Sharon Duffy, Bob Harding</li> <li>Council assessment officer – David Hoy</li> <li>On behalf of the applicant – Chris Wilson, Natalie Boyd, Zack Ashby</li> </ul> </li> <li>Verbal submissions at the public meeting 14 November 2018: <ul style="list-style-type: none"> <li>Object – Terry Kirkman on behalf of Owner's Corporation of SP2603, Kate Fryda, David Fryda, Peter Sloane, Jonathan Philips on behalf of Koji Katsumata, Colin Dunn, Wendy Cox</li> <li>Council assessment officer – David Hoy</li> <li>On behalf of the applicant – Chris Wilson, Richard Webster, Robert Mills, Matt Sonter</li> </ul> </li> </ul>

8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing: 14 March 2018</li> <li>• Final briefing to discuss council's recommendation, 11 July 2018 at 1.00pm. Attendees:               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Michel Reymond, Veronique Marchandean</li> <li>○ <u>Council assessment staff</u>: David Hoy, Susanna Cheng</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 14 November 2018 at 10.30am. Attendees:               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Michel Reymond, Veronique Marchandean</li> <li>○ <u>Council assessment staff</u>: David Hoy, Michael Doyle, Surb Bhatti, Alex Richard</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report