

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 6 June 2018
<b>PANEL MEMBERS</b>	Sue Francis (Chair), Julie Savet Ward, Michel Reymond, Stephen Barbour
<b>APOLOGIES</b>	Peter Debnam, Veronique Marchandean
<b>DECLARATIONS OF INTEREST</b>	John Roseth declared a non-pecuniary conflict of interest on noting that one of the submitters is a friend.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 6 June 2018, opened at 9.30am and closed at 10.35am.

#### MATTER DETERMINED

2018SNH010 – North Sydney – DA214/17/2 at 149 West Street Crows Nest (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 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 modification application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel unanimously approved the modifications for the following reasons:

1. The proposal is substantially the same development as originally approved.
2. The amendments lower the building and improve the operational amenity impacts of the proposal.
3. The conditions have been agreed, as per memo from Kim Rothe dated 4 June 2018 and as amended at the public meeting 6 June 2018.
4. The additional truck movements raised by the residents is acknowledged however the additional movements will be managed by the proposed conditions and the resulting built form will be a permanent improved planning outcome.
5. The acoustic issues and concerns regarding construction impact are able to be satisfactorily addressed by the proposed conditions and amended conditions (below).

#### CONDITIONS

The modification was approved subject to the conditions in the Council Assessment Report with the following amendments:

- **Condition 1A** (conditions dated 4 June 2018) to be amended to reflect the following updated plan references:

Plan No.	Issue	Dated	Title	Drawn By	Received
AR.DA2001	E	9 Feb 2018	Proposed Ground Floor Plan	TDK Architects	21 Feb 2018
AR.DA2002	D	9 Feb 2018	Proposed First Floor Plan	TDK Architects	21 Feb 2018
AR.DA2003	D	9 Feb 2018	Proposed Second Floor Plan	TDK Architects	21 Feb 2018
AR.DA2004	D	9 Feb 2018	Proposed Third Floor Plan	TDK Architects	21 Feb 2018

In addition, Plan/perspective AR.DA.4001 is to be removed.

- **Condition B5** amended to read as follows:

***Dilapidation Report***

*The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site and the internal and external structural condition and applied finishes (including walls ceilings and floors) of the following properties:*

- 153A Ernest Street, Crows Nest
- 155 Ernest Street, Crows Nest
- 157 Ernest Street, Crows Nest
- 159 Ernest Street, Crows Nest
- 161 Ernest Street, Crows Nest
- 360 Miller Street, Crows Nest
- 352 Miller Street, Crows Nest
- 350 Miller Street, Crows Nest
- 346 Miller Street, Crows Nest
- 11 Rodborough Avenue, Crows Nest

*Reasonable attempts to gain access to these listed properties is to be made by the applicant. Where access is not granted, the attempts made to gain access are to be documented in the form of a statutory declaration in the Construction Documentation and submitted to Council.*

*Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure and private property caused as a result of the works.*



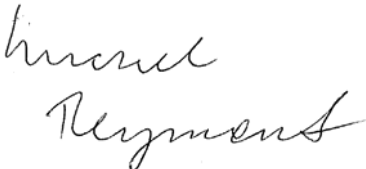

*The developer may be held liable to damage to public infrastructure and private property in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure damaged as a result of the works. A copy of the dilapidation reports must be lodged with North Sydney Council prior to the commencement of works.*

- **New condition H6**, as follows:

***Light Spill Control and Acoustic Treatments to Hall***

1. *The roller blinds on the fixed solid glazed windows of the eastern elevation of the hall will be operated on an automatic timer which will operate the same as the timed louvers.*
2. *The glazing of the fixed solid windows on the eastern elevation of the hall will have a minimum acoustic rating of Rw36*

(Reason: To ensure the provision of acoustical and light spill treatments to the eastern side glazed windows to the hall)

PANEL MEMBERS	
 Sue Francis (Chair)	 Julie Savet Ward
 Michel Reymond	 Stephen Barbour

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH010 – North Sydney – DA214/17/2
2	PROPOSED DEVELOPMENT	Section 4.55(2) to modify Consent No 214/17 with regard to lowering the hall into the ground by 3m; minor internal design alterations; increasing side setbacks to multi-purpose hall; school signage, landscaping; change to windows and door on Level 1; change to materials and colour scheme.
3	STREET ADDRESS	149 West Street Crows Nest
4	APPLICANT/OWNER	The NSW Department of Education C/O Urbis P/L
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Disability Discrimination Act 1992</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ State Environmental Planning Policy No.64 Advertising and Signage</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</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: 28 May 2018</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Object – Simon Elsey, Phillip Ingevics, Chris Geraghty</li> <li>○ On behalf of the applicant – Elaine Roff</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing meeting: 2 May 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 6 June 2018. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Julie Savet Ward, Michel Reymond, Stephen Barbour</li> <li>○ <u>Council assessment staff</u>: Kim Rothe</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report