

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

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| DATE OF DETERMINATION | Thursday 14 March 2019 |
| PANEL MEMBERS | Peter Debnam (Chair), Peter Roseth, Julie Savet Ward, Veronique Marchandean, Michel Reymond |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Sue Francis declared a conflict as her firm has been engaged by residents to make a submission against the application at the meeting. |

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 14 March 2019, opened at 10.02am and closed at 11.57am.

MATTER DETERMINED

2018SNH053 – North Sydney – DA296/18 at 12A 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 refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION




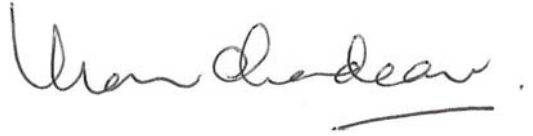
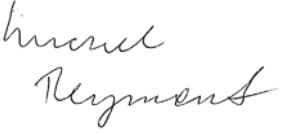
The Panel notes that the Applicant requested a deferral to gain the outstanding RFS approval. However, in the Panel's view the changes required for the DA to be acceptable would be so significant it would require a new application.

The Panel refused the application for the following reasons:

1. Integrated approval from the Rural Fire Service has not been granted.
2. The bulk and scale of the buildings, the amount of excavation and the site cover are excessive and result in the destruction of much of the site's natural features.
3. The proposed development is inconsistent with the objectives of the E4 Environmental Living Zone under North Sydney Local Environmental Plan 2013, with regard to the loss of trees and natural features.
4. The proposed development will result in adverse parking and traffic impacts in the surrounding area.
5. The proposed development does not satisfy the Heritage Provisions under clause 5.10 of North Sydney Local Environmental Plan 2013 and it does not comply with Part B section 13.4 of North Sydney Development Control Plan 2013.
6. The proposed development does not comply with the Landscape Controls in Part B section 1 of North Sydney Development Control Plan 2013.
7. The proposed development does not satisfy several matters for consideration in Part 3 of the Child Care Planning Guideline under SEPP Education and Child Care.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered more than 300 written submissions made during public exhibition and heard from 14 members of the community including the mayor at the public meeting.

| PANEL MEMBERS | |
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|  Peter Debnam (Chair) |  John Roseth |
|  Julie Savet Ward |  Veronique Marchand |
|  Michel Reymond | |

| SCHEDULE 1 | | |
|------------|---|---|
| 1 | PANEL REF – LGA – DA NO. | 2018SNH053 – North Sydney – DA296/18 |
| 2 | PROPOSED DEVELOPMENT | Integrated Development - Subdivision into 2 lots; demolition of existing buildings; construction of child care centre for 100 children; construction of new dwelling; landscaping and tree removal. |
| 3 | STREET ADDRESS | 12A Shirley Road, Wollstonecraft |
| 4 | APPLICANT/OWNER | Mike and Shan Pty Ltd and Invas Investments Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy Educational Establishment and Child Care Facilities) 2008 ◦ State Environmental Planning Policy No.55 Remediation of Land ◦ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ◦ North Sydney Local Environmental Plan 2013 ◦ Rural Fires Act 1997 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ North Sydney Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: 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: 21 March 2019 • Written submissions during public exhibition: 318 letters and petition with 140 signatures • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ In objection – Anthony Kazacos on behalf of 13 landowners, Philip Meagher, Robert Estcourt, Megan Manwaring, John Hancox, Wendy Cox, Robert Bruce Pearson, Michael Cashell, Luke Price, Ted Wailes, Helen Cameron, Tony Gribben, Jilly Gibson (Mayor North Sydney Council), Peter Sloane, Chris Bolton. ◦ Council assessment officer – Geoff Mossemeneer ◦ On behalf of the applicant – Steve Milton, Rod Rose |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection: 13 March 2019 (Julie Savet Ward), 14 March 2019 (Peter Debnam), • Briefing: 13 February 2019 • Final briefing to discuss council's recommendation, 14 March 2019 at 9.30am. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Julie Savet Ward, Veronique Marchandean, Michel Reymond ◦ <u>Council assessment staff</u>: Geoff Mossemeneer |
| 9 | COUNCIL RECOMMENDATION | Refusal |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |