



DATE OF DETERMINATION	Thursday 17 November 2016
PANEL MEMBERS	John Roseth (Chair), Julie Savet Ward, Stephen Bargwana, Bill Gawne
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Thursday 17 November 2016 opened at 12pm and closed at 1:30pm.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE002 – Waverley - DA-569/2015 at 109-119 Oxford Street and 34-42 Spring Street Bondi Junction

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 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 proposal is a high-quality architecturally distinct building that responds effectively to the site's context, surrounding building forms and uses as well as to the desired future character of the area.
- The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity that, in the case of residential use, satisfies the guidelines of the Apartment Design Guide.
- The proposal complies with the relevant FSR control of 5:1. The variation of the height standard of 38m has been justified by a submission under clause 4.6 of the Waverley LEP 2012. In this regard the Panel heard and considered the concerns of the objector on behalf of the adjacent 1 Newland Street, who believed that the height variation resulted in an adverse impact on the top level of his building. The Panel believes that any view impact is reasonable and does not justify denying a height variation to this development that has been granted to many similar developments in the vicinity.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the addition of two conditions and a change in Condition 2(a):

1. To facilitate the eventual redevelopment of No 32 Spring Street, a covenant is to be imposed upon the property that allows access to the rear of No 32 Spring Street via the public arcade between Oxford and Spring Streets.
2. All side boundary openings are to be fixed and translucent glazing.
3. In Condition 2(a) "oxford Street" is changed to Oxford and Spring Streets".

PANEL MEMBERS



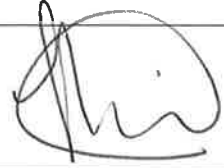
John Roseth (Chair)



Julie Savet Ward



Bill Gawne



Stephen Bargwana

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SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE002 – Waverley - DA-569/2015
2	PROPOSED DEVELOPMENT	Demolition of the existing building and construction of a new 12 storey mixed use building with basement car parking
3	STREET ADDRESS	109-119 Oxford Street and 34-42 Spring Street, Bondi Junction
4	APPLICANT: OWNER:	Daryly Jackson Robin Dyke Architects Pty Ltd Mercury 21 Pty Ltd, Eufe Pty Ltd and Mr & Mrs M Dovellos
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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 (Building Sustainability Index) BASIX 2004, ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005, ○ Waverley Local Environmental Plan 2012, • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Waverley Development Control Plan 2012 • 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: 3 November 2016 • Verbal submissions at the panel meeting 17 November 2016: <ul style="list-style-type: none"> ○ Support – nil ○ Object – Stephen White (Urbis) ○ On behalf of the applicant –
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meetings: 10 March 2016 and 17 November 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report