



DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 4 October 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Julie Savet Ward, Toni Zeltzer, Mary-Lou Jarvis
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis declared a conflict due to currently providing planning advise on a separate and similar project in nearby Bay Street Double Bay.

Public meeting held at Fraser Suites Sydney 488 Kent Street Sydney on 4 October 2018, opened at 1pm and closed at 4.05pm

MATTER DETERMINED

2018SCL002 – Woollahra – DA617/2017/1 at 28-34 Cross Street Double Bay (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 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

While the Panel appreciates the reasons for which the planning assessment report recommends approval of this application, it is unable to make those reasons its own. The only grounds on which a variation in the FSR and building height standards of the order of 44% can be justified is that the recent approval of similar variations on two neighbouring sites have resulted in the abandonment of the development standards. The Panel does not accept that these approvals have led to the abandonment of those standards in the Double Bay Business Centre. Moreover, the Panel believes that an approval of this application would make it more difficult to uphold those standards for future applications on other sites in the Centre.

The Panel therefore does not accept that the applicant's submission under cl 4.6 of the Woollahra LEP 2014 to vary the FSR and height development standards is well founded. A similar building to that proposed but two storeys lower would lead to a better planning outcome.

If either the council or the applicant considers that the current development standards should be changed for Cross Street, the correct way to do this is by a planning proposal. In considering a planning proposal, the relevant planning authority is able to take into account economic factors such as the viability of redevelopment, which is not open to it when considering a variation under cl 4.6.

CONDITIONS

Not applicable.

PANEL MEMBERS

Carl Scully (Chair)



John Roseth



Julie Savet Ward



Mary-Lou Jarvis



Toni Zeltzer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL002 – Woollahra – DA617/2017/1
2	PROPOSED DEVELOPMENT	Demolition of the existing development and construction of a 6 storey mixed development with ground floor retail, 21 residential units over 5 levels and 2 levels of basement parking for 36 vehicles and 4 motorbikes with vehicular access via 20-26 Cross Street.
3	STREET ADDRESS	28-34 Cross Street Double Bay
4	APPLICANT/OWNER	SJD DB2 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 million and registered before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Woollahra Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Woollahra Development Control Plan 2015 • 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: 14 September 2018 • Clause 4.6 Variation Request • Written submissions during public exhibition: 20 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Malcom Young on behalf of Double Bay Residents Association Inc, Mark Silcocks, Brian O’Dowd, Nazy Minbashian, Peter Tonkin ○ Council assessment officer – Dimitri Lukas ○ On behalf of the applicant – James Lidis, Guy Lake
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 19 April 2018 • Final briefing to discuss council’s recommendation, 4 October 2018 at 12pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Julie Savet Ward, John Roseth, Mary-Lou Jarvis, Toni Zeltzer ○ <u>Council assessment staff</u>: Dimitri Lukas, Wilson Perdigao, Thomass Wong
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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