



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 4 October 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Julie Savet Ward, Toni Zeltzer, Mary-Lou Jarvis
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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**

2018SCL021 – Woollahra – DA33/2018/1 at 21-27 Bay 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.




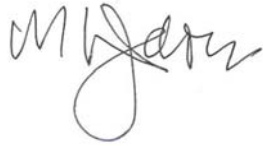

**REASONS FOR THE DECISION**

The Panel accepts the recommendation of the planning assessment report to refuse the application, mainly because it believes that a variation of the height development standard by 53% and of the FSR standard by 45% cannot be justified. The Panel does not accept that other bulky buildings in the Double Bay Business Centre have brought about the abandonment of those standards. The proposed building would be out of scale with its context and inconsistent with the intended future character of Bay Street and Gumtree Lane. The Panel agrees with the assessment report's conclusion that the cl 4.6 submission to vary the development standards is not well founded and that a variation would not lead to a better planning outcome.

The Panel has listened to the applicant's submission that a complying development would not be economically viable. However, it cannot take such considerations into account when dealing with a variation of development standards under cl 4.6 of the Woollahra LEP 2014.

**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.	2018SCL021 – Woollahra – DA33/2018/1
2	PROPOSED DEVELOPMENT	Demolition of all existing commercial buildings & construction of a new six (6) storey mixed-use building including 2 retail tenancies on ground floor, 5 storeys containing 23 residential units above, with 2 levels of below ground basement car parking, vehicular access via Gumtree Lane, provision of a through-site pedestrian link, and associated landscaping.
3	STREET ADDRESS	21, 23-25, 27 Bay Street DOUBLE BAY
4	APPLICANT/OWNER	Pilmyth Pty Ltd; Thinqnet Bookings Pty Ltd (Owner) Thinqnet Bookings Pty Ltd c/o MHN Design Union (Applicant)
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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>Woollahra Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Woollahra Development Control Plan 2015</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: 24 September 2018</li> <li>Clause 4.6 Variation Request</li> <li>Written submissions during public exhibition: 8</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Malcom Young on behalf of Double Bay Residents Association Inc, Mark Silcocks, Brian O'Dowd,</li> <li>Council assessment officer – Wilson Perdigao</li> <li>On behalf of the applicant – Brian Meyerson, Leigh Hanekom, Brett Brown</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing: 19 April 2018</li> <li>Final briefing to discuss council's recommendation, 4 October 2018 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Julie Savet Ward, John Roseth, Mary-Lou Jarvis, Toni Zeltzer</li> <li><u>Council assessment staff</u>: Dimitri Lukas, Wilson Perdigao, Thomass Wong</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report

