

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 13 December 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, John Roseth, Stephen Bargwanna, Bill Gawne
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fraser Suites Sydney, 488 Kent Street Sydney on 13 December 2018, opened at 1.15pm and closed at 1.50pm.

#### MATTER DETERMINED

2018SCL052 – Waverley – DA498/2017 at 87-99 Oxford Street and 16-22 Spring Street Bondi Junction (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 approve 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 assessment report's recommendation to approve the application for the reasons mentioned in the report. The Panel notes that proposal is a well-designed building that will fit into the desired future character of Bondi Junction. The retail and commercial uses have been designed to provide functionality, privacy and amenity. The residential use complies with the design principles of SEPP 65 – Design Quality of Residential Apartment Development and with the guidelines of the Apartment Design Guide.






The Panel notes that the application seeks to vary the height and FSR development standards of the Waverley LEP 2012. This is in response to written submission by the applicant under clause 4.6 of the LEP, the Panel notes that many recent approvals in the vicinity of this site and subject to the same controls, have varied these standards, so that the standard can be regarded as "having been thrown away" or abandoned (the assessment report lists six such examples for height variation on page 47).

In addition, the Panel has also considered the public benefit of the applicant's contribution to affordable housing and streetscape improvements. Under the circumstances, the Panel accepts that the proposal achieves the objectives of the zone and of the relevant development standards and that the strict enforcement of the standards is not necessary where such standards have been regularly and consistently varied by the Council in the vicinity.

The Panel notes that there were six submissions to this application. The valid issues raised have been dealt with in the conditions attached to the consent. There were no objectors at the public meeting on 13 December 2018.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report and revised conditions received 5 December 2018.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Stephen Bargwanna
 Bill Gawne	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL052 – Waverley – DA498/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels; and associated planning agreement.
3	STREET ADDRESS	87-99 Oxford Street and 16-22 Spring Street, Bondi Junction
4	APPLICANT/OWNER	Lindsay Bennelong Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 No55. Remediation of Land</li> <li>○ State Environmental Planning Policy No.65 – Design Quality of Residential Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>○ Waverley Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Waverley Development Control Plan 2014</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: 29 November 2018</li> <li>• Clause 4.6 Written Request</li> <li>• Amended conditions: 5 Dec 2018</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Ben Magistrale</li> <li>○ On behalf of the applicant – Leigh Manser</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation, 13 December 2018, 12.45pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Stephen Bargwanna, Bill Gawne</li> <li>○ <u>Council assessment staff</u>: Ben Magistrale, Angela Rossi, Mitchell Reid</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report