



DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 19 December 2019
PANEL MEMBERS	John Roseth (Chair), Abigail Goldberg, Peter Brennan, Jeremy Swan, Jan Murrell
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	Lee Kosnetter declared a conflict of interest as he was engaged by the applicant to provide advice on the project.

Public meeting held at Fraser Suites, 488 Kent Street Sydney, on 19 December 2019, opened at 1.25pm and closed at 1.47pm.

MATTER DETERMINED

2018SCL068 – Waverley – DA155-2018 at 47-55 Grafton Street Bondi Junction for mixed use building (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Waverley Local Environmental Plan 2012 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (height development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.3 of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height development standard) of the LEP and the objectives for development in the zone B4 Mixed Use; and
- the concurrence of the Secretary has been provided.

Development application

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 proposal is consistent with the aims of the B4 Mixed Use zoning and with the desired future character of the Bondi Junction Town Centre.

The proposal complies with the FSR development control. While it requires a variation of the height control, this is justified by a written submission under clause 4.6 of the Waverley LEP 2012 on the grounds of topography, the provision of roof top communal open space and the precedent set by nearby buildings for which the height control has been varied (see above).

The urban form of the proposal is consistent with the guidelines of the Waverley DCP 2012 by providing a six-storey podium and a 6m setback from Grafton Street.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 5 amended to read as follows:
A registered architect must verify that the construction certificate plans submitted for the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles in SEPP 65 (Design Quality of Residential Apartment Development).
- Condition 17 amended to read as follows:
The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a registered architect in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartments.

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a registered architect, being a statement in which the registered architect verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

- Condition 120 amended to read as follows:
In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a registered architect, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

CONSIDERATION OF COMMUNITY VIEWS

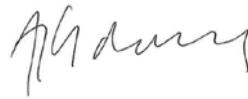
Following the first exhibition of the proposal, the council received submissions from 15 properties and a petition containing 161 signatures. The second exhibition of the amended proposal attracted 3 submissions. The issues raised in the submissions included the loss of commercial floor space, the impact of construction on nearby residents, bulk and scale and traffic and parking. One objector spoke at the public meeting on 19 December 2019.

As regards the loss of commercial floor space, there are no controls requiring a minimum amount of commercial floor space applying to the site. As regards the impact of construction, the conditions of consent include a control of noise and dust emission and a restriction on construction hours. The conditions also require the submission of traffic and noise management plans. As regards bulk and scale, the proposal complies with the FSR control and only slightly exceeds the height control. As regards traffic and parking, the proposal has been amended to provide access from Grafton Street and it complies with the council's parking controls.

PANEL MEMBERS



John Roseth (Chair)



Abigail Goldberg



Peter Brennan



Jeremey Swan



Jan Murrell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL068 – Waverley – DA155/2018
2	PROPOSED DEVELOPMENT	Demolition of the existing building and construction of a new 19-storey mixed use building (ground level retail with residential apartments above) and basement parking.
3	STREET ADDRESS	55 Grafton Street, Bondi Junction
4	APPLICANT/OWNER	Coonara Developments P/L
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 - Remediation of Land State Environmental Planning Policy 65 - Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Regional Environmental Plan (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 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: 9 December 2019 Clause 4.6 Request (Height) Written submissions during public exhibition: 19 (including 1 petition) Verbal submissions at the public meeting 19 December 2019: <ul style="list-style-type: none"> In objection – Allister Bevege On behalf of the applicant – Andrew Harvey, Terry Brabaon
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 15 August 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Bill Gawne, Stephen Bargwanna <u>Council assessment staff</u>: Angela Rossi, Kylie Lucas Final briefing to discuss council's recommendation, 19 December 2019 at 12pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: John Roseth (Chair), Abigail Goldberg, Peter Brennan, Jeremey Swan, Jan Murrell <u>Council assessment staff</u>: Kylie Lucas, Angela Rossi, Judith Elijah

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report