

DATE OF DETERMINATION	Thursday 19 December 2019
PANEL MEMBERS	John Roseth (Chair), Abigail Goldberg, Peter Brennan, Lee Kosnetter, Jan Murrell
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	Jeremey Swan declared a conflict of interest as his wife works for and is a shareholder of Ethos Urban who wrote the Statement of Environmental Effects.

Public meeting held at Fraser Suites, 488 Kent Street Sydney, on 19 December 2019, opened at 12.45pm and closed at 1.20pm.

MATTER DETERMINED

2019ECI025 – Waverley – DA105/2019 at Bondi Pavilion Queen Elizabeth Street Bondi for restoration and refurbishment of the Bondi Pavilion (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.

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 proposed restoration and upgrade of the Bondi Pavilion will facilitate the continued use of a treasured community facility. It will enhance the heritage significance of an item of State heritage.

CONDITIONS

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

- Condition 44, first line, amended to read as follows:
The landscape plan is to be amended by changes including:
- Condition 44(c) amended to read as follows:
Trees 13 and 36 as identified in the Arborist report prepared by L&Co dated 1 April 2019 are to be considered for relocation.
- Condition 44, last paragraph, amended to read as follows:
The amended landscape plan is to be submitted for the approval of Council's Director, Planning, Environment and Regulatory prior to the issue of the relevant Construction Certificate.
- Condition 46, first paragraph, amended to read as follows:
Trees 13 and 36 as identified in the Arborist report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

- Condition 123 amended to read as follows:
Notwithstanding condition 122 (Hours of Operation) of this consent and subject to condition 124 (Review condition permitting review of extended trading hours) of this consent, the premises may trade as follows ("the extended trading hours"):


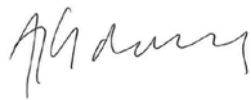



Monday to Sunday: 6.00am – 7.00am and 11.00pm – 12.00am

- Condition 129(b), second subclause, amended to read as follows:
Hours of operation are to be between 7:00am to 11:00pm;
- Condition 129(c), second subclause, amended to read as follows:
Extended hours of operation between 06:00am to midnight are limited to a maximum of 52 occurrences a year;

CONSIDERATION OF COMMUNITY VIEWS

The exhibition of the application elicited 9 submissions. Concerns included too much paving in the courtyard, the removal of the modern glass bubble structure, inadequate environmental sustainability features and criticism of the new vehicle path. The Panel accepts that the choices made in this proposal for restoring a heritage building are a matter of value judgment and sees no reason to vary the choices made by the proposal's designer.

No objector spoke at the public meeting on 19 December 2019.

PANEL MEMBERS	
 John Roseth (Chair)	 Abigail Goldberg
 Peter Brennan	 Lee Kosnetter
 Jan Murrell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019ECI025 – Waverley – DA105/2019
2	PROPOSED DEVELOPMENT	Restoration and refurbishment of the Bondi Pavilion including Heritage Conservation Works, improve equitable access, quality of spaces and facilities and ancillary public domain works.
3	STREET ADDRESS	Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach
4	APPLICANT/OWNER	Tonkin Zulaikha Greer Architects on behalf of Waverley Council, Project Waverley
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 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.64 – Advertising and Signage State Environmental Planning Policy Infrastructure 2007 State Environmental Planning Policy No.71 Coast Protection 2018 State Environmental Planning Policy State and Regional Development 2011 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 Environment Protection and Biodiversity Conservation Act 1999 National Parks and Wildlife Act 1974 Heritage Act 1977 Crown Land Management Act 2016 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: 6 December 2019 Written submissions during public exhibition: 9 Verbal submissions at the public meeting 19 December 2019: <ul style="list-style-type: none"> Council assessment officer – Stuart Gordon On behalf of the applicant – Sharon Cassidy, Wolfgang Ripberger
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 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: John Roseth (Chair), Abigail Goldberg, Peter Brennan, Lee Kosnetter, Jan Murrell <u>Council assessment staff</u>: Kylie Lucas, Angela Rossi, Judith Elijah, Stuart Gordon (consultant for Council)

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