

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	13 September 2022
DATE OF PANEL DECISION	12 September 2022
DATE OF PANEL MEETING	8 September 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Gabrielle Morrish, Jeremy Swan
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Lee Kosnetter has previously provided planning advice on the same site.

Public meeting held by teleconference on 8 September 2022, opened at 3.15pm and closed at 4pm.
Papers circulated electronically on 30 August 2022.

MATTER DETERMINED

PPSSEC-175 – DA-155/2018/A – Waverley, 55 Grafton Street, Bondi Junction – Modification to the approved development including a reduction in the number of apartments from 106 to 95, internal reconfiguration of units and increase in floor space (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 listed at item 8 in Schedule 1.

Application for modification of a consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The Panel, exercising the functions of the consent authority, pursuant to s4.55(2) of the EP&A Act is satisfied that the proposed development:

- Is substantially the same as the development for which consent was originally granted
- The modification has been notified and submissions are noted
- The relevant provisions of s4.15 of the EP&A Act have been assessed and
- The Panel has considered the reasons for the original approval in its determination.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Officer's Assessment Report.

The Panel notes that the modification architectural design has been further developed as the Panel was concerned about the presentation of the northern elevation with the first iteration of the modification. Council has worked with the Applicant to achieve design excellence and the Panel is now satisfied.

CONDITIONS





The Modification Application was approved subject to the conditions in the Council Officer's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Overshadowing
- Loss of light and views
- FSR
- Overdevelopment of Bondi Junction and infrastructure

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the Panel is satisfied the modification will not create additional overshadowing, view loss, and exhibits Design Excellence.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Gabrielle Morrish	 Jeremy Swan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-175 – Waverley - DA-155/2018/A
2	PROPOSED DEVELOPMENT	Modification to the approved development including a reduction in the number of apartments from 106 to 95, internal reconfiguration of units and increase in floor space
3	STREET ADDRESS	55 Grafton Street, Bondi Junction
4	APPLICANT/OWNER	Coonara Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Building Sustainability Index – BASIX) 2004 ○ SEPP 65 (Design Quality of Residential Apartment Development) 2002 ○ SEPP (Transport and Infrastructure) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Planning Systems) 2021 ○ 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: Offer to enter into a Planning Agreement under section 7.4 • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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: 30 August 2022 • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 28 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Gabrielle Morrish, Jeremy Swan ○ <u>Council assessment staff</u>: Kylie Lucas ○ <u>Applicant representatives</u>: Simon Gunasekara, Greg Barr, Andrew Harvey, Georgia Wilson • Final briefing to discuss council's recommendation: 8 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Gabrielle Morrish, Jeremy Swan ○ <u>Council assessment staff</u>: Kylie Lucas, Bridget McNamara ○ <u>Applicant representatives</u>: Andrew Harvey, Allen Linz, Georgia Wilson, Greg Barr, Ryan Cotterill
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report