

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	08 March 2023
DATE OF PANEL DECISION	08 March 2023
DATE OF PANEL MEETING	07 March 2023
PANEL MEMBERS	Carl Scully, Natasha Harras, Judith Clark (no council members were present)
APOLOGIES	Amelia Thorpe
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 07 March 2023, opened at 2.00pm and closed at 2.33pm.

MATTER DETERMINED

PPSSEC-199 - DA-177/2022 – Waverley, 7-15 Bondi Road Bondi Junction, Demolition of existing buildings and construction of a nine-storey residential flat building containing 41 apartments, including 25 affordable rental housing apartments, communal roof top terrace and two levels of basement parking (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 of Buildings 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 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 Height of Buildings of the LEP and the objectives for development in the R4 High Density Residential zone; and
- the concurrence of the Secretary has been assumed.

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 development is considered to be consistent with objectives of the height development standard.
- The proposal is consistent with the relevant objectives of the R4 zoning in that it provides for the housing needs of the community with a variety of housing types within a high-density residential environment.

- The proposal is considered to have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.
- The proposal is considered to have no detrimental effect on the public interest, subject to appropriate conditions being imposed.
- The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.
- The panel took into account additional view corridor impact photographs and was satisfied that the impact on views was acceptable.

CONDITIONS

The Development Application was approved subject to the conditions in Council's assessment report with the following amendments.



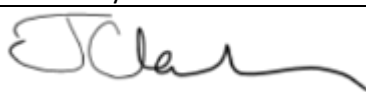
- Condition 37(E) is amended by deleting the second sentence.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 22 written submissions made during public exhibition. The Panel notes that issues of concern included:

- Overshadowing and solar access
- Height and wall height
- FSR (bulk, scale, overdevelopment) and bonus under Housing SEPP
- Building depth and length
- Visual and acoustic privacy
- Setbacks and separation distances
- Traffic and parking
- Trees and vegetation
- Excavation
- Streetscape and context impacts, and desired future character
- Design excellence and articulation 2
- View impacts
- Insufficient clause 4.6 objection
- Roof terraces and the provision of communal open space on the roof
- Location of driveway is inappropriate

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully	 Natasha Harras
 Judith Clark	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-199 - DA-177/2022 – Waverley

2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of a nine-storey residential flat building containing 41 apartments, including 25 affordable rental housing apartments, communal roof top terrace and two levels of basement parking
3	STREET ADDRESS	7-15 Bondi Road Bondi Junction
4	APPLICANT/OWNER	Applicant: Bondi Road Development P/L Owner: Bondi Road Development P/L
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • SEPP (Building Sustainability Index – BASIX) 2004 • SEPP 65 (Design Quality of Residential Apartment Development) 2002 • SEPP (Housing) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Planning Systems) 2021 • Waverley Local Environmental Plan 2012 (Waverley LEP 2012) • 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: 21 November 2022 • Additional photographs of view corridor from level 8 penthouse at 42 Waverly Street, Bondi Junction considered during Panel deliberations following the public meeting. • Written submissions during public exhibition: 22 submissions • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Anthony Boskovitz on behalf of (Mr Zev Volf), Stephanie Withey on behalf of (community group, objecting the development), Marc Watson community group, objecting the development), Phillip Peet community group, objecting the development). ○ Council Assessment Officers - Kylie Lucas, Bridget McNamara ○ On behalf of the applicant – Liam Hancock

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> 16 June 2022 – Kick off briefing 07 March 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully, Natasha Harras, Judith Clark <u>Council assessment staff</u>: Kylie Lucas, Bridget McNamara <p>Site inspection: 07 March 2023</p> <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully, Natasha Harras, Judith Clark <u>Council assessment staff</u>: Kylie Lucas, Bridget McNamara
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report