

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	16 September 2024
<b>DATE OF PANEL DECISION</b>	14 September 2024
<b>DATE OF PANEL BRIEFING</b>	12 September 2024
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo, Glennis James, Jan Murrell and Patrick Nicholas
<b>APOLOGIES</b>	Peter Brennan
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 2 September 2024.

**MATTER DETERMINED**

PPSSEC-317 – Waverley – DA-155/2018/D – 55 Grafton Street, Bondi Junction – Modification to internal layout and new swimming pool on roof top (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 consent**

The Panel determined to approve the modification application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The Panel is satisfied that the application is substantially the same development and the reasons for the original approval have been taken into consideration for this determination. The Panel has also had regard to the submissions received.

The Panel is satisfied that the modification warrants approval on a merit assessment and determined to approve the application.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to approve the modification application for the reasons outlined in the Council Assessment Report.

**CONDITIONS**






The modification application was approved subject to the amended conditions updated by Council on 12 September 2024 as an attachment to the Council Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Visual and acoustic privacy from rooftop pool
- View impacts

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Alice Spizzo	 Jan Murrell
 Patrick Nicholas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-317 – Waverley – DA-155/2018/D
2	PROPOSED DEVELOPMENT	Modification to internal layout and new swimming pool on roof top
3	STREET ADDRESS	55 Grafton Street, Bondi Junction
4	APPLICANT OWNER	Harsha Yadav (on behalf of Grafton Street Development Pty Limited) The Trustee for JQZ Sixteen Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 (Building Sustainability Index – BASIX) 2004</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (including Chapter 10 Sydney Harbour Catchment)</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</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 2022</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 26 August 2024</li> <li>Written submissions during public exhibition: 2</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Applicant Briefing: 12 September 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Jan Murrell and Patrick Nicholas</li> <li><u>Applicant representatives</u>: Andrew Harvey, Jeremy Hung, Megumi Sakaguchi, Frank Severino, Ferdie Haefele, Stephen Paget, David Fok, Oliver Xu and Leonard Lynch</li> <li><u>Council assessment staff</u>: Kylie Lucas and Ben Magistrale</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>Final briefing to discuss Council's recommendation: 12 September 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Jan Murrell and Patrick Nicholas</li> <li><u>Council assessment staff</u>: Kylie Lucas and Ben Magistrale</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended Conditions updated on 12/09/2024 as an Attachment to the Council Assessment Report