

DATE OF DETERMINATION	19 June 2025
DATE OF PANEL DECISION	18 June 2025
DATE OF PANEL MEETING	5 June 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Budd, Mary-Lou Jarvis and Matthew Robertson
APOLOGIES	None
DECLARATIONS OF INTEREST	Lucinda Regan declared a conflict of interest as she made a submission on this development when it was before Council on behalf of a resident. She did not participate in the meeting.

Public meeting held by teleconference on 5 June 2025, opened at 2.37pm and closed at 3.31pm.

MATTER DETERMINED

PPSSEC-328 - Woollahra - DA 240/2024 - 80, 82 & 84 Drumalbyn Road, Bellevue Hill - Demolition of the existing three (3) residential flat buildings and associated structures on the sites and the construction of a new residential flat building comprising 26 units, two swimming pools & landscaping with the sites consolidated (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 s.4.6 (3) of the Woollahra Local Environmental Plan 2014 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with s.4.3 (Height of Buildings) and s.4.3A (Exceptions to Building Heights (Areas A-H)) is unreasonable or unnecessary in the circumstances because the objectives of the development standards have been achieved as the building heights are consistent with the desired future character, a transition in scale between adjoining land zones has been provided, no unacceptable overshadowing impacts upon neighbouring properties will be generated, the proposal will be suitably integrated in the context of the site and streetscape, the proposal will have negligible impacts on any significant views of the harbour and surrounding areas and the extent of the variation would not be visible from the streetscape; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as the extent of the variation would be essentially masked from the streetscape due to the underlying topography and historical excavation; the desired future character of the locality would be maintained; good design and amenity, orderly/economic use of the land are proposed; and urban benefits are provided.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Following matters raised at the site inspection and during the public meeting, the Panel requested further advice from Council's Stormwater and Environment Engineer and that information was provided in the Supplementary Report (dated 06 June 2025).

Following receipt of that additional information, the Panel formed the view that it was appropriate to approve the development application.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Section 4.6 variations to building height and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS






The Development Application was approved subject to the conditions in 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:

- Height, bulk and scale of the proposal
- Streetscape character and key elements of the Bellevue Hill North Precinct
- Potential loss of heritage significant buildings
- Impact on neighbouring amenity
- Swimming pool
- Excavation
- Traffic
- Development Engineering issues
- Landscaping and deep soil
- Impact on local flora and fauna
- Insufficient and/or inadequate information
- Notification sign not adequately exposed
- Development does not provide diverse housing choices (i.e. affordable housing) in the Municipality
- Construction issues
- Privacy
- Flooding

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

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Susan Budd	 Mary-Lou Jarvis
 Matthew Robertson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-328 - Woollahra - DA 240/2024
2	PROPOSED DEVELOPMENT	Demolition of the existing three (3) residential flat buildings and associated structures on the sites and the construction of a new residential flat building comprising 26 units, two swimming pools & landscaping with the sites consolidated
3	STREET ADDRESS	80, 82 & 84 Drumalbyn Road, Bellevue Hill
4	APPLICANT OWNER(S)	Nicholas Cameron on behalf of MHN Design Union Pty Ltd Owners of Strata Plan 9684, Strata Plan 16386 and Strata Plan 11198 - Joanne Jones, Cath Halt, Michael Rundle, Brent Zylmans, Daniel & Nicole Gonzalez, Henry Hall, Jake Troncone, Joanne McAlpine, Susan Breen, Thomas Hitchens, Rebecca Mitrevski, Kurt & Toni Bridge, Morgan & Fred Heida, Maximillian Jacobson-Gonzalez, Steven Bolst, Helena Colnaric, Timothy Babel, Matt McMahon, Christine Adamson, Suchada Sternberg, Toni Merkel, Richard Bellingham and Tresna Karras
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Housing) 2021 Woollahra Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Woollahra Development Control Plan 2015 Planning agreements: Nil 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: 15 May 2025 Council Supplementary Report (Referral Response (Supplementary Advice): dated 06 June 2025 S.4.6 variation requests: S.4.3 (Height of Buildings) and S.4.3A (Exceptions to Building Heights (Areas A-H)) of Woollahra Local Environmental Plan, 2014 Written submissions during public exhibition: 21 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Renee Ferster Levy, Dr Ali Amin, Prasanna Abeya, Monica Cummings Council assessment officer – George Fotis

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Halina Rubenstein, Liam Hancock, George Palmer • Total number of unique submissions received by way of objection: 21
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 10 October 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Mary-Lou Jarvis and Matthew Robertson ○ <u>Council assessment staff</u>: Federica Stano and Valdis Aleidzans ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 5 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Mary-Lou Jarvis and Matthew Robertson ○ <u>Council assessment staff</u>: George Fotis • Final briefing to discuss Council's recommendation: 5 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Mary-Lou Jarvis and Matthew Robertson ○ <u>Council assessment staff</u>: George Fotis, Simone Woodman and Michael Casteleyn ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report