

DATE OF DETERMINATION	Thursday 28 November 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, Mary-Lou Jarvis, Toni Zeltzer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites 488 Kent Street Sydney on 28 November 2019, opened at 10am and closed at 1.20pm.

MATTER DETERMINED

PPSSEC-4 – Woollahra – DA515/2018/1 at 210 Victoria Road Bellevue Hill for construction of a residential flat development (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.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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 proposal complies with all development standards and is compatible with the desired future character of the area.
- While the proposal has some impact on views from existing buildings to the south, it has reduced this impact to a reasonable level by building to about one storey less than the maximum permissible height.
- The proposal complies with the ADG and provides high internal amenity.

CONDITIONS

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

- Condition C2, amended to reflect the 7.12 contributions to read \$248,799.16 with a total of \$859,316.16
- New condition to read as follows:
The pedestrian entry from Victoria Road to building A, shall be amended as follows:
 - a) The building entry on ground floor shall be widened to the full width of the opening to assist in the deliveries of large items.*
 - b) The entry "pinchpoint" to the residential lift lobby on the ground floor shall be widened to a minimum of 2.4 metre unobstructed clearance to assist in the delivery of large items.**Amendments to be detailed and approved prior to the issue of the construction certificate.*

CONSIDERATION OF COMMUNITY VIEWS






In coming to its decision, the Panel considered 43 written submissions made during public exhibition and heard from six objectors who addressed the Panel during the public meeting. The major concerns were the amount of excavation, the stability of the rockface due to excavation; view impact, traffic and parking and acoustic impact.

As regards the amount of excavation, which exceeds the council's guidelines in the Woollahra DCP 2015, the Panel notes that part of the excavated material is currently fill. Moreover, the guideline allows for the variation of the excavation control providing it is for parking under the maximum allowed by the DCP.

As regards the stability of the rockface, the Panel notes that both the applicant and the council have sought expert advice, and that advice concludes that the rockface will be safer after the development is completed than it now is.

As regards view impact, the Panel accepts the assessment report's conclusion that this impact is reasonable and notes that the proposal is significantly below the permissible building height applying to the site.

As regards traffic and parking, the Panel notes that the council's engineer is satisfied on both counts. The Panel is also satisfied that the noise impact from the development will not be unacceptable.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Mary-Lou Jarvis
 Toni Zeltzer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-4 – Woollahra – DA515/2018/1
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of a new residential flat development containing 3 buildings linked via a common basement car park, communal open space, landscape and site works.
3	STREET ADDRESS	206D, 280, 210 & 210A Victoria Road Bellevue Hill
4	APPLICANT/OWNER	Denwol BH Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	120 day referral with DA of CIV between \$10M - \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Coast Management) 2018 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No.55 Remediation of Land State Environmental Planning Policy No.65 Design Quality of Residential Flat Development Sydney Regional Environmental Plan Sydney Harbour Catchment 2005 (Deemed SEPP) 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 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: 14 November 2019 List any clause 4.6 variation requests here Written submissions during public exhibition: 43 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Andrew Murray, Prim Murray, Bruce Nockles, Joyce Lowinger, Dimitry Nikitenko, Roger Barnes Council assessment officer – Dimitri Lukas On behalf of the applicant – Garry Sheils, Guy Sturt, Ross Nettle, Richard Lamb, Simon Fleet, Carl Reid, Michael Harrison, Hugh Burbidge
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 28 November 2019 at 9.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Mary-Lou Jarvis, Toni Zeltzer <u>Council assessment staff</u>: Dimitri Lukas, Thommas Wong
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

