

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD BY
VIDEO CONFERENCE ON WEDNESDAY, 16 FEBRUARY 2021**

UNDER SCHEDULE 2, PART 5, ITEM 26 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)

PLANNING PROPOSAL: 45-57 Oxford Street, Bondi Junction

Panel members present:

Annelise Tuor (Chair)

Peter Brennan

Jocelyn Jackson

Sandra Robinson (Community Rep)

Declarations of interest:

Nil.

Site visit and briefing

The Waverley Local Planning Panel (Panel) has independently viewed the site and surrounding area from the public domain and/or electronically and was briefed by the following representatives of Council and representatives of the proponent on the Planning Proposal:

Jaime Hogan	Waverley Council
Emma Rogerson	Waverley Council
Patrick Hay	Waverley Council
Francisco Motta	Waverley Council
Greg Gilyou	Evolve Project Management
Sophie Litherland	Willow Tree Planning
Antonio Pozzi	Hatch (Roberts Day)
Stephen Moore	Hatch (Roberts Day)
Isha Negi	Team2 Architects

Following the briefing the Panel considered the Planning Proposal under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979.

Resolution

The resolution provided by the Panel as follows was unanimous.

Annelise Tuor

Chair

PP-4/2021 – 45-57 Oxford Street, Bondi Junction

Reasons

The Panel has considered an assessment report of the Planning Proposal prepared by Council Officers (the Report), the documentation provided by the Proponent, including a concept design (the Concept), the site view and briefings. For the reasons in the Report, the Panel considers that Council should not support the Planning Proposal in its current form.

Resolution:

The Panel advises Council that:

1. it does not support the Planning Proposal to proceed to Gateway determination, as the Proposal lacks site-specific merit for the reasons outlined in the Report. In particular, the proposed 26m height and 2.5:1 FSR standards would:
 - a) Overshadow and produce visual bulk/a sense of enclosure and unwarranted noise for southerly neighbours (the Planning Proposal does not propose any Additional Local Provisions or site-specific DCP to require a building envelope that minimises these adverse impacts);
 - b) Be out of scale and character with the surrounding low-density streetscape to the south and west of the site, particularly along Mill Hill Road and West Oxford Street; and
 - c) Adversely impact on the significance of the Heritage Items on the site and their setting, the directly adjoining Mill Hill Heritage Conservation Area and the contributory items.

Furthermore, the approval of DA-127/2013 demonstrates that the intended outcome of a mixed-use transitional building can be achieved under the current controls. The Concept does not provide a better planning outcome than this previous approval that would warrant the increase in the floor space ratio and height standards. In addition, the proposed through-site link does not appear to be necessary given that the site is on the end of a block with three frontages. The Concept's built form, to address overshadowing, is also uncharacteristic in the context of the site.

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UNDER SCHEDULE 2, PART 5, ITEM 26 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)

PLANNING PROPOSAL: 439-445 Old South Head Road, Rose Bay

Panel members present:

Annelise Tuor (Chair)

Peter Brennan

Jocelyn Jackson

Sandra Robinson (Community Rep)

Declarations of interest:

Nil.

Site visit and briefing

The Waverley Local Planning Panel (Panel) has independently viewed the site and surrounding area from the public domain and/or electronically and was briefed by the following representatives of Council and representatives of the proponent on the Planning Proposal:

Jaime Hogan	Waverley Council
Emma Rogerson	Waverley Council
Patrick Hay	Waverley Council
Francisco Motta	Waverley Council
Sophie Litherland	Willow Tree Planning
Greg Gilyou	Evolve Project Management
Antonio Pozzi	Hatch (Roberts Day)
Stephen Moore	Hatch (Roberts Day)
Isha Negi	Team2 Architects

Following the briefing the Panel considered the Planning Proposal under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979.

Resolution

The resolution provided by the Panel as follows was unanimous.

Annelise Tuor

Chair

PP-3/2021 - 439-445 Old South Head Road, Rose Bay

Reasons

The Panel has considered an assessment report of the Planning Proposal prepared by Council Officers (the Report), the documentation provided by the Proponent, including a concept design (the Concept), the site view and briefings. For the reasons in the Report, the Panel considers that Council should not support the Planning Proposal in its current form.

In particular, the Panel is concerned that the Planning Proposal does not include a change to the existing R3 Zoning (or an additional permitted use listing). However, the Concept includes two floors of non-residential uses to activate a public open space. The Proponent proposes to achieve these non-residential uses through existing use rights and the limited range of permissible uses in the R3 Zone. The Panel does not agree that the Concept would be effectively achieved through the retention of the existing zoning (without additional permitted uses).

The proposed increase in floor space ratio and height standards is based on the achievement of this mixed-use Concept. Even if this were able to be achieved, the Panel finds that the resultant bulk and scale of the Planning Proposal is excessive and is not justified within its existing context.

Furthermore, the proposed increase in floor space ratio and height would adversely impact upon the heritage item and residential amenity of surrounding development.

Resolution

The Panel advises Council that:

1. It does not support the Planning Proposal for 439-445 Old South Head Road and 1 The Avenue, Rose Bay proceeding to Gateway determination, as the Proposal lacks strategic and site-specific merit for the reasons outlined in the Report. The proposed 25m height and 2.5:1 FSR standards would:
 - (a) Be out of scale with the surrounding streetscape of Old South Head Road, and the prevailing medium density scale of surrounding development set by the 12.5m height and 0.9:1 FSR,
 - (b) Adversely impact the significance of the heritage item located on 443-445 Old South Head Road, and
 - (c) Reduce residential amenity for dwellings to the south with additional overshadowing.

Furthermore, the Planning Proposal, in its current form, does not adequately address land use issues to facilitate the Proponent's vision for a mixed-use development. The appropriateness of a neighbourhood centre would need to be considered in the broader context of centres across Waverley.

2. Any amended/future planning proposal for the site should also be supported by a site-specific DCP and/or Additional Local Provisions to ensure that the positive aspects of the proposal such as the public open space and affordable housing would be delivered.