

**MINUTES OF THE WAVERLEY
DEVELOPMENT ASSESSMENT PANEL
MEETING HELD AT THE WAVERLEY
COUNCIL CHAMBERS ON WEDNESDAY,
18 APRIL 2018**

Panel members present:

The Hon RN (Angus) Talbot (Chair)
Peter Brennan
Gabrielle Morrish
Allyson Small

Also present:

Mr A Faruqi	Manager, Development Assessment (North)
Ms A Rossi	Manager, Development Assessment (Central)
Ms B Matlawski	Acting Manager, Development Assessment (South)
Ms R Siaoosi	Administration Officer

At the commencement of the public proceedings at 12.12 pm, those Panel members present were as listed above.

At 1.41 pm, the meeting was closed to the public.

At 2.45 pm, the Panel reconvened in closed session.

At 4.50 pm, the meeting closed.

WDAP-1804.A

Apologies

There were no apologies.

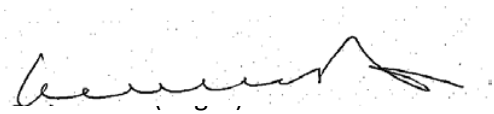
WDAP-1804.DI

Declarations of Interest

The Chair called for declarations of interest and none were received.

WDAP-1804.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

The Hon RN (Angus) Talbot
Chairperson

WDAP-1804.1

24 Mackenzie Street, Bondi Junction – Alterations and additions to existing terrace dwelling including an attic addition (DA-21/2018)

Report dated 9 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report.

REASONS: The Panel generally accepts the planning report and conditions of consent. The determination is in the public interest given that the property is consistent with the built form and scale of existing streetscape in the area.

The applicant has made an objection pursuant to clause 4.6 of the LEP in relation to the exceedance to the prescribed development standard for floor space (clause 4.4), and the Panel is satisfied that the exceedance is not inconsistent with the objective of the standard and the zone.

The Panel is satisfied that the development complies with the DCP controls. The approval of the development is in the public interest.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

WDAP-1804.2

28 Ruthven Street, Bondi Junction – Alterations and additions to rear of existing terrace dwelling (DA-499/2017)

Report dated 9 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report, subject to the addition of condition 2(b), to read as follows:

- 2(b) The demolition of the existing brick fence and the erection of a new fence on the northern boundary is not approved.

REASONS: The applicant has lodged an objection pursuant to clause 4.6 of the LEP, and the Panel is satisfied that an FSR of 1.75:1 is consistent with the objectives of the standard of 1:1, and that the development generally is in accordance with the objectives of the zone and consistent with the objectives of the standard.

The Panel adopts the condition relating to the rear upper level balcony as proposed.

The Panel does not approve the demolition of the brick fence based on evidence that the fence is not within the property boundary and encroaches onto the neighbouring property.

The decision is in the public interest and the Panel has taken the submissions into consideration.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

A Bannister (applicant) addressed the meeting.

WDAP-1804.3

46 Gardyne Street, Bronte – Section 4.55 modification of development consent DA-513/2016 relating to rear terrace, increased floor space, reduced side setback, driveway conditions (DA-513/2016/A)

Report dated 9 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report, subject to the amendment of conditions 2(a) and 2(i), to read as follows:

- 2(a) The proposed terrace at first floor level on the eastern elevation is to be reduced in size. The trafficable/useable area of the rear terrace at first floor level is to be in accordance with plans tabled to the WDAP on 23 August 2017, notated as First Floor Plan Revision G, and the concrete seat is to be deleted and a glass balustrade is to be provided along the alignment of the thick line shown on this plan. The proposed roof over the terrace is to be reduced to a maximum overhang of 300 mm from the eastern wall of the dwelling at first floor level.

The remainder of the roof area located above the ground floor level and adjoining the first floor terrace to be non-trafficable and provided as a roof garden with plant species to a maximum growth maturity height of 200 mm above finished roof level. No balustrading is to be provided to this roof garden area to ensure it cannot be used for active purposes.

- 2(i) To mitigate view impacts, balustrading to the first floor rear terrace is to be structural frameless glass with no top rail in accordance with the requirements of the Building Code of Australia.

REASONS: Notwithstanding the submission of further plans to the meeting, the Panel is not satisfied that the driveway is designed so that the stormwater run-off from the driveway can be drained directly to the Gardyne Street gutter.

The Panel is not satisfied that the proposed trafficable areas of the first floor terrace are reasonable because of undue privacy impacts on the adjoining properties. For this reason, the condition 2(a) is amended.

The Panel is not prepared to approve a metal balustrade instead of glass for the reason that the glass balustrade preserves existing views from adjacent properties. For this reason, condition 2(i) is amended

Otherwise, the Panel agrees with the recommendation and reasons provided within the officer's report, and, subject to the amendments above, approves the development being satisfied that it is in the public interest.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

S Innes (objector), G Karavanas and S Landman (on behalf of the applicant) addressed the meeting.

WDAP-1804.4

8 Jackaman Street, Bondi – Review of refusal for demolition, construction of a dual occupancy development (attached), Torrens title subdivision and a swimming pool (DA-142/2017/1)

Report dated 6 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report.

REASONS: The Panel has considered the applicant's request to vary the development standards contained in clauses 4.1 (minimum subdivision lot size) and 4.4 (floor space ratio) in the LEP, and is satisfied that the exceedance is not inconsistent with the objectives of the standard and the zone.

The Panel has inspected the site and is satisfied that the amended design of the proposed dwellings, although contemporary in style, is nevertheless compatible with the existing streetscape, which has several instances of change that do not support maintaining a specific architectural style.

For the above reasons, the Panel is satisfied that it should adopt the officer's report and the recommendation that the application be approved subject to the conditions.

The Panel is satisfied that the approval is in the public interest.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

L Hustable, A Liggins (objectors) and J Askin (on behalf of the applicant) addressed the meeting.

WDAP-1804.5

60 Lamrock Avenue, Bondi Beach – Alterations and additions to a dual occupancy to create a residential flat building containing four units, front hardstand parking, swimming pool and strata subdivision (DA-193/2017)

Report dated 5 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report, subject to the amendment of condition 2(d) and the addition of condition 2(e), to read as follows:

- 2(d) Windows GW10, GW11, GW18 and GW19 shall be obscure glazed or appropriately screened to inhibit privacy impacts upon the adjoining property.
- 2(e) The existing boundary timber fence shared with the adjoining property at 57 Sir Thomas Mitchell Road shall be retained. Details (including notations) to this effect shall be updated on the plans.

REASONS: The Panel has considered the applicant's request to vary the development standard contained in clause 4.4 (floor space ratio) of the LEP, and is satisfied that the exceedance is not inconsistent with the objectives of the standard and the zone.

Windows GW10, GW11, GW18 and GW19 shall be obscure glazed or appropriately screened to inhibit privacy impacts upon the adjoining property, and condition 2(d) has been amended accordingly.

The Panel is satisfied that the swimming pool plant is sufficiently controlled by condition 99 and the requirement for an acoustic enclosure.

The applicant has agreed that the existing timber fence between the subject property and 57 Sir Thomas Mitchell Road may remain, and therefore a condition to that effect deleting the lightweight fence on the retaining wall along that boundary has been imposed above.

The Panel has studied the shadow diagrams provided by the applicant's expert and is satisfied that the protruding architectural feature on the first and second levels containing window GW09 and GW15 does not increase the overshadowing at number 55 Sir Thomas Mitchell Road.

The Panel otherwise approves the development application in accordance with the reasons and recommendations in the report.

The Panel is satisfied that the development is in the public Interest.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

D Pavlovic, M Safe, T Graham (objectors) and G Karavanas and B Meyerson (applicant) addressed the meeting.

WDAP-1804.6

93 Hardy Street, Dover Heights – Demolition of existing building and construction of a part two-part three-storey dwelling with roof terrace and swimming pool (DA-442/2017)

Report dated 4 April 2018 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in the report.

REASONS: The Panel has considered the applicant's request to vary the development standard contained in clause 4.4 (floor space ratio) of the LEP, and is satisfied that the exceedance is not inconsistent with the objectives of the standard and the zone.

The Panel notes that the rear setback at the second level, by removing the balcony and part of the main bedroom, increases the rear setback to within the DCP standard.

The height of the roof access hood is conditioned to be reduced so that the height development standard is satisfied.

Subject to the above, the Panel is satisfied that the development application is in the public interest, and is approved in accordance with the reasons in the report.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

G Karavanas (applicant) addressed the meeting.

WDAP-1804.7

6 Roberts St, Rose Bay – Modification to delete condition 2(a) of the consent relating to the height of the approved front fence (DA-481/2017/A)

Report dated 6 April 2018 from the Development and Building Unit.

DECISION: That the application be refused for the reasons contained in the report.

REASONS: It is in the public interest that the front fence height be consistent with the area and the DCP.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

WDAP-1804.8

701–707 Old South Head Road, Vaucluse – Section 96 modification including 3 additional units, extending approved units and addition of 6 car parking spaces (DA-482/2016/A)

Report dated 6 April 2018 from the Development and Building Unit.

DECISION: That the application be refused for the reasons below.

REASONS: The Panel is not satisfied that the modification results in substantially the same development for the following reasons.

- 1. The floor space is substantially increased by three apartments, thereby increasing the FSR by 36% above the standard and increasing the density of occupation to that extent.*
- 2. The addition of three units has the consequence that the extent of excavation has been increased to accommodate an additional level, thereby sinking the lowest level by approximately 800 mm into the ground. A plant room has been converted into an apartment at the lowest level.*
- 3. Additional units have been added to the top level within the building envelope resulting in the loss of clerestory windows providing amenity to the level two units below.*
- 4. Loss of a view corridor and the resultant reduction in the articulation of the building.*

Moreover, the members of the Panel have serious reservations in relation to the merits of the proposal.

For the Decision: Talbot, Brennan, Morrish and Small.

Against the Decision: Nil.

B Page (objector), G Karavanas and B Meyerson (applicant) addressed the meeting.

THE MEETING CLOSED AT 4.50 PM.