

**MINUTES OF THE WAVERLEY DEVELOPMENT
ASSESSMENT PANEL MEETING HELD AT THE
MARGERET WHITLAM CENTRE ON WEDNESDAY,
13 June 2018**

Panel members present:

The Hon Robert Talbot (Chair)
Michael Harrison
Penelope Mora

Also present:

Mr A Faruqi	Acting Executive Manager, Building Waverley
Ms B Matlawski	Acting Executive Planner, Building Waverley
Ms K Lucas	Acting Manager, Development Assessment (Central)
Ms R Siasosi	Administration Officer

At the commencement of the public proceedings at 12.04pm, those panel members present were as listed above.

At 1.19pm, the meeting was closed to the public.

At 1.25pm, the Panel reconvened in closed session.

At 1.45pm, the panel rested

At 2.18pm, the panel reconvened in closed session.

At 4.02pm, the meeting closed.

WDAP-1806.A

Apologies

There were no apologies

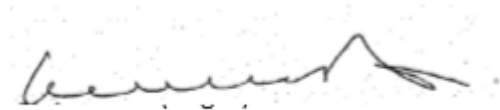
WDAP-1806.DI

Declarations of Interest

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

WDAP-1806.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 Angus Talbot
Chairperson

WDAP-1806.1

9 Penkivil Street, Bondi Modification to approved residential flat building including an additional storey and alterations to car stacker/parking with offer to enter a Planning Agreement.

DA-541/2016/A

Report dated 1 June 2018 from the Development and Building Unit.

DECISION: The application be approved in accordance with the recommendations and conclusions in the officer's report subject to the conditions in appendix A in the report.

REASONS: Proposal exhibits design excellence and is appropriate in the location.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

G Karavanas and A Smith (on behalf of the applicant) addressed the meeting.

WDAP-1806.2

7 Chambers Avenue, Bondi Beach NSW 2026 – New driveway crossing, hardstand car space and alterations to existing fence. **DA-434/2017**

Report dated 30 May 2018 from the Development and Building Unit.

DECISION: Application is refused.

REASONS: The Panel recognises that the proposal is contrary to the provisions of DCP 2012 and will impact upon the dwelling and result in the removal of the street car spaces.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil

J Lunt, B Wilcox (on behalf of the applicant) H Felitch (applicant) addressed the meeting.

WDAP-1806.3

94 Curlewis Street, BONDI BEACH – Section 4.55 modification of vehicle repair workshop and garage to extend trading hours to between 7am and 10pm 7 days, and increase the number of employees to 9 staff plus principals. **DA-184/1981/A**

Report dated 31 May 2018 from the Development and Building Unit.

DECISION: The application be approved subject to the hours of operation being restricted between the hours of 7am to 8pm Monday to Friday, 7am to 1pm Saturday and no operation on Sunday. Noise generation machinery is not to be used after 6pm on any day Monday to Friday.

REASONS: The restriction on hours are designed to protect the residential amenity in the immediate area.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil

M Hahne (objector) D Tassie (on behalf of the applicant) addressed the meeting.

WDAP-1806.4

52 Military Road, North Bondi – Modification for retrospective approval to use car lift roof area as new Juliet balcony and garden for unit 2A and the enlargement of floor area to roof top unit 6 of existing residential flat building. **DA-672/2008/G.**

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

DECISION: The application is approved in accordance with the conclusions and recommendation of the council officers except in respect of the roof top issue, and subject to conditions with Annexure A in the report amended as follows:

Condition 1 (b) to read as follows:

1.
 - b) Sheet No. A30, A31, A32, A33, A35 and A36 prepared by Simon Wakerman and Associates P/L and received by Council on 27 October, 2017 (Added as per DA 672/2008/G).

Condition 36 (s) Delete first sentence of condition 36s so that condition reads as follows:

36.
 - s) The proposed small Juliet balcony for unit 2A shall be a maximum of 2.5m in length and 0.85m in depth, with the rest of the low maintenance garden above the roof of the car lift area to be made non-trafficable. In this regard, provision be made for 1.2m high planter boxes around the perimeter (east & south sides) of the Juliet balcony containing adequate mature plants. The planter boxes are to be constructed as permanent structures. The proposed works for Juliet balcony plus roof top garden are to be completed within the 60 days of the modification application consent date. (Added as per DA 672/2008/G) The Appendix B – Full Set of Conditions shall be amended accordingly.

REASONS: The proposal for the additions to the top level of the building has been built without approval. In addition to the disregard for the need of a development consent the incremental effect of previous approvals has resulted in an exceedance of the present FSR control to a significant extent and approval will result in a high degree of non-compliance. This is a classical example of development creep. The addition does nothing to improve the visual impact of the building but never the less the overall impact is negligible. The question of whether any offence has occurred as a consequence of carrying out the addition without development consent is not a matter that can be dealt with by this

Panel. In the circumstances the Panel is satisfied that the non-compliance with the development standards in respect of height and floor space ratio in respect of the top level addition can be supported.

In respect of the improvements and facilities provided on the terrace over the car lift area the Panel is satisfied that the development in that respect can be approved as they will have minimal and acceptable privacy and acoustic impact on the adjoining properties.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

V Tyalshinsky (objector) addressed the meeting.

WDAP-1806.5

58 Military Road, Dover Heights – Demolition of building; construction of a dual occupancy.

DA-468/2017

Report dated 28 May 2018 from the Development and Building Unit.

DECISION: The Panel is satisfied that the application made by the applicant pursuant to Clause 4.6 of the LEP is well founded and supported by the Panel.

The Panel approves the development application in accordance with the summary and conclusions and recommendations in the Officers report subject to the conditions in the Appendices.

REASONS: The non-compliance with the height of the buildings and floor space ratio development standards rear building set backs of the development, visual and acoustic privacy and car parking provision are acceptable on planning merit.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

J Arnold (objector) addressed the meeting.

WDAP-1806.6

110 Military Road, Dover Heights – Demolition of existing dwelling and construction of a new dual occupancy and swimming pool together with strata subdivision. **DA-534/2017**

Report dated 28 May 2018 from the Development and Building Unit.

DECISION: The Panel determines the application by approval in accordance with the conclusions and recommendations in the Officers report subject to the conditions in the Appendix A.

REASONS: The Panel is satisfied that the application to vary the FSR and set back standard is well founded and supported.

The Panel is satisfied that the approval for this development is justified for the reasons outlined in the Council Officer's report and notes that there have been no objections received in respect of the application.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

J Pien, T Moody (on behalf of the applicant) addressed the meeting.

WDAP-1806.7

174 Military Road, Dover Heights Alterations and addition to existing dwelling including second floor room and roof deck. DA-484/2017

Report dated 28 May 2018 from the Development and Building Unit.

DECISION: The development application is approved in accordance with the conclusion and recommendation in the Council Officer's report subject to Appendix A conditions of consent.

REASONS: The additional room structure through the roof is obtrusive and unattractive and could benefit from a redesign as acknowledged by the applicant at the WDAP meeting. The Panel is of the view that a vegetated area within the front set back of the dwelling is preferable to solid paving on account of better drainage facility and streetscape. Subject to the above the Panel agrees with the assessment of the environmental impacts as explained in the Council Officer's report. Having regard to the deletion of the additional structure on the roof there is no requirement to justify a breach to the development standard in respect of the height. The request to vary the FSR standard under Clause 4.6 of the LEP is well founded and supported by the Panel.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

E Gilchrist, (on behalf of the applicant) C Sher (applicant) addressed the meeting.

WDAP-1806.8

4 Victory Street, Rose Bay – Demolition of existing dwelling and construction of the three storey attached dual occupancy and strata subdivision DA-305/2017

Report dated 28 May 2018 from the Development and Building Unit.

DECISION: The application to vary the development standard in respect of height and floor space ratio justifies the variation and is supported by the Panel. The Panel approves the development application in accordance with the recommendations and conclusions in the officer's report and subject to the conditions in Appendices A and B.

REASONS: The Panel agrees in general with the reasons and proposals put forward by the Council Officers in the report in relation to the amendments that should be made to the Plans presented with the development application. In particular the set back to Gilbert Street is very narrow and needs to be offset by a greater set back to the north boundary in order to reduce the visual length of the proposal. In terms of privacy there is sufficient building separation to the neighbours. The reduced exceedance of the development standards in respect of height and FSR has no unacceptable impact outside the property itself and has no adverse impact on the general amenity of the surroundings.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

J Lees (objector) K Samuel (On behalf of the applicant) E Weiner, S Weiner (applicant) addressed the meeting.

WDAP-1806.9

16A and 16B Llandaff Street, Bondi Junction – Demolition of existing buildings and construction of a 9 storey residential flat building with basement parking and offer to enter a Planning Agreement.

DA-68/2017

Report dated 1 June 2018 from the Development and Building Unit.

DECISION: The development application is approved in accordance with the conclusions and the recommendations in the officers report subject to the conditions in Appendix A – Conditions of Consent.

REASONS: The Panel after visiting the site and reading the reports in support of the development application and the officers' report is satisfied that the impacts of this development are positive in this location and will be a complimentary addition to the streetscape and immediate vicinity of the site. The application is supported by a variation to the development standard in respect of FSR and the Panel supports the variation for the reasons outlined.

For the Decision: Talbot, Harrison, Mora.

Against the Decision: Nil.

G Karavanas, L Hancock (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 4.02pm.