

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBERS ON  
WEDNESDAY, 26 SEPTEMBER 2018**

**Panel members present:**

The Hon Paul Stein (Chair)  
Peter Brennan  
Allyson Small  
Annelise Tuor

**Also present:**

Ms A Rossi	Manager, Development Assessment (Central)
Ms E Finnegan	Acting Manager, Development Assessment (North and South)
Ms B Matlawski	Acting Manager, Development Assessment
Ms K DesChamps	Administration Officer

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*At the commencement of the public proceedings at 12 noon, those panel members present were as listed above.*

*At 1.25 pm, the meeting was closed to the public.*

*At 2.10pm, the Panel reconvened in closed session.*

*At 3.55pm, the meeting closed.*

**WLPP-1809.A**

**Apologies**

There were no apologies

**WLPP-1809.DI**

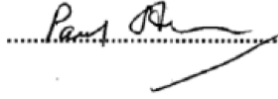
**Declarations of Interest**

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

**WLPP-1809.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read "Paul Stein", is written over a horizontal dotted line. A long, sweeping horizontal stroke extends from the end of the signature to the right.

The Hon Paul Stein  
**Chairperson**

**WLPP-1809.1**

**148 Wellington Street, Bondi Beach – Demolition of front fence and construction of a hardstand car space, front boundary fencing and associated landscaping (DA-130/2018)**

Report dated 17 September 2018 from the Development and Building Unit.

**DECISION:** That the application be approved in accordance with the conditions contained in the report, with additional condition 2(b) added.

2(b) The width of the hard stand car space shall be reduced from 2855mm to 2600mm to provide additional landscaping in the front yard.

**REASONS:** The panel agrees with the planning report before it. The new development application satisfactorily addressed all the issues raised in the previous refusal of the hard stand car space.

**For the Decision:** Stein, Brennan, Small, Tuor

**Against the Decision:** Nil.

*L Aday (on behalf of the applicant), J Wood (in support) addressed the meeting.*

## WLPP-1809.2

### 11 Barracluff Avenue, Bondi Beach – Delete condition 2(a) of DA-96/2017 to allow for a hardstand car space in the front yard of a semi-detached dwelling (DA-96/2017/A)

Report dated 17 September 2018 from the Development and Building Unit.

**DECISION:** That the application be refused for the reasons contained in the report, as amended by the Panel.

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B8 - Transport
    - i. Clause 8.4(a) as off-street parking is not characteristic of the street, and therefore vehicular access from the street is not permitted.
  - b. Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development
    - i. Clause 1.11.2(d)(iv) as the distance between the building (the front verandah) and the front property boundary is not a minimum of 5.4m;
    - ii. Clause 1.11.2(d)(vi) as there is no predominance of this form of off-street parking in the immediate vicinity of the site;
    - iii. Clause 1.11.3(b) as the parking is not sympathetically integrated into the design, of the dwelling (which is one of a pair of semi-detached cottages), nor is it secondary in area and appearance to the site; and
    - iv. Clause 1.11.3(c) as the façade/frontage of the dwelling is being demolished and removed for the primary purpose of providing parking.
2. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including :
  - a. The proposed location of the bin storage area and the direct passage of the bins to the kerbside collection area without the need for traversing stairs.
3. The proposed development does not satisfy section 4.15 (1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse social impact in the locality as it removes kerbside parking space at an unsustainable rate, noting a better alternative has been demonstrated at nearby properties and the site is not suitable for the proposed development.
4. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

**For the Decision:** Stein, Brennan, Small, Tuor

**Against the Decision:** Nil

*E Gescheit (on behalf of the applicant) addressed the meeting.*

**WLPP-1809.3**

**17 Murriverie Road, North Bondi – Demolish existing dwelling and construct two storey attached dual occupancy with basement parking, two in-ground swimming pools, Strata division to create two lots from one, and the removal of a Canary Island Date palm (Phoenix canariensis) located within the adjacent verge (DA-61/2018)**

Report dated 10 September 2018 from the Development and Building Unit.

**DECISION:** The Waverley Local Planning panel exercising the functions of council as consent authority is satisfied that the matters required to be addressed under Clause 4.6 (4) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application which contravenes the floor space ratio development standard. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

That the application be approved in accordance with the conditions contained in the report, as amended by the Panel in condition 67 and new conditions 2A and 2B.

**2A. GENERAL MODIFICATIONS**

The landscape plan shall be amended to provide a minimum 300mm landscape strip adjacent to the east and west boundaries between the front entry and the street.

**2B. QUANTITY SURVEYORS REPORT**

Council considers the estimated cost of the proposed building work to be \$ 2,000,000 in lieu of \$ **1,000,000** as indicated on the development application form. In this regard, an additional development application fee is to be paid, prior to the issue of the Construction Certificate.

**67. STRATA SUBDIVISION**

A Strata Subdivision Certificate must be obtained from Council in accordance with section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans. The strata plans are to be generally in accordance with the strata plan as referenced in condition 1 of this consent.

**REASONS:** The panel generally agrees with the planning officer's report. The panel has amended condition 67 for clarification and added conditions 2A and 2B to address landscaping and the estimated cost of the works.

**For the Decision:** Stein, Brennan, Small, Tuor

Against the Decision: **NIL**

*No persons addressed the meeting.*

**WLPP-1809.4**

**83A Brighton Boulevard, Bondi Beach – Section 8.3 review of refusal determination to a proposal for alterations and additions, including an additional storey to the semi-detached dwelling (DA-435/2017/1)**

Report dated 17 September 2018 from the Development and Building Unit.

**DECISION:** The Panel affirms the original decision to refuse the development application for the reasons annexed to the Council's report, as amended by the Panel.

Having regard to the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal has not satisfied section 1.3 (g) of the Environmental Planning and Assessment Act 1979, as it does not promote good design and amenity of the built environment.
2. The proposal does not satisfy section 4.15(1) (a) (iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - (a) Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-detached Dwelling and Terrace Development:
    - i. Clause 1.4 Streetscape and visual impact, specifically controls (a), (b) and (c) as the proposed works are considered to be visually incompatible with the streetscape context and dominates the streetscape.
    - ii. Clause 1.6 Semi-detached dwellings and terrace style development, specifically objective (a) and (b) as the alterations do not visually read as an inclusive part of the existing dwelling from the streetscape and the materials and detailing does not reference existing architectural features.
    - iii. Clause 1.6.1 Built form, specifically objective (a), control (a) as the alterations remove the original style of the semi and proposes works that dominate the pair of dwellings including the new roof form to accommodate a top floor. The works removes cohesion between the dwellings.
    - iv. Clause 1.6.3 Material finishes and detail for semi-detached dwellings, specifically objective (a) and control (a), (d) and (f) as the proposal removes the existing roof form and the new roof form, building envelope and finishes cause strong disparity with the attached semi.
    - v. Clause 1.6.4 Interface with adjoining semi-detached dwellings, specifically objective (a), controls (c), (d) as the proposed interface between the semis is awkward and results in an unacceptable visual impact to the street.
    - vi. Clause 1.9 Solar access, specifically objective (c) and control (b) as the proposed bulk and scale appears to result in adverse shadow impacts on the adjoining development which may be attributed to the numerous non-compliances.
3. The proposed development does not satisfy section 4.15(1) (b) and (c) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would

adversely impact upon the amenity of the locality and surrounding built environment and consequently the proposal is unsuitable for the site.

4. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979.

**For the Decision:**           **Stein, Brennan, Small, Tuor**

Against the Decision:       **Nil**

*S Lockery (on behalf of the applicant) addressed the meeting.*



**WLPP-1809.5**

**249-251 Bronte Road, Waverley – Review of refusal for a change of use to funeral home including internal alterations and signage (DA-524/2017/1)**

Report dated 17 September 2018 from the Development and Building Unit.

**DECISION:** That the application be approved subject to the conditions of consent in Appendix B to the planning report, as amended by the Panel with new conditions added 2 and 2A and 37 and modified condition 3 and 4.

**2. HOURS OF OPERATION AND USE**

**(i) Hours**

The hours of operation for premises (other than funeral services) are restricted to:

- Monday to Friday : 7am to 8pm
- Saturday and Sunday: 9am to 4pm; and

The hours of operation for funeral service are subject to a 2 year trial and restricted to:

- Monday to Sunday: 9am to 3pm and shall not conflict with mass times at the nearby Mary Immaculate Catholic Church.

**(ii) Deliveries**

All deliveries must be made via Judges Lane in a small vehicle (flowers, catering and the like). No large delivery vehicles (such as hearses, trucks and the like) are permitted. On the occasion a coffin is brought to the premises it must be via the rear access by a small vehicle (eg. SUV or similar) and it must be removed via the rear access to ensure the local amenity is maintained.

**(iii) Services and viewings**

There is to be a maximum of 2 funeral services and 2 viewings per week.

**(iv) Food Preparation**

There must be no food preparation on the premises.

**2A PROVISION OF FUNERAL SERVICES FOR TWO YEAR TRIAL**

Notwithstanding condition 2 above, the provision of funeral services at the premises may occur/operate for a two (2) year trial period.

The trial period starts from the date issue of an Occupational Certificate and ceases on the second anniversary of that date. A further development application or Section 4.55 application may be lodged within 3 months of the expiration date for Council's consideration for the continuation of this component of the use.

Council's consideration of this further application will include and are not limited to the following:

- (i) Register of all funeral services held during the trial period indicating number of persons in attendance at each service;
- (ii) The general management of the premises and the impact of the funeral services on the amenity of the area, in particular traffic and parking;
- (iii) number and nature of substantiated complaints regarding the operation of the funeral services;
- (iv) compliance with conditions of consent; and
- (v) any other matters considered relevant to the environmental evaluation of the funeral services;

### **3. MAXIMUM CAPACITY**

The approved capacity for the premises is limited to a total of 12 staff, and a total of 40 patrons.

### **4. VEHICLE MANAGEMENT**

All vehicles, whether permanently parked or otherwise stationary in the rear lane providing services to the rear of the property, are to be wholly located within the boundaries of the site as marked by the yellow line on the concrete. Vehicles are not to encroach outside of this area other than when entering or exiting the site.

The use of vehicles for the tenancy must consider and achieve compliance with the conditions above.

### **37. PLAN OF MANAGEMENT**

Prior to the issue of any final occupation certificate a plan of management is to be submitted to Council for approval which outlines the operation of the premises to minimise impact on the surrounding neighbourhood, in particular traffic and parking and incorporate the terms of this consent.

**REASONS:** The consent as conditioned by the Panel (including the trial period) should mitigate adverse impacts to the surrounding neighbourhood, as identified in the planning officer's report and in the submissions received. In particular, the conditions in relation to hours of operation, number of funeral services and viewings permitted per week, limit to number of patrons permitted, deliveries and the requirement for plan of management should ensure that the premises operate with an intensity expected of a commercial use in a mixed use zone and adjoining a residential area.

**For the Decision:** Stein, Brennan, Small, Tuor

**Against the Decision:** Nil

*P Vergotis and D Maroney (on behalf of the applicant), D Ron, M Sidoti, S Mueller, M Main, R Brown, I Roepers (objectors) and H Scott (in support) addressed the meeting.*

**THE MEETING CLOSED AT 3.55 PM.**