

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL QUEEN PARK ROOM
ON WEDNESDAY, 27 MARCH 2019**

Panel members present:

The Hon R.N. (Angus) Talbot (Chair)
Gabrielle Morrish
Sandra Robinson
Ian Stapleton

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Mr P Yachmennikov	Acting Manager, Development Assessment (North/South)
Ms R Siaoosi	Administration Officer

At the commencement of the public proceedings at 12.00 pm, those panel members present were as listed above.

At 12.55 pm, the meeting was closed to the public.

At 1.52 pm, the Panel reconvened in closed session.

At 3.00pm, the meeting closed.

WLPP-1903.A

Apologies

There were no apologies

WLPP-1903.DI

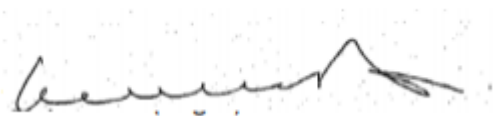
Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-1903.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon R.N. (Angus) Talbot
Chairperson

WLPP-1903.1

292-302 Oxford Street, Bondi Junction - Modifications to approved mixed use (shop top housing) building including 2 additional storeys, additional basement level of car parking, modifications to apartment layouts with total number of proposed apartments increased to 55 (DA-600/2015/B)

Report dated 15 March 2019 from the Development and Building Unit.

DECISION: The Panel approves the development application in accordance with the summary and conclusions and recommendations in the officer's report subject to the recommended conditions amended as follows:

2(a) to be amended and read as follows:

2 General Modifications

- (a) The layout of apartment L3.8 is to be amended to a studio layout similar to apartment L3.4.

REASONS: The Panel has visited the site, considered submissions and the assessment officer's report. For the reasons in the report, the Panel is satisfied that the proposal is acceptable in the Public interest and warrants approval.

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

C Howe and B Daintry (on behalf of the applicant) addressed the meeting.

WLPP-1903.2

Eastgate Shopping Centre, 55-91 Spring Street BONDI JUNCTION - Alterations and additions including replacement of awning, façade upgrades and signage zones (DA-365/2018)

Report dated 15 March 2019 from the Development and Building Unit.

DECISION: The Panel approves the development application in accordance with the summary and conclusions and recommendations in the officer's report subject to the recommended conditions.

REASONS: The Panel has visited the site, considered submissions and in the assessment officer's report. For the reasons in the report, the Panel is satisfied that the proposal is acceptable in the Public interest and warrants approval.

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

WLPP-1903.3

19 Ocean Street, BONDI - Demolition of outbuilding and construction of a single dwelling at the rear of existing flat building (DA-418/2018)

Report dated 14 March 2019 from the Development and Building Unit.

DECISION: The Panel refuses the development application in accordance with the summary and conclusions and recommendations in the officer's report.

REASONS: The Panel has considered submissions in the assessment officer's report. The Panel adopts the Reasons for Refusal in Appendix A to the officer's report.

APPENDIX A – REASONS FOR REFUSAL

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)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not comply with State Environmental Planning Policy (SEPP):
 - (a) SEPP 65 Design Quality of Residential Flat Development as the proposal has impacts on the existing residential flat building on site, failing to achieve compliance with the Design Quality Principles, specifically Principle 5 relating to landscaping, Principle 6, relating to Amenity and Principle 8 relating to Social Interaction.
2. The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal does not demonstrate compliance with the requirements of the Apartment Design Guide, specifically that each of the existing units within the residential flat building have usable common open space.
3. 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 C2 – High Density Residential Development, specifically, the following Clauses;
 - i. 4.8 Pedestrian access and entry
 - ii. 4.9 Landscaping
 - iii. 4.11 Visual privacy and security
4. The proposed development does not satisfy section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality and result in poor amenity for the residents of the residential flat building on site.
5. The proposal is contrary to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal results in an overdevelopment of the site and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979.
7. 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 but not limited to:

(a) Shadow diagrams that properly demonstrate the solar access impacts of the proposal.

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

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

WLPP-1903.4

102 Hastings Parade, NORTH BONDI - Construction of a carport, widened driveway crossing and associated works (DA-477/2017/A)

Report dated 15 February 2019 from the Development and Building Unit.

DECISION: The Panel refuses the application for modification of the development consent in accordance with the summary and conclusions and recommendations in the officer's report.

REASONS: The Panel adopts the Reasons for Refusal in Appendix A to the officer's report.

APPENDIX A – REASONS FOR REFUSAL

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

1.

The proposed development is contrary to Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 and in respect to the following provisions:

- a. *Part B8 – Transport;*
 - i. *Objective (a) in relation to streetscape under section 8.4 Urban Design.*
 - ii. *Section 8.4 Urban Design, controls (e), (f), (g) and (i) as the proposal would result in an inappropriate design outcome for the site.*

- b. *Part C1 – Dwelling House and Semi-Detached Dwelling Development;*
 - i. *Section 1.4 Streetscape and Visual Impact, objective (a) as the design does not acknowledge and respond to the architectural style and character of the existing built form.*
 - ii. *Section 1.4 Streetscape and Visual Impact, objective (b) as the proposal obscures views to and from the front setback of the property and therefore does not enable casual surveillance of the street.*
 - iii. *Section 1.4 Streetscape and Visual Impact, controls (c) and (d) as the proposal does not maintain the existing built form and landscape character and as a result, the development dominates the streetscape presentation of the semi-detached dwelling.*
 - iv. *Section 1.6 Semi-Detached Dwellings, objective (a) as the proposed carport is not visually inclusive of the existing built form when viewed from the streetscape.*
 - v. *Section 1.6 Semi-Detached Dwellings, objective (b) as the detailing of the proposed carport does not reference existing architectural features of the semi-detached dwelling.*
 - vi. *Section 1.6.1 Built Form, objective (a) as the proposal does not maintain the original style of the semi-detached dwelling and adversely impacts upon the cohesion between the paired buildings.*
 - vii. *Section 1.6.1 Built Form, controls (a) and (d), as the proposal does not maintain original style of the semi-detached dwellings.*
 - viii. *Section 1.11 Car Parking, objectives (a), (b), (c), (d) and (f) as the design and location of the proposed car parking space adversely impacts upon the visual quality of the streetscape.*

- ix. *Section 1.11.1 Parking Rates, control (b), as the site is not suitable for accommodating two (2) car parking spaces.*
 - x. *Section 1.11.2 Location, controls (a), (b) and (d), as the proposed location of the carport located forward of the front building line results in excessive visual bulk and the site is not suitable for accommodating two (2) car parking spaces.*
 - xi. *Section 1.11.3 Design, controls (a), (b), (c), (d) and (i) as the design of proposed carport is not considered to be complementary to the style of the semi-detached dwelling to which it relates. The proposed development is not sympathetically integrated into the design of the existing residence dominates the front setback.*
 - xii. *Section 1.11.4 Dimensions, control (a) as the proposal does not allow for the minimum car parking dimensions to be met.*
 - xiii. *Section 1.11.5 Driveways, controls (c) and (e) as the proposed driveway crossing is 5m and the application has not been accompanied by a visual street analysis of the number of on-street car parking spaces provided before and after the proposed widened vehicle crossing.*
 - xiv. *Section 1.12 Landscaping and Open Space, objective (a) as the proposal does not maintain the landscaped visual setting of the site and streetscape.*
 - xv. *Section 1.12 Landscaping and Open Space, control (e) as the proposal does not provide adequate open space area within the front setback.*
 - xvi. *Section 1.12 Landscaping and Open Space, control (f) as the proposal is non-compliant with the required minimum landscaped area within the open space area of the front setback.*
8. *The proposed development will have an adverse impact on the built environment due to the unacceptable impact on the streetscape and undesirable impact on the surrounding built environment, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.*
9. *The site is considered to be unsuitable for the proposed development, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979. The subject site does not provide a suitable building setback due to the location of the existing building and is therefore not considered to be suitable development for the subject site.*

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

A Richards (on behalf of the applicant) addressed the meeting.

WLPP-1903.5

142 Brighton Boulevard, North Bondi - Alterations and additions to dual occupancy including demolition, internal reconfiguration terrace and various external changes (DA-429/2018)

Report dated 15 March 2019 from the Development and Building Unit.

DECISION: The determination by the Panel is deferred to allow the applicant to give further consideration to the form of the written request pursuant to Clause 4.6 of the LEP.

Direction: The applicant is to submit any further written request pursuant to Clause 4.6 or submissions on or before close of business 17 April 2019. This Panel will be reconstituted to deal with the final determination of the application electronically in the first instance following any further submissions.

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

C Smiles (on behalf of K Smiles, objector), J Johnson (on behalf of the applicant) addressed the meeting.

WLPP-1903.6

4 Victory Street, Rose Bay - Modification to remove deferred commencement conditions 1 and 2 relating to increased rear boundary setbacks (DA-305/2017/A)

Report dated 15 March 2019 from the Development and Building Unit.

DECISION: The original determination to grant consent to the application was only given in the context of the Deferred Commencement Conditions and consent would not have been granted in the absence of those conditions. The submissions by the applicant summarised on page 253 of the officer's report have been considered together with further submissions made to the Panel and in the opinion of the Panel do not justify removal of the subject deferred commencement conditions. The application is refused for the reasons set out in the Appendix A to the officer's report.

REASONS: The Panel adopts the Reasons for Refusal in Appendix A to the officer's report.

APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.
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 1.2 *Setbacks*, specifically objectives (a), (b), (d) and (f) and control (c) as the proposal does not provide sufficient rear setbacks and is not consistent with the setbacks of surrounding buildings, does not ensure the distance between building on adjacent properties allows adequate privacy, and being a corner site, does not take reference from the setbacks of dwellings on adjacent sites resulting in amenity impact upon the adjoining property.
 - ii. Clause 1.4 *Streetscape and Visual Impact*, specifically objective (a) and control (a) and (c) in that the proposal is not compatible with the streetscape context and will dominate the streetscape.
 - iii. Clause 1.5 *Dual Occupancy Development*, specifically objectives (a) and (b) as the size and bulk of the proposal is not in character with surrounding development and the streetscape and will have amenity impacts upon surrounding properties.
 - iv. Clause 1.8 *Visual and Acoustic Privacy*, specifically objective (a) and control (a) and (d) as the proposal will result in visual and acoustic privacy impacts upon surrounding properties, particularly the private open space of the property to the north.
3. The proposed development does not satisfy Section 4.15 (1)(b) 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, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.

4. The proposal is contrary to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the Decision: **Talbot, Morrish, Robinson, and Stapleton**

Against the Decision: **Nil.**

Dr E Weiner, Mrs Weiner (owners) addressed the meeting.

WLPP-1903.7

306 Military Road, Dover Heights - Alterations and additions to single dwelling (DA-419/2018)

Report dated 15 March 2019 from the Development and Building Unit.

DECISION: The determination by the Panel is deferred to allow the applicant to give further consideration to the form of the written request pursuant to Clause 4.6 of the LEP.

Direction: The applicant is to submit any further written request pursuant to Clause 4.6 or submissions on or before close of business 17 April 2019. The applicant is invited to consider and demonstrate whether a reduction in the floor to ceiling height in the proposed addition and adoption of a flat roof form would offer a more skilful design solution to reduce the view loss of affected properties. In the event that amended plans are submitted a further revised Clause 4.6 request may need to be considered.

This Panel will be reconstituted to deal with the final determination of the application electronically in the first instance following any further submissions.

For the Decision: Talbot, Morrish, Robinson, and Stapleton

Against the Decision: Nil.

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

THE MEETING CLOSED AT 3.00PM.