

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBERS ON  
WEDNESDAY, 28 NOVEMBER 2018**

**Panel members present:**

The Hon Paul Stein (Chair)  
Gabrielle Morrish  
Allyson Small  
Ian Stapleton

**Also present:**

Mr A Faruqi	Manager, Development Assessment (North/South)
Ms B Matlawski	A/Manager Development Assessment
Ms E Finnegan	Senior Development Assessment Officer
Mr B Magistrale	Senior Development Assessment Officer

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

*At 02.23pm, the meeting was closed to the public.*

*At 3.00 pm, the Panel reconvened in closed session.*

*At 4.46 pm, the meeting closed.*

**WLPP-1811.A**

**Apologies**

There were no apologies

**WLPP-1811.DI**

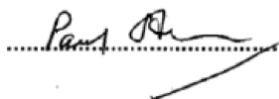
**Declarations of Interest**

The Chair called for declarations of interest and Ian Stapleton declared a reasonably perceived conflict of interest on items 6, 7 and 8, as an objector is a distant relative.

**WLPP-18.11.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein  
**Chairperson**

**WLPP-1811.1**

**20–24 Hall Street, Bondi Beach – Partial demolition of heritage listed building (Australia Post Office) and construction of a four storey mixed use development containing two basement levels of car parking, ground level retail with 10 residential units above (DA-475/2017)**

Report dated 14 November 2018 from the Development and Building Unit.

**DECISION:** The application be 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:

Clause 4.6(3) as the applicant has not provided a written request from the applicant that seeks to justify the contravention of the height and floor space ratio development standards by demonstrating (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standards.

2. The Panel is not satisfied with the proposed heritage outcomes for the site which are in contravention of Clause 5.10 of the Waverley LEP, in particular:

- a. The Panel is of the opinion that the development application proposes an inadequate response to the cultural and aesthetic significance of the place (including historical and social values), including the loss of full post office use, reduced social value that the completed proposal would result in, and inadequacy of the proposed interpretation of the proposal.
- b. Unacceptable heritage impact on the aesthetic values of the place including loss of the majority of the building as an example of a building type, extent of the façade retained that is not sufficient to mitigate the loss of other heritage values, the extent of the changes proposed at the corner entry which is largely extant, and the unsympathetic treatment of the Hall Street façade at the carpark fire egress.
- c. The extent of loss of the existing heritage fabric (internal and external) caused by the two levels of basement carpark covering almost the full extent of the site.

3. The adverse amenity impacts created by:

- a. The inadequate setback from the north west side boundary to the living rooms of apartments 1.01, 2.01, and 3.01. (privacy)
- b. The use of deeply inset windows to the bedrooms of apartments 1.02, 1.03, 2.02, 2.03, and 3.02. (outlook, light and ventilation access)

4. The proposal is not suitable for the site, contrary to Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979.

5. The proposal is not in the public interest, contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*F Malouf, M Main, T Moody, P Paech, L Kulakauskas (objectors) and W Smart, J Bryant, A Harvey, J Scicluna (applicant) addressed the meeting.*

**WLPP-1811.2**

**80–82 Hall Street, Bondi Beach – Demolition of existing building and construction of four storey shop top housing containing two levels of basement parking, ground level retail and 10 apartments above (DA-12/2018)**

Report dated 14 November 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 height development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The application is approved in accordance with the conditions contained in the report as amended by the Panel.

**3. GENERAL MODIFICATIONS**

*The proposal shall be amended as follows:*

- (a) The encroachments for window articulation shall be limited to 200mm in depth (over boundary) and not be enclosed nor constitute as gross floor area.*
- (b) The planters on the balconies of the west elevation shall be a minimum of 1 metre in height.*
- (c) The landscape area adjacent to the west façade is to be fenced and gated.*
- (d) Existing trees along the western boundary are to be retained.*

*The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

**REASONS:** The Panel has visited the site, considered submissions and the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval and has added some further refining conditions to address amenity concerns. Most of the concerns raised by the objector have been addressed in the conditions of consent and amended plans.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*C Krochmal (objector), and S Robinson and J Rose (applicant) addressed the meeting.*

**WLPP-1811.3**

**96 Warners Avenue, Bondi Beach – Alterations and additions to existing residential flat building including a third storey addition to provide a fifth unit and refurbishment of the existing four garages (DA-14/2018)**

Report dated 13 November 2018 from the Development and Building Unit.

**DECISION:** The application is approved in accordance with the conditions contained in the report as amended by the Panel.

**2. GENERAL MODIFICATIONS**

*The proposal shall be amended as follows:*

- (a) *The privacy screening shown on the plans as ‘landscaped trellis privacy screens’ shall be designed to mitigate overlooking to adjoining properties in the event that the climbing plants are not successful or die, and are to be extended a minimum of 600mm along the north eastern edge of the balcony of unit 4 and northern balcony of unit 5. In this regard, the climbing plants shall not be solely relied upon for privacy and the trellis screening shall be no less than 50% open to ensure the privacy of adjoining properties is protected*

*The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

**REASONS:** The Panel has visited the site, considered submissions and the clause 4.15 assessment in the assessment officer’s report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval. The Panel added a condition relating to privacy screening on the balconies.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*L Rosselli (applicant) addressed the meeting.*

**WLPP-1811.4**

**17 Wilga Street, Bondi – Alterations and additions to residential flat building (DA-125/2018)**

Report dated 15 November 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 height and floor space ratio development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The application is approved in accordance with the conditions contained in the report as amended by the Panel, including additional condition 2A.

**2A. GENERAL MODIFICATIONS**

*The proposal shall be amended as follows:*

- (a) The extension to the existing balconies to the southern elevation are to be deleted due to the proximity to the rear boundary.*
- (b) Extensions to the balcony slabs shall be no thicker than 180mm.*

*The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

**REASONS:** The Panel has visited the site, considered submissions and the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval. The Panel has added general modification conditions.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*D Francesco (objector) and N Long (applicant) addressed the meeting.*

**WLPP-1811.5**

**9 Portland Avenue, Dover Heights – Section 4.55 modification to delete condition 2 relating to the carport structure (DA-525/2017/A)**

Report dated 12 November 2018 from the Development and Building Unit.

**DECISION:** The application is approved in accordance with the conditions contained in the report.

**REASONS:** The Panel has visited the site, considered submissions and the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*No persons addressed the meeting.*

**WLPP-1811.6**

**113 Macpherson Street, Bronte (formerly known as Bronte RSL) – Stratum subdivision into two Lots – 'Residential' and 'Retail' (DA-218/2018)**

Report dated 15 November 2018 from the Development and Building Unit.

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

**REASONS:** The Panel has visited the site, considered submissions and the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval.

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*V Milson (objector) addressed the meeting.*

**WLPP-1811.7**

**10 Tipper Avenue, Bronte– Modification of the previously refused roof terrace (DA-247/2016/B)**

Report dated 13 November 2018 from the Development and Building Unit.

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

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*N McVay (objector) addressed the meeting.*

**WLPP-1811.8**

**27 Evans Street, Bronte – Modifications to height of front fence, stairs and access hood for rooftop access, additional balustrading and various other modifications (DA-365/2015/C)**

Report dated 14 November 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 of the Environmental Planning Assessment Act 1979 (the Act), the development application is refused for the following reasons:*

1. *The proposal does not satisfy section 4.15(1)(a)(i) of the Act, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in respect to the following provisions:*
  - (a) *Clause 5.10(1) Heritage Conservation, Objectives (a) and (b) as the proposal does not conserve or contribute to the heritage significance of the conservation area of which the site is part.*
2. *The proposal does not satisfy section 4.15(1)(a)(iii) of the Act, as the proposed development is contrary to the Waverley Development Control Plan (WCDP) 2012, in respect to the following provisions:*
  - (a) *Part B – General Provisions:*
    - i. *Part B9 Heritage, specifically Objectives 9.2(b), 9.4(a), 9.5(b) and 9.11(c) in that the proposed development outcome does not respects the existing character of the conservation area or respond sympathetically to the predominant bulk and scale of the streetscape.*
  - (b) *Part C1 - Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development:*
    - i. *Clause 1.1 Height, specifically Objective (a) and Control (a), as the proposed development outcome has the potential to impact adversely upon the character and amenity of both streetscapes.*
    - ii. *Clause 1.4 Streetscape and Visual Impact, specifically Objective (a) and Controls (a) and (c) in that the proposed development outcome is not visually compatible with its streetscape context.*
    - iii. *Clause 1.7 Fences, specifically Objectives (a), (c) and (d) and Controls (a), (b), (c), (d) in that the proposed fencing creates adverse impacts from the creation of high blank walls.*
3. *The proposed development does not satisfy section 4.15(1)(b) of the Act, as the proposal will have an adverse environmental impact on the locality due to height, bulk and scale, and the general amenity of the surrounding environment.*
4. *The proposal is contrary to the section 4.15(1)(c) of the Act, as the proposal is excessive in bulk and scale and therefore considered unsuitable for the site.*
5. *The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in received submissions, contrary to section 4.15(1)(e) of the Act.*

**For the Decision:** Stein, Morrish, Small, Stapleton

**Against the Decision:** Nil.

*D Shrimpton, L Fraser, L Mellos, S Hely, P Bedwell, V Milson, G Vaughan (objector) and S Emery (applicant) addressed the meeting.*

**THE MEETING CLOSED AT 4.46 PM.**