

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

Panel members present

The Hon Paul Stein
Gabrielle Morrish
Sandra Robinson
Ian Stapleton

Also present:

Mr M Reid	Executive Manager, Building
Mr A Faruqi	Manager, Development Assessment
Ms K Lucas	Acting Manager, Development Assessment
Ms R Siaoosi	Administration Officer

At the commencement of the public proceedings at 12.05pm, those panel members present were as listed above.

At 2.30 pm, the meeting was closed to the public.

At 3.07pm, the Panel reconvened in closed session.

At 5.05pm, the meeting closed.

WDAP-1807.A

Apologies

There were no apologies

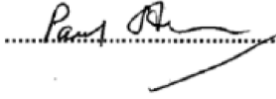
WDAP-1807.DI

Declarations of Interest

The Chair called for declarations of interest and none were received

WDAP-1807.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

WDAP-1807.1

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 2 basement levels of car parking, ground level retail with 10 residential units above (DA-475/2017)

Report dated 16 July 2018 from the Development and Building Unit.

DECISION: The Panel defers this application for the following reasons:

1. The Panel is not satisfied with the proposed heritage outcomes for the site and 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) and notes that only a portion of the 2 street facades is to be retained.
 - b. Aspects considered deficient include the absence of an archaeological assessment, and an interpretation plan which should be undertaken in accordance with the guidelines of the NSW Heritage Branch of the NSW Office of Environment and Heritage.
 - c. The architectural treatment, including not:
 - Retaining the entirety of the street facade
 - Retaining the entry entablature complete
 - Reconstructing the corner front door
 - Retaining the majority of the window openings and timber windows.
2. Revised designs should be provided which include a new cornice/parapet element as a transition between retained facades and new facades.
3. Submission of an amended schedule of conservation works for the retained fabric.
4. Consideration may be given to the deletion of the basement carpark to maximise the retention of the existing fabric of the Post Office. If the applicant wishes to retain the basement it should provide a report from a suitably qualified engineer as to the viability of the retained fabric of the Post Office and the support of the basement.
5. The applicant should endeavour to secure Australian Post as a long term lessee of the ground floor of the site and provide evidence to Council in this respect.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

L Kulakauskas, P Paech, M Main, Councillor D Wy Kanak, G Findlay and S Bagwell (objectors) W Smart (Architect), J Bryant (Heritage Consultant), A Harvey (Town Planner) and C Pratt (on behalf of the applicant) addressed the meeting.

WDAP-1807.2

8 Miller Street, Bondi – Modification to existing dwelling including timber deck and balcony off attic level (DA-455/2016/A)

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

DECISION: That the application be refused in accordance with the reasons contained in the report as amended by the Panel.

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 B9 – Heritage:
 - i. Clause 9.3 Scale and Proportion, specifically control (a), as the proposal is not cohesive in scale, proportion and finish to the surrounding streetscape and buildings
 - b. Part C1 – Dwelling Houses, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development:
 - i. Clause 1.2 Setbacks, specifically Control 1.2.1 Front and Rear Setback (a) as the proposed carport extends forward of the front building line; and Control 1.2.2 Side Setbacks as the proposal intrudes into the side setback area.
 - ii. Clause 1.4 Streetscape and Visual Impact, specifically Control (a) as the proposal is not visually compatible with its streetscape context and does not respond to essential elements that make up the character of the surrounding area; and (d) as the carport does not maintain the established character of the building in terms of significant landscaping
 - iii. Clause 1.6 – Semi-Detached Dwellings and Terrace Style Development, specifically control (c) as the use of an attic room in the existing roof void of a semi-detached dwelling is only permitted provided there are no external balconies are proposed for the attic room.
 - iv. Clause 1.8 – Visual and Acoustic Privacy, specifically control (d) as the carport terrace and attic terrace exceed the maximum depth and size controls and result in unreasonable acoustic privacy impacts upon adjoining properties.
 - v. Clause 1.11 – Car Parking, specifically control 1.11.2 (b), as the proposed carport is not anticipated by the controls; 1.12.2 (f) as it introduces uncharacteristic elements within an established streetscape and 1.11.3 as it is not sympathetically integrated into the design of residence.

2. 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 detracts from the streetscape and landscape characteristics of the heritage conservation area.
3. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development results in unacceptable acoustic privacy impacts and is therefore considered unsuitable for the site.
4. The proposal is not considered to be in the public interest 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, Morrish, Robinson and Stapleton

Against the Decision: Nil

T Molnar, P Occhiuto and M Wun (objectors) and A Musael (on behalf of the applicant) addressed the meeting.

WDAP-1807.3

25 Glasgow Avenue, Bondi Beach – Demolition of building, and construction of an attached dual occupancy including associated landscaping and Torrens title subdivision into two lots (DA-448/2017)

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

DECISION: That the application be refused for the following reasons:

REASONS:

1. *The clause 4.6 variation concerning the breach of the floor space ratio development standard is not well founded.*
2. *The clause 4.6 variation concerning the minimum sub-division lot size is not well founded.*
3. *Inadequate rear and side setbacks due to the provision of nil boundary setbacks contrary to Waverley DCP 2012 clause 1.2.*
4. *Inadequate landscape and open space provision contrary to Waverley DCP 2012 clause 1.12.*
5. *The proposal is an overdevelopment of the site and is excessive in bulk and scale.*
6. *The site is unsuitable for the proposed development.*
7. *Approval would provide an unsuitable precedent for the street.*
8. *The proposal is contrary to the public interest.*

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

Dr R Howden, J Antony, (objectors) and S Watson and C Stack (Owners) addressed the meeting.

WDAP-1807.4

383 Old South Head Road, North Bondi – Alterations and additions to existing dwelling including partial first floor addition (DA-572/2017)

Report dated 11 July 2018 from the Development and Building Unit.

DECISION: The Panel finds the clause 4.6 variation to be well founded and approves of the application subject to the recommended conditions in the report as amended by the Panel.

CONDITION 2

- c) A landscape plan prepared by a suitably qualified landscape architect is to be submitted detailing that a minimum of 15% of the site area is deep soil soft landscaping. The plan is also to include a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

REASONS: The Panel concurs with the Planning Officers report.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

No speakers addressed the meeting.

WDAP-1807.5

427 Old South Head Road, Rose Bay – Alterations and additions to the existing dwelling including rear extension and internal reconfigurations (DA-550/2017)

Report dated 11 July 2018 from the Development and Building Unit.

DECISION: The Panel finds the clause 4.6 variation to be well founded and approves of the application subject to the recommended conditions in the report as amended by the Panel.

CONDITION 2

- (a) A 1.8m high privacy screen as measured from the finished floor level of the rear terraces, is to be provided for the full depth of the northern side of the ground floor rear terrace and the southern side of the rear first floor terrace.
- (b) The advertising sign on the front fence of the building is to be removed.
- (c) The western stair within the proposed storage area located on ground floor plan is to be removed and a new access door provided to the storage room from the pantry.

CONDITION 6 - SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

REASONS: The Panel generally agrees with the Planning Officers report but has added to the general modification issues.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

H Einstein (Objector) addressed the meeting.

WDAP-1807.6

483 Old South Head Road, Rose Bay – Partial demolition of existing building, alteration and additions together with remodelling of two shops and additions to the apartments at the rear and new units above the shops (DA-501/2017)

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

DECISION: The Panel approves of the application subject to the recommended conditions in the report as amended by the Panel.

CONDITION 2

(e) Privacy screen should be provided to the bedroom window of unit 5.

(f) Provision shall be provided within the development for the parking of not less than one (1) bicycle per residential apartment. Bicycle parking shall be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and located within the ground floor area.

CONDITION 32

To be deleted.

REASONS: The Panel notes that the site benefits from existing use and generally agrees with the Planning Officer's report. The Panel has added general modifications to the conditions.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

P Cirillo (Objector) and A Van Rooijen (on behalf of the applicant) addressed the meeting.

WDAP-1807.7

Units 1 and 2, 17 Alexander Street, Tamarama - Alterations and additions to Units 1 and 2 (DA-129/2018)

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

DECISION: The Panel finds that the clause 4.6 variation is well founded and that the application be approved in accordance with the conditions contained in the report as amended by the Panel.

CONDITION 6 - SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the Environmental Planning and Assessment Act 1979 and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

CONDITION 14

To be deleted

REASONS: The Panel agrees with the Planning Officer's report and has made modifications to the conditions.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

No speakers addressed the meeting

WDAP-1807.8

75 Gardyne Street, Bronte – New swimming pool in front yard area (DA-42/2018)

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

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

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 satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 5.10 (4) as the proposal will have an adverse impact on the landscape quality that contributes to the significance of the building as heritage item.
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 B9 – Heritage
 - i. Clause 9.4 ‘Siting’, specifically objective (c) and control (b), as the application reduces opportunity for planting and introduces an area of hard surfaces that detract from the landscape contribution of the front yard area to the significance of the heritage item.
 - b. Part C1 – Dwelling Houses, Dual Occupancies, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development
 - i. Clause 1.13 ‘Swimming Pools’, specifically objectives (b) and (c), and controls (a) and (c), as the pool is located in the front yard area of the dwelling and would create adverse acoustic privacy impacts upon adjoining properties.
3. The proposal is not considered to be in the public interest 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, Morrish, Robinson and Stapleton

Against the Decision: Nil

J Batts, (Objector) James Philips (on behalf of the applicant) addressed the meeting.

WDAP-1807.9

6 St Thomas Street, Bronte – Alterations and additions to existing 2 storey dwelling including upper floor addition (DA-568/2017)

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

DECISION: The Panel finds the clause 4.6 variation to be well founded and that the application be approved in accordance with the conditions contained in the report as amended by the Panel.

CONDITION 2

(c) any exhaust fan to the laundry and the bathroom on level 0 be exhausted to the eastern elevation, of the dwelling.

REASONS: The Panel generally agrees with the Planning Officer's report and added to the conditions of consent.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil

A Medjites, L Sanchez (on behalf of A Medjites) (objector) and R Neeson (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 5.05 PM.