

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS ON
WEDNESDAY, 12 DECEMBER 2018**

Panel members present:

The Hon R.N. (Angus) Talbot (Chair)
Jan Murrell
Allyson Small
Annelise Tuor

Also present:

Mr A Faruqi	Manager, Development Assessment (North/South)
Ms A Rossi	Manager, Development Assessment (Central)
Ms R Siaosi	Administration Officer

At the commencement of the public proceedings at 12:15 pm, those panel members present were as listed above.

At 2.10pm, the meeting was closed to the public.

At 2.55pm, the Panel reconvened in closed session.

At 5.07pm, the meeting closed.

WLPP-1812.A

Apologies

There were no apologies

WLPP-1812.DI

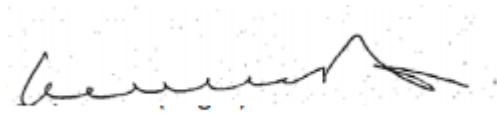
Declarations of Interest

The Chair called for declarations of interest and the following were received:

1. A Tuor declared a less than significant non-pecuniary interest in Item WLPP-1812.1, 27–29 Macpherson Street, Bronte – Demolition of existing structures; construction of a boarding house comprising 30 boarding rooms, one boarding manager's room and basement car park; and amalgamation of lots into one Torrens title lot (DA-8/2018). Ms Tuor informed the meeting that she is a close friend with one of the objectors of the development application property, and advised that she did not take part in the site visit or any discussions following and would not be present for the public submissions, and deliberations of the Panel and determination of the item.

WLPP-1812.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 R.N. (Angus) Talbot
Chairperson

WLPP-1812.1

27–29 Macpherson Street, Bronte – Demolition of existing structures; construction of a boarding house comprising 30 boarding rooms, one boarding manager's room and basement car park; and amalgamation of lots into one Torrens title lot (DA-8/2018)

Ms A Tuor declared a less than significant non-pecuniary interest in this item. Ms Tuor is a close friend with one of the objectors of the development application property, and was not present for the site inspection, the public submissions, the deliberations of the Panel and the determination of the item.

Report dated 23 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 in the request by the applicant. Consent is granted to the development application which contravenes the Height of Buildings development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The Panel approves the development application in accordance with the recommendations in the Council Officer's report and subject to the conditions contained therein which will ensure that the residential amenity will be reasonably maintained.

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 is satisfied that the proposal is acceptable and warrants approval. The development will provide the social benefit of affordable housing and is generally in accordance with the controls and therefore satisfies the public interest.

For the Decision: Talbot, Murrell and Small.

Against the Decision: Nil.

*M Main (Charing Cross Precinct committee member), V Morgan, J Wills on behalf of Mrs L Share, K Marshall and R Rajaratnam (Bronte Beach Precinct committee member) (objectors)
G Gilsean and D Barber (on behalf of the applicant), Ian Brightwell (owner) addressed the meeting.*

WLPP-1812.2

19 and 21 Bayview Street, Bronte – Alterations and additions together with reconfiguration to create one single dwelling, including second storey, addition to existing garage and basement storage area, landscaping, swimming pool and various other works (DA-154/2018)

Report dated 26 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 in the request by the applicant. Consent is granted to the development application that contravenes the Floor Space Ratio and Height of Buildings development standards. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The Panel approves the development application in accordance with the recommendations in the Council Officer's report as amended by the Panel below:

Condition 2(a) to be amended and New Condition 2(b) to be added and read as follows:

2. GENERAL MODIFICATIONS

- (a) The roof of the single storey component of the dwelling within the rear portion of the site is to be amended to set back the hipped roof to be in line with the rear external wall of the family dining room. The roof over the courtyard to be a flat roof.
- (b) The roof of the upper floor is to be amended to set back the hipped roof to be in line with the front external wall of bedroom one. The roof over the corresponding balcony is to be a flat roof.

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 is satisfied that the proposal is acceptable and warrants approval. The development will comply generally with the legislation and with the controls and therefore satisfies the public interest. The conditions have been amended so as to minimise visual and bulk related impact on adjoining properties and on the streetscape.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil.

D Flematti (objector) and J House, (on behalf of the applicant) addressed the meeting.

WLPP-1812.3

19 Carlisle Street, Tamarama – Demolition and construction of new dwelling-house with integrated single garage at frontage, rear detached garage with study below and swimming pool (DA-569/2017)

Report dated 29 November 2018 from the Development and Building Unit.

DECISION: The Waverley Local Planning Panel, exercising the functions of Council as the consent authority, refuses the application for the following reasons:

REASONS FOR REFUSAL:

1. The proposal does not promote good design and amenity of the built environment in accordance with Environmental Planning and Assessment Act 1979 Clause 1.3(g).
2. The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3 as the proposal will exceed the maximum building height permitted for the site and the Clause 4.6 submitted fails to demonstrate (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.
 - b. The proposal fails to adequately and accurately depict the height plane and natural ground level of the site on plan.
3. The proposed development is contrary to Waverley Development Control Plan 2012 (Amendment 5), in respect to the following provisions:
 - a. Clause 1.1 Height, as the proposed dwelling exceeds 7.5m in height.
 - b. Clause 1.2 Setbacks, as the proposed front and rear setback exceed the predominant building lines within the streetscape. Further, the side setbacks do not comply with the minimum control.
 - c. Clause 1.3 Excavation, as the proposed development includes excessive excavation with non-compliant setbacks.
 - d. Clause 1.4 Streetscape and Visual Impact, as the proposed building form is visually dominating in the streetscape.
 - e. Clause 1.8 Visual and Acoustic Privacy, as the proposal results in adverse privacy impacts on neighbouring properties.
 - f. Clause 1.9 Solar Access, as the proposal will adversely overshadow adjoining properties.
 - g. Clause 1.10 Views as the proposal may result in unacceptable view loss of ocean views.
 - h. Clause 1.11 Car parking as the proposal:
 - i. Does not minimise the impacts of additional vehicular kerb crossings;
 - ii. Results in the loss of on-street parking to Carlisle Street.
 - iii. Fails to justify the need for car parking at the lower ground level of the dwelling (accessed from Carlisle Street), specifically as there is sufficient scope available in the garage to the rear laneway for the provision of two carspaces.
 - i. Clause 1.12 Landscaping and Open Space, as the proposed development includes predominantly hard surfaces to the front of the site.

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 impact upon the amenity of the locality and surrounding built environment.
5. The proposal is contrary to 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.
6. The proposal is contrary to 4.15(1)(d) as the proposal will result in unreasonable amenity impacts to adjoining properties having regard to the issues raised in the submissions.
7. The lodgement of late information to attempt to address Council and Panel concerns is not acceptable.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil.

G Milesi, G Milesi (on behalf of K Bennett), K Huggens, B Rexstra and R Young (objectors), A Betros and A Vaughan (on behalf of the applicant) addressed the meeting.

WLPP-1812.4

71 Francis Street, Bondi Beach – Alterations and additions to existing dwelling including new first floor and swimming pool (DA-220/2018)

Report dated 27 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 in the request by the applicant. Consent is granted to the development application that contravenes the Floor Space Ratio and Height of Buildings development standards. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

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 is satisfied that the proposal is acceptable and warrants approval. The development will comply generally with the legislation and with the controls and therefore satisfies the public interest.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil.

No speakers addressed the meeting.

WLPP-1812.5

1/3 Jaques Ave Avenue, Bondi Beach – Alterations and additions to unit 1 including rear extension (DA-282/2018)

Report dated 30 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 that 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.

The Panel approves the development application in accordance with the recommendations in the Council Officer's report as amended by the Panel below:

Condition 10 and 18 to be amended, and Condition 15 to be deleted:

10. FIRE SAFETY COMPLIANCE

Details of compliance with the relevant requirements of section C of the Building Code of Australia are to be included in the Construction Certificate plans.

18. FIRE SAFETY UPGRADING WORKS

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, fire safety upgrading works are to be undertaken to unit 1 to ensure that unit 1 complies with provisions of Sections C of the Building Code of Australia (BCA).

- a) Details demonstrating compliance with the BCA must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- b) Prior to the commencement of the required fire safety upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works must be completed and certified by the installers including issuing of a Final Fire Safety Certificate prior to the issue of an Occupation Certificate.

15. STORMWATER MANAGEMENT - Condition to be deleted

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 is satisfied that the proposal is acceptable and warrants approval. The development will comply generally with the legislation and with the controls and therefore satisfies the public interest.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil.

M Hilliard (on behalf of the applicant) addressed the meeting.

WLPP-1812.6

279 Military Road, Dover Heights – Alterations and additional storey to include bedroom, bathroom and new balcony to existing semi-detached dwelling (DA-92/2018)

Report dated 27 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 that contravenes the Height of Buildings development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The Panel approves the development application in accordance with the recommendations in the Council Officer's report as amended by the Panel below:

Condition 2(b) and 2(c) to be amended and New Conditions 2(d) and 2(e) to be added:

2. GENERAL MODIFICATIONS

- (a) The ground floor rear balcony is to be reduced to a maximum width of 2m to provide an acceptable transition between rear building lines of surrounding development.
- (b) Privacy screens are to be provided on the south side elevations of the rear balconies on ground and first floors and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.8m high when measured from the finished floor level of the balcony.
- (c) A privacy screen is to be provided on window 4 (W4) on the northern elevation of the first floor demonstrated in drawing DA1004 dated 26 March 2018. The privacy screen shall be fixed external screening louvres set at an angle of 45 degrees directed to the east.
- (d) The first floor rear balcony is to be set in from the northern elevation by 750mm.
- (e) The first floor front addition is to be set back to align with the existing ridge of the dwelling.

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 generally satisfied that the proposal is acceptable but had concerns about the bulk in the streetscape. The reason for the addition of 2(e) is to better address Section 1.6.2 of DCP 2012 Amendment 5. The Panel considers that the application warrants approval subject to the conditions proposed as amended.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil

L Holland, J Gleiber (Objectors), R Tripolone (applicant) and E Gescheit (on behalf of the applicant) addressed the meeting.

WLPP-1812.7

47–53 Bon Accord Avenue, Bondi Junction – Alterations and additions to four existing terrace houses including rear garage and driveway crossing (DA-264/2018)

Report dated 27 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 in the request by the applicant. Consent is granted to the development application which contravenes the Height of Buildings development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The Panel approves the development application in accordance with the recommendations in the Council Officer’s report and subject to the conditions contained therein which will ensure that the residential amenity will be reasonably maintained.

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 is satisfied that the proposal is acceptable and warrants approval.

For the Decision: Talbot, Murrell, Small and Tuor.

Against the Decision: Nil.

No speakers addressed the meeting.

THE MEETING CLOSED AT 5.07 PM.