

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBER ON  
WEDNESDAY, 29 MAY 2019**

**Panel members present:**

The Hon Paul Stein (Chair)  
Michael Harrison  
Jan Murrell  
Sandra Robinson

**Also present:**

Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Ms R Siaoisi	Administration 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 1.50pm, the meeting was closed to the public.*

*At 2.20pm, the Panel reconvened in closed session.*

*At 4.30pm, the meeting closed.*

**WLPP-1905.A**

**Apologies**

There were no apologies

**WLPP-1905.DI**

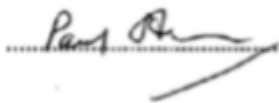
**Declarations of Interest**

The Chair called for declarations of interest and none were received

**WLPP-1905.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein  
**Chairperson**

## **WLPP-1905.1**

### **9 Wallace Street, WAVERLEY - Alterations and additions to existing semi-detached dwelling including first floor addition and attached secondary dwelling (DA-416/2018)**

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

**DECISION:** The Waverley Local Planning Panel, in 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 is satisfied that the objectives of the standard and the zone are met and the development is therefore in the public interest. 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 summary and conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel.

Amended/Deleted Conditions:

#### **1 APPROVED PLANS AND DOCUMENTATION**

- (a) Architectural Plans prepared by East 8 Architects.

#### **2 GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments to the landscaping;

- (a) The provision of an additional two (2) canopy trees on the site, with the species and location to the approval of Council's Tree Management Officer.
- (b) Delete condition
- (c) Delete condition
- (d) Delete condition

The amendments are to be approved by the **Executive Manager, Development Assessment (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

**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 the proposal is acceptable and warrants approval. The Panel is of the opinion that condition 2 as recommended is unnecessary and accordingly deleted, with an amendment required regarding additional planting of canopy trees.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*B Dawes, Z Peshos (Owners, on behalf of the applicant) addressed the meeting*

## **WLPP-1905.2**

### **17 Barclay Street, Waverley - Demolition of existing dwelling, Torrens title subdivision and construction of two semi-detached dwellings with swimming pools on each new lot (DA-206/2018)**

Report dated 16 May 2019 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 and lot size development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore in the public interest. 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 summary, conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel.

Amended Conditions:

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- a) The Landscape Plan is to be amended to retain the existing Palm trees towards the rear boundary and the trees in the front setback are to be replaced by canopy trees to attain a mature height of a minimum of 8 metres; the species and location to be approved by the Council's Tree Management Officer.
- b) The materials of each driveway within the boundary are to be amended to provide wheel strips with soft landscaping in between or grassed permeable planting.

The amendments are to be approved by the **Executive Manager, Development Assessment (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

**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 the proposal is acceptable and warrants approval. The Panel has added landscaping conditions.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*R Karlson, A Bomze, G Vaughan (objectors) owners of 15 Barclay St (letter provided - in support) Harry Henshaw Hill (applicant) addressed the meeting*

### **WLPP-1905.3**

#### **6 Kent Street, WAVERLEY - Alterations and additions to dual occupancy including internal re-configuration and side additions (DA-353/2018)**

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

**DECISION:** The Waverley Local Planning Panel, in exercising the functions of Council as consent authority is not satisfied that the matters required to be addressed under Clause 4.6 (4) of Waverley LEP 2012 have been demonstrated and that consent should be granted to the development application.

The Panel is not satisfied that the objectives of the standards and the zone are met and that the development is in the public interest, in the form submitted. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment. The Panel has considered submissions in the assessment officer's report.

The Panel refuses the development application in accordance with the reasons for refusal in Appendix A of the Officer's Report subject to the following:

1. The proposal is in breach of section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in particular the following provisions:
  - a. Waverley Local Environmental Plan (WLEP) 2012 Clause 4.3(1)(a) and (d) and (2) as the proposal exceeds the maximum building height standard.
  - b. WLEP 2012 Clause 4.4(1)(b) to (d) and (2) as the proposal exceeds the maximum FSR standard.
  - c. The WLEP 2012 Clause 4.6 written requests of the applicant do not satisfy the Panel that the requests are in the public interest as they are inconsistent with the zone objectives of the WLEP 2012 and the objectives of the development standards.
  - d. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and floor space ratio development standards contrary to the written requests of the applicant.
2. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
3. 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 WLEP 2012, in particular, the following provisions:
  - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality and does not positively complement and contribute to the physical definition of the street network.
  - b. Clause 4.4(1)(b) to (d) and (2) as the proposal will further exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development.
  - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and floor space ratio development standards.

4. 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 WLEP 2012, in respect to the following provisions:
  - a. Part C – Residential Development
    - i. Section 1.4 Streetscape and visual impact, specifically control (a) as the proposed side addition is contextually inappropriate and unreasonable having regard to the established pattern of the stepped architectural features of the buildings on the northern side of Kent St.
5. 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.
6. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is considered an overdevelopment of the site and is therefore considered unsuitable for the site.
7. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of 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 not satisfied the proposal is acceptable and therefore warrants refusal.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*C Hairis (on behalf of the applicant) addressed the meeting.*

**WLPP-1905.4**

**455A Bronte Road, Bronte - Alterations and additions to the existing dwelling house, including an attic addition and a pool at the rear (DA-477/2018)**

Report dated 16 May 2019 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 and height development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore in the public interest. 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 summary, conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel.

Amended Conditions:

**1. APPROVED DEVELOPMENT**

- (b) BASIX Certificate

**2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (b) The North West facing dormer is to be set 300mm lower than the main roof ridge in accordance with Waverley DCP 2012, Amendment 6.

**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 the proposal is acceptable and warrants approval.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*A Chapman (Architect on behalf of the applicant) addressed the meeting.*

## **WLPP-1905.5**

### **13 Gaerloch Avenue TAMARAMA - Demolition of existing dwelling and erection of a new four storey dwelling house including garage and swimming pool (DA-304/2018)**

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

**Decision:** The Waverley Local Planning Panel in 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 and height development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

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 as amended by the Panel.

Additional conditions:

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (b) The garage doors are to be recessed to a minimum of 450mm from the face of the building.
- (c) The length of the top most level (Second floor) of the building shall be reduced by 1 metre from the front most section to Gaerloch Avenue. In this regard the front terrace, balustrade and associated planter shall also be setback accordingly (that is, 1 metre).
- (d) A planter and planting with a minimum width of 1 metre and depth of at least 600mm shall be provided along the full length of the front most section to Gaerloch Avenue on the terrace over the garage on the ground floor. The Landscape Plan is to be amended accordingly.

**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 the proposal is acceptable and warrants approval. The Panel has added to Condition 2, clauses (b), (c) and (d).

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*P Chapman, D Thorn (on behalf of C Taylor of 1/32 Dellview St) (objectors) A Smith (on behalf of the Applicant) addressed the meeting.*

**WLPP-1905.6**

**66 Fletcher Street, BONDI - Significant alterations and additions including conversion of a residential flat building into a single dwelling (DA-348/2018)**

Report dated 16 May 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

**DECISION:** The Waverley Local Planning Panel in 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 and height development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

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 the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*L Kosnetter, J Richards (on behalf on the applicant) addressed the meeting.*



**WLPP-1905.7**

**17 Wilga Street, BONDI - Modification to remove condition 2A(a) relating to the extension to existing balconies (DA-125/2018/A)**

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

**DECISION:** The Panel approves the modification application in accordance with the summary, conclusions and recommendations in the officer's 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 majority of the Panel was satisfied that the modification is acceptable and warrants approval. Mr Stein was not convinced that the modification should be granted.

**For the Decision:** Harrison, Murrell and Robinson

**Against the Decision:** Stein

*L Kosnetter, N Long (on behalf of the applicant) addressed the meeting.*

**WLPP-1905.8**

**13 Reina Street, North Bondi - Demolition of dwelling and construction of a two storey plus basement dual occupancy, in-ground swimming pools and strata subdivision (DA-070/2019)**

Report dated 15 May 2019 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 is satisfied that the objectives of the standard and the zone are met and the development is therefore in the public interest. 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 summary and conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel.

Amended Conditions:

**2. GENERAL MODIFICATIONS**

- (b) To preserve the amenity of the adjoining site to the south, the bathroom window (B/11), is to have obscure/opaque glazing fixed within the bottom two sections.
- (d) The materials of each driveway within the boundary are to be amended to provide wheel strips with soft landscaping in between or grassed permeable paving.

**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 the proposal is acceptable and warrants approval. The Panel added conditions to General Modification condition 2.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*Dr R Weiser (objector) and P Seabert (On behalf of the owners) addressed the meeting.*

**WLPP-1905.9**

**8 Watkins Street, BONDI - Alterations and additions to single dwelling including part demolition and various other alterations (DA-453/2018)**

Report dated 17 May 2019 from the Development and Building Unit.

**DECISION:** The Waverley Local Planning Panel in 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 and height size development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

The Panel approves the development application in accordance with the summary, conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel.

Amended Condition:

**2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) Translucent glazing to a height of 1.6m when measured above finished floor level shall be provided on Windows Nos W3, W4 and W5 to mitigate overlooking to adjoining properties.

**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 the proposal is acceptable and warrants approval.

**For the Decision:** Stein, Harrison, Murrell and Robinson

**Against the Decision:** Nil.

*M Vine, Jake (on behalf on the applicant) addressed the meeting.*

**THE MEETING CLOSED AT 4.30 PM.**