

**MINUTES OF THE WAVERLEY LOCAL PLANNING
PANEL MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 25 NOVEMBER 2020**

Panel members present:

Annelise Tuor (Chair)
Graham Brown
Peter Brennan
Allyson Small (Community Rep)

Also present:

Ms B McNamara	Manager, Development Assessment (North/South)
Ms A Rossi	Manager, Development Assessment (Central)
Ms E Finnegan	A/Manager, Development Assessment

At the commencement of the public proceedings at 12 noon those panel members present were as listed above.

At 12.59pm, the meeting was closed to the public.

At 1.15pm, the Panel reconvened in closed session.

At 2.10pm, the meeting closed.

WLPP-2011.A

Apologies

There were no apologies

WLPP-2011.DI

Declarations of Interest

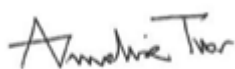
The Chair called for declarations of interest and the following were received:

Allyson Small declared a non-pecuniary interest in item WLPP-2011.1 - 247 Military Road, Dover Heights, and informed the meeting that she would not take part in the public meeting or determination.

WLPP-2010.R

Determinations

The Panel resolved to make the following determinations overleaf.



Annelise Tuor
Chairperson

247 Military Road, Dover Heights – Alterations and additions to the existing residential flat building including attic conversion (DA-270/2020)

Allyson Small declared an interest in this item and did not take part in the public meeting or determination.

Report dated 12 November 2020 from the Development and Building Unit.

Council Recommendation: That the application be refused for the reasons contained in the report.

RESOLUTION: The application is refused for the reasons in the Officer's report.

For the RESOLUTION: Tuor, Brown and Brennan

Against the RESOLUTION: Nil

REASON: The Panel generally concurs with the Officer's report.

N Ritcher (objector), Y Middleton (on behalf of the applicant) addressed the meeting

Apartment 3, 1 Roscoe Street, Bondi Beach – Alterations and additions to residential flat building including extension of rooftop space with a gym, entertaining area, storage, bathroom and kitchenette for apartment below (DA-271/2020)

Report dated 16 November 2020 from the Development and Building Unit.

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

RESOLUTION: 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 development standards. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The Panel approves the development application in accordance with the recommended conditions in the Officer's report, as amended by inserting the following conditions:

1A. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval, prior to the release of the relevant Construction Certificate.

The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. The schedule shall also include door frame colour details, as well as balustrading details and guttering colour and profile.

11A. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

For the RESOLUTION: Tuor, Brown, Brennan and Small

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Officer's report and recommended conditions subject to additional conditions in relation to BCA compliance and providing details of materials. The Panel noted the submission of the applicant to delete Condition 2(a) in relation to providing planter box screening but considers this condition to be necessary given the potential intensification of the area and potential impact on adjoining properties. The Panel notes that any planter and balustrade would need to comply with the BCA.

M Hudson (objector), J Ringrose (objector), K Levett (on behalf of the applicant) addressed the meeting.

8 Jackaman Street, Bondi – Modification to alter internal layout and increase roof height (DA-142/2017/1/B)

Report dated 11 November 2020 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Tuor, Brown, Brennan and Small

Against the RESOLUTION: Nil

REASON: The Panel generally concurs with the recommendations in the Officer's report.

L Huxtable (objector), J Van Heyst (objector), P Duffy (on behalf of the applicant) addressed the meeting

157-159 Military Road, Dover Heights – Modification to approved mixed use development to increase floor space and other minor modifications (DA-316/2015/B)

Report dated 11 November 2020 from the Development and Building Unit.

Council Recommendation: That the modification application be refused for the reasons contained in the report.

RESOLUTION: The application is approved, subject to the modification to original conditions as set out in Appendix A.

For the RESOLUTION: Tuor, Brown, Brennan and Small

Against the RESOLUTION: Nil

REASON: The Panel finds that the proposed modifications, in particular the reduction in the size of the roof garden off the lobby area, maintains the articulation of the built form and the amenity of the lobby area without materially impacting on the bulk and scale of the building and its streetscape appearance.

The Panel notes the applicant's agreement to amending the voluntary planning agreement for the additional floor space and has inserted Condition 1A and amended Condition 17 accordingly.

A Betros (on behalf of the applicant) addressed the meeting

292-302 Oxford Street, Bondi Junction – Modifications to Condition 2(i) relating to changes to floor plans of Units 303 and 306 (resulting in a total of 48 apartments overall) (DA-600/2015/1)

Report dated 13 November 2020 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the Officer's report, as amended by inserting the following condition:

2. GENERAL MODIFICATIONS

(k) A planter extending the full width of the balcony adjoining the lightwell (adjoining bedroom 2 and 3) in Unit L3-06 matching the dimensions of the unit directly above (Unit L4-04) shall be provided.

For the RESOLUTION: Tuor, Brown, Brennan and Small

Against the RESOLUTION: Nil

J Richards, B Daintry (on behalf of the applicant) addressed the meeting.

REASON: The Panel generally concurs with the recommendations in the officer's report. The Panel is satisfied that the additional visual and acoustic treatments will overcome the previous Panel's concerns, subject to the addition of a planter box to Unit L3-06's balcony to the lightwell. This will further reinforce the separation between Units L3-03 and L3-06 and provide greater amenity to these units.

THE MEETING CLOSED AT 2.10 PM.

APPENDIX A

WLPP-2011.4

157-159 Military Road, Dover Heights – Modification to approved mixed use development to increase floor space and other minor modifications (DA-316/2015/B)

APPENDIX A - CONDITIONS OF CONSENT TO BE MODIFIED OR ADDED

DA-316/2015/B

A. Amended/ Deleted Conditions

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

(a) The development must be in accordance with (plan table updated by satisfaction of deferred commencement matters letter dated 14/08/2018):

Plan Number	Prepared By	Revision No.	Dated	Date received by Council
DA10_E	MHNDUnion	E	10.02.2016	23 March 2017
DA11_E		E	09.06.2016	23 March 2017
DA12_E				
DA13_E				
DA14_E				
DA20_E				
DA21_E				
DA22_E				
DA23_E		E	09.06.2016	23 March 2017
DA24_E				
DA34_C				
DA35_C				
DA37_A				
C16192-E10	CAM Consulting	A	22/03/17	23 March 2017

(i) ***As amended by architectural plans prepared by Quattro Architecture including the following:***

<i>Plan Number and Revision</i>	<i>Plan description</i>	<i>Plan Date</i>	<i>Date received by Council</i>
<i>DA-A-050 Rev.A</i>	<i>Site Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-099 Rev.A</i>	<i>Basement Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-100 Rev.A</i>	<i>Ground Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-101 Rev.A</i>	<i>Level 1 Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-102 Rev.A</i>	<i>Level 2 Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-103 Rev.A</i>	<i>Roof Plan</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-200 Rev.A</i>	<i>Elevation Sheet 1</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-201 Rev.A</i>	<i>Elevation Sheet 2</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-250 Rev.A</i>	<i>Sections Sheet 1</i>	<i>02/12/2019</i>	<i>14/08/2020</i>
<i>DA-A-251 Rev.A</i>	<i>Sections Sheet 2</i>	<i>02/12/2019</i>	<i>14/08/2020</i>

- (b) Landscape Plan No. 5128-01 and 02 (as amended by the architectural plans in condition 1(a)), and documentation prepared by Peter Glass and Associates, issue B, dated 06/10/2015, and received by Council on 22 July 2015;
- (c) Arboricultural Impact Assessment Report, and documentation prepared by Easrthscape Horticultural Services, version 5, dated 14th July 2015, and received by Council on 22 July 2015;
- (d) BASIX Certificate No. 647429M_02 dated 16 July 2015, and received by Council on 22 July 2015;
- (e) Stormwater Drawing no H-DA-00 and 01 and documentation prepared by itmdesign, rev A, dated 21.07.15, and received by Council on 22 July 2015;
- (f) Draft Strata Plans (SP) sheets 1 of 3 to 3 of 3, issue C, dated 2-9-2016, prepared by Eric Scerri, and received by Council on 1 March 2017;
- (g) The letter of offer dated 2 and 3 December 2015 and draft Planning Agreement dated 18 March 2016, and received by Council on 21 March 2016;
- (h) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

except where amended by the following conditions of consent.

(AMENDED DA-316/2015/B)

1A. PLANNING AGREEMENT

a) The owner/ applicant to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-316/2015/B; and**
- (ii) Pay a monetary contribution amount of \$54,320 prior to the issue of any Occupation certificate for the Development**
- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.**

b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development**
- (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:**

- i. In a form acceptable to Council and from an institution acceptable to Council**

- ii. Irrevocable*
- iii. Unconditional*
- iv. With no end date*

c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(ADDED DA-316/2015/B)

17. PLANNING AGREEMENT

The payment of a monetary contribution to Council in the sum of the agreed value (as determined in Deferred Commencement matter 1 **and condition 1A**) shall be paid prior to the issue of any ~~Construction~~ Occupation Certificate associated with this development approval and to be applied towards a public purpose in accordance with the agreement and Council's Planning Agreement Policy 2014.

(AMENDED DA-316/2015/B)