

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 28 JULY 2021**

Panel members present:

Hon Paul Stein (Chair)
Stuart McDonald
Jan Murrell
Penelope Mora (Community Rep)

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Mr B Magistrale	Acting Manager, Development Assessment
Ms R Siaosi	Administration Officer

At the commencement of the public proceedings at 11.00AM those panel members present were as listed above.

At 12.35PM, the meeting was closed to the public.

At 1.00PM, the Panel reconvened in closed session.

At 2.17PM, the meeting closed.

WLPP-2107.A

Apologies

No apologies received.

WLPP-2107.DI

Declarations of Interest

The Chair called for declarations of interest, and two were received.

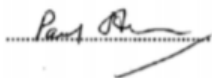
Hon P Stein declared he would not participate in Item WLPP-2107.1 as he was a Panel member in the original Development Application determination.

S McDonald advised a potential conflict as his place of work acted as a Town Planner for the Applicant. S McDonald did not participate in Item WLPP-2107.2.

WLPP-2107.R

Determinations

The Panel resolved to make the following determinations overleaf.



Paul Stein
Chairperson

84 Nancy Street, NORTH BONDI NSW 2026 - Review of refusal decision seeking demolition of existing structures; construction of a two storey semi-detached dwellings, swimming pools and a studio; and Torrens title subdivision into two lots. (DA-165/2020/1)

Report dated 9 July 2021 from the Development and Building Unit.

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

Hon P Stein did not participate in Item WLPP-2107.1 as he was a Panel member in the original Development Application determination.

RESOLUTION: The Review application is refused and the original decision to refuse the development application DA-165/2020/1 is affirmed.

For the RESOLUTION: Murrell, McDonald and Mora

Against the RESOLUTION: NIL

REASONS: The Panel concurs with the reasons for refusal in the Officer's report. This section 8.2 review of the original determination is confirmed. The Panel sees no reasons to change the decision

The Panel is aware of the amended plans submitted to the Council; however, these do not form part of the assessment report and the Panel cannot consider these amendments. Furthermore, the amended plans have not had the benefit of neighbour notification.

The Panel recognises the existing sub-division pattern and lot sizes in the street and the irregularity of the shape and size. It is also noted that further development of the subject site may be achieved with a reduced impact on the streetscape and the issue of sub-division may be addressed by strata title.

K Wyer, A Balafas and D Wylie-Williams (Objectors) D Laybutt – (on behalf of the Applicant) addressed the meeting.

The Chair, Paul Stein, declared a conflict of interest given that the original application was determined by a Panel that he Chaired. Panel member, J Murrell performed in the role of Chairperson for this item.

113 MacPherson Street, BRONTE NSW 2024 - Construction and operation of a food and drink kiosk in front of the western end of the commercial tenancy of the building. (DA-188/2021)

Report dated 15 July from the Development and Building Unit.

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

Panel member S McDonald advised a potential conflict as his place of work acted as a Town Planner for the Applicant and did not participate in Item WLPP-2107.2.

RESOLUTION: This development application is refused for the reasons set out in the Officer's report.

For the RESOLUTION: Stein, Murrell and Mora

Against the RESOLUTION: NIL

V Mison – Bronte Beach Precinct, R McLellan, K Spooner (Objectors), D Grujic – (on behalf of the Applicant) addressed the meeting.

34 Military Road, NORTH BONDI NSW 2026 - Demolition of dwelling and construction of 4 storey residential flat building containing 4 units with basement parking and Strata subdivision. (DA-5/2021)

Report dated 19 July from the Development and Building Unit.

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

RESOLUTION: This development application is refused for the reasons set out in the Officer's report.

For the RESOLUTION: Stein, McDonald, Murrell, and Mora

Against the RESOLUTION: NIL

L Moran, C Frank and G Leung (Objectors) addressed the meeting.

Units 1-63/17-25, 27-33 Spring Street & 14-26 Ebley Street, Bondi Junction NSW 2022 - Modification of consent for alterations to the Mill Hill Community Centre and adaptive re-use of the Boot Factory, including replacement of window and door openings, internal reconfiguration and refinement of external works. (DA-374/2019/A)

Report dated 7 July from the Development and Building Unit.

Council Recommendation: That the 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: Stein, McDonald, Murrell and Mora.

Against the RESOLUTION: NIL

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

Matthew Henderson (on behalf of the Applicant) addressed the meeting.

Mill Hill Centre, 27-33 Spring Street, BONDI JUNCTION NSW 2022 - Change of use of ground floor level to a cafe including signage, fitout and associated kitchen exhaust. (DA-150/2021)

Report dated 8 July from the Development and Building Unit.

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

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

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

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

Matthew Henderson– (on behalf of the Applicant) addressed the meeting.

Bondi Park, Queen Elizabeth Drive, BONDI BEACH NSW 2026 - Modification to upgrade facilities in stages, deletion of condition 5, 35 and 40 and various other alterations – (DA-312/2019/A)

Report dated 15 July from the Development and Building Unit.

Council Recommendation: That the 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: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

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

Robert Sabato (on behalf of the Applicant) addressed the meeting.

18 Kenneth Street, TAMARAMA NSW 2026 - Alterations and additions to existing Residential Flat Building including addition of a roof terrace, including its access and a pergola (DA-181/2020)

Report dated 13 July from the Development and Building Unit.

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

RESOLUTION: This development application is refused for the reasons set out in the Officer's report.

For the RESOLUTION: Stein, McDonald, Murrell, and Mora

Against the RESOLUTION: Nil

REASONS: The Panel concurs with the reasons for refusal in the Officer's report.

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

41 Sir Thomas Mitchell Road, BONDI BEACH NSW 2026 - Alterations to residential flat building to construct an additional level containing a three bedroom apartment and rear facing balcony. (DA-331/2020)

Report dated 6 July from the Development and Building Unit.

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

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel as follows:

Add condition 2 (d) to read as follows:

(d) Window 10 is to be a fixed frosted panel to a height of 1.5m (as measured above finished floor level) with operable panels above.

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: Nil

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

Dr K Sowada (Objector) R VanderWert-Walsh (on behalf of the Applicant) addressed the meeting.

45 Military Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling house, including widening front garage. (DA-103/2021)

Report dated 18 July 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 floor space ratio development standard. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied and therefore it is in the public interest. 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 recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

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

A Gleeson (on behalf of the applicant) was available for questions but did not address the meeting.

75 Hardy Street, DOVER HEIGHTS NSW 2030 - Modification to alter internal layout, increase building height, window changes and modify finished floor levels. (DA-112/2018/A)

Report dated 18 July from the Development and Building Unit.

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

RESOLUTION: The Panel approves in part the modification application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel as follows:

1A. MAXIMUM BUILDING HEIGHT

The Plans must be amended to provide for a maximum building height of RL63.7.

*The amended plans are to be submitted to and approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. 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.*

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EPA Act.

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

REASON: Whilst the Panel accepts that the modification to the garage access is appropriate it does not accept that the height of the building should be increased by 500mm bearing in mind the original reasons for approval.

P Klinger, Dr D Lowinger (Objectors), A Bezos (on behalf of the Applicant) addressed the meeting.

21 Wallangra Road, DOVER HEIGHTS NSW 2030 - Demolition of dwelling and construction of new 3 storey dwelling with integrated garage and swimming pool in the front garden. (DA-437/2020)

Report dated 15 July 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 floor space ratio development standard. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied and therefore it is in the public interest. 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 recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

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

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

3 Mill Hill Road, BONDI JUNCTION NSW 2022 - Review of decision seeking alterations and additions to an existing boarding house. (DA-94/2020/1)

Report dated 12 July from the Development and Building Unit.

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

RESOLUTION: This Review application is refused and the original decision is affirmed.

For the RESOLUTION: Stein, McDonald, Murrell, and Mora

Against the RESOLUTION: Nil

REASONS: The Panel concurs with the reasons for refusal in the Officer's report.

No speakers addressed the meeting.

59 Wallangra Road, DOVER HEIGHTS NSW 2030 - Modifications to approved dual occupancy, including alterations to building envelope, additional excavation and changes to windows. (DA-299/2020/A)

Report dated 19 July from the Development and Building Unit.

Council Recommendation: That the 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.

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EPA Act.

For the RESOLUTION: Stein, McDonald, Murrell and Mora

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and notes that the applicant has no objection to the inclusion of 2(c) General Modifications condition.

G Karavanas (on behalf of the applicant) addressed the meeting.

The meeting closed at 2.17PM