

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBER ON
WEDNESDAY, 25 SEPTEMBER 2019**

Panel members present:

The Hon Paul Stein (Chair)
Ian Stapleton
Richard Thorp
Sandra Robinson (community representative)

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Ms R Siaoisi	Administration Officer

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

At 1.55pm, the meeting was closed to the public.

At 2.25pm, the Panel reconvened in closed session.

At 4.10pm, the meeting closed.

WLPP-1909.A

Apologies

There were no apologies.

WLPP-1909.DI

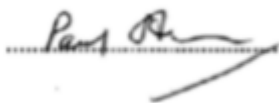
Declarations of Interest

The Chair called for declarations of interest and none were received.

WLPP-1909.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

WLPP-1909.1

59-69 Oxford Street, Bondi Junction - Proposed first use as a pub (hotel) to ground floor with associated signage (DA-79/2019)

Report dated 11 September 2019 from the Development and Building Unit.

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

DECISION: This application to be approved subject to the conditions recommended in the Officer's report.

REASON: The Panel agrees with the Officer's report

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

R Webster, R Haines and A Chee (on behalf of the applicant) addressed the meeting.

193 Bronte Road, Queens Park - Partial demolition of building and additions to create a five-storey shop top housing building (part heritage listed) (DA-271/2018)

Report dated 13 September 2019 from the Development and Building Unit.

Recommendation: That the application be granted deferred commencement consent in accordance with the conditions contained in the report.

DECISION: This application to be approved as a deferred commencement consent subject to the conditions recommended in the Officer's report as amended by the Panel as follows:

APPENDIX A - DEFERRED COMMENCEMENT CONDITION

ADDITION OF CONDITION 3

- 3) A Heritage Conservation Strategy prepared by a suitably qualified heritage consultant is to be provided to the satisfaction of Council for exteriors and interiors of the heritage listed building on the site, with significant detailing identified and retained in an interpretable manner. This Strategy is to be prepared by a suitably qualified Heritage Architect and approved by Council prior to the activation of the development consent and will become the 'approved heritage works'.

APPENDIX B – CONDITION OF CONSENT

AMENDMENT TO CONDITION 3

3. HERITAGE CONSERVATION STRATEGY AND HERITAGE DEED OF AGREEMENT

During the course of design development and implementation of works to the heritage item in accordance with the Heritage Conservation Strategy, the applicant is to retain the services of a suitably qualified Heritage Architect as an expert. The Heritage Architect shall be empowered by the applicant to discuss matters directly with Council's Heritage Architect.

Prior to the issue of a Construction Certificate, the Heritage Architect is to certify that the works are to be carried out in accordance with the Conservation Strategy.

Prior to the issue of an Occupation Certificate, the Heritage Architect is to certify that the works have been completed in accordance with the Conservation Strategy.

The owner(s) of the premises shall enter into and execute a Deed of Agreement with and acceptable to Waverley Council to ensure that the 'approved heritage works' to 193 Bronte Road, Queens Park are completed. The Deed of Agreement shall ensure that:

- (a) An occupancy certificate is not released prior to the completion of the '*approved heritage works*';
- (b) Any future owner of the site is also required to enter into the Deed of Agreement;
- (c) Measures by which the heritage items are to be protected during the construction process and a commitment to remediation work in the event that there is any damage.
- (d) The Council has a right at any time to inspect the property for the purposes of investigating the measures by which the heritage items are being protected from damage and the way in which the works in the Conservation Strategy are being carried out; and

- (e) The Deed of Agreement must be prepared and executed prior to the issue of a Construction Certificate for any part of the development. The cost of the preparation and registration of all legal and associated expenses is to be met by the owner(s) or applicant. The Deed must be acceptable to Council.

REASON: The Panel generally agrees with the Planning Officer's report but has amended the deferred commencement consent to provide more certainty in relation to heritage.

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

R Finlayson, J Redmond (objectors), C Elliot (on behalf of the applicant) addressed the meeting.

60 Watson Street, Bondi - S8.3 Review application seeking the construction of hardstand and fencing within front setback (DA-6/2019/1)

Report dated 13 September 2019 from the Development and Building Unit.

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

DECISION: This application to be approved subject to the conditions recommended in the Officer's report.

REASON: The Panel agrees with the Officer's report

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

M Mallos (owners) addressed the meeting.

1 Bay Street, North Bondi - Demolition of the existing dual occupancy (duplex) and erection of a three storey dwelling house with basement storage, services and swimming pool. (DA-456/2018)

Report dated 6 September 2019 from the Development and Building Unit.

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

DECISION: The Panel finds the clause 4.6 variation relating to the FSR development standard to be well founded and approves of the application in accordance with the recommended conditions contained in the Officer's report as amended by the Panel.

SURRENDER DEVELOPMENT CONSENT

Development application DA-447/2017 is to be surrendered by the applicant, in accordance with the requirements of clause 97 of the Environmental Planning and Assessment Regulation. The surrender is to be received by Council prior to the issue of any Construction Certificate.

The surrender of the DA consent takes effect when Council receives the notice.

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

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

G Karavanas, K Ng and L Buttenshaw (on behalf of the applicant) address the meeting.

96 Glenayr Avenue, Bondi Beach - Alterations and additions to the existing building including updated shopfronts, alterations to residential units, change of use to shop top housing development, Stratum and Strata Title Subdivision (DA-490/2018)

Report dated 12 September 2019 from the Development and Building Unit.

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

DECISION: The Panel finds the clause 4.6 variations relating to the FSR development standard and building height development standard to be well founded and approves of the application as a deferred commencement consent in accordance with the recommended conditions contained in the Officer's report as amended by the Panel, as follows:

APPENDIX A - DEFERRED COMMENCEMENT CONDITION

Amendment to condition 1

- (d) Provide colour and material schedules for the building including guidelines for signage and treatment of awnings.
- (e) An access hatch or door is to be provided to the internal lightwell at first floor level for maintenance purposes.
- (f) Ceiling fans are to be provided to all habitable rooms within the development.
- (g) Provide vertical flat metal bar balustrading to all balconies apart from those at the main roof parapet.
- (h) Provide detailed designs for the elevations (at a scale of 1:50) to North West Glenayr Avenue, South West Warners Avenue and North East front and side facades. Details to include the window and door treatments, ensuring a consistent approach to configuration, materials and retaining the bay windows attached to Unit 2 and Unit 5, as well as retaining and restoring the inset shopfront either side of the front entry door. The existing gaps between the piers on the main parapet are to be infilled with timber or metal balustrades which may be backed on the inside with solid sheeting.
- (i) Provide revised designs showing deletion of Unit 3 and Unit 6 balconies to Warners Avenue and retaining and restoring the existing bay windows (4 in total).

Amendment to condition 2

- (c) Include the provision of a communal clothes drying facilities (that is, clothesline).

APPENDIX B - CONDITIONS OF CONSENT

Deletion of Condition 97

97 USE OF ROOF TOP TERRACE

The use of the roof terrace is to be limited to between 7.00am and 10.00pm, 7 days (except New Years Eve), in order to ensure the amenity of the adjoining neighbours and neighbours within the building is not adversely impacted. Appropriate signage must be displayed in the foyer advising residents of the time restrictions for use of roof top terrace. Strata By-Laws reiterating these shall occur on any future Strata Plan.

REASON: The Panel generally concurs with the Planning Officer's report except in relation to the privatisation of the roof terrace. The Panel has also added deferred commencement conditions relating to the design of the façade.

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

L Kosnetter, J Alliker (on behalf of the applicant), A Grace, N Grace (owners) addressed the meeting.

62 Gilgandra Road, North Bondi - Modification to approved development, including altered internal layout, additional floor space, new awning and various other alterations (DA-216/2018/A)

Report dated 12 September 2019 from the Development and Building Unit.

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

DECISION: This modification application be approved in accordance with the conditions recommended in the Planning Officer's report.

The Panel notes there is a typographical error on page 288 under the reference to DBU Decision. It should read '(a) the application is acceptable'.

REASON: The Panel agrees with the Officer's report

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

S Grant, (objectors), and T Quinton, A Smuskowitz (on behalf of the applicant) addressed the meeting.

67 Hardy Street, Dover Heights - Alterations and additions to dwelling house (DA-56/2019).

Report dated 12 September 2019 from the Development and Building Unit.

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

DECISION: The Panel finds that the clause 4.6 variation relating to the FSR development standard to be well founded and approves of the application in accordance with the recommended conditions of the Officer's report.

REASON: The Panel agrees with the Officer's report.

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

No speakers addressed the meeting.

105 Military Road, Dover Heights - Demolition of existing dwelling house and the erection of a three storey dual occupancy, swimming pools and strata subdivision (DA-425/2018)

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

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

DECISION: The Panel finds the Clause 4.6 variations relating to height and FSR development standards to be well founded and approves the application in accordance with the conditions recommended in the Officer's report.

REASON: The Panel agrees with the Officer's report

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

D Sacks (objector) and G Meyers (on behalf of the applicant) addressed the meeting.

7 Lancaster Road Dover Heights - Review of refusal of decision for alterations and additions to a dwelling including new first floor. (DA-242/2018/1)

Report dated 9 September 2019 from the Development and Building Unit.

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

DECISION: The request to defer this item is refused by the Panel.

The prior decision of the Council to refuse the development application is confirmed in the reasons contained in the Officer's report (Appendix A).

REASON:

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 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 2012 (WLEP 2012) Clause 4.3(2) as the proposal exceeds the height of buildings standard.
 - b. Clause 4.6(3)(a) and (b) of the WLEP 2012, as a written request has not been submitted to justify the breach of the height of buildings development standard. In the absence of a well-founded Clause 4.6 written request justifying the contravention of the height of buildings development standard it is not possible for the proposed development to be approved.
 - c. Clause 4.4(2) of the WLEP 2012 as the proposal exceeds the maximum floor space ratio standard.
 - d. Clause 4.6(3)(a) of the WLEP 2012 as the applicant has not demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, as the proposal is inconsistent with Objectives (d) of Clause 4.4 Floor Space Ratio.
 - e. Clause 4.4(1) of the WLEP 2012 as the proposed is inconsistent with Objective (d) as the proposal does not preserve the environmental amenity of neighbouring properties with regard to view loss.
 - f. Clause 4.6(3)(b) of the WLEP 2012 as the applicant has not demonstrated that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard as the proposal will result in an unreasonable environmental impact upon neighbouring properties as well as the desired future character of the locality.
 - g. Clause 4.6(4)(a)(ii) of the WLEP 2012, as the consent authority is not satisfied that the request is in the public interest as the proposal is not consistent with the Objectives (d) of Clause 4.4 Floor Space Ratio.

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)(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 C2 – Low Density Residential Development.

Clause 2.7 Views, specifically objectives (a) and (b) and control (c), as the proposal results in an unacceptable loss of views from surrounding properties to the Sydney Opera House and Harbour Bridge.
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 environmental impact upon the amenity of the locality and surrounding built environment due to the loss of views from surrounding properties to the Sydney Opera House and Harbour Bridge.
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development does not comply with Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio and is therefore considered unsuitable for the site as the applicant has not adequately demonstrated sufficient environmental planning grounds to justify contravening the development standard.
6. The proposal is not considered to be in the public interest for the reasons outlined above contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the Decision: Stein, Robinson, Stapleton and Thorp.

Against the Decision: NIL

T Moody, J Swann (objectors) and G Karavanas, M Oxenham (on behalf of the applicant) addressed the meeting.

Meeting closed 4.10pm.