

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS ON
WEDNESDAY, 26 FEBRUARY 2020**

Panel members present:

The Hon Paul Stein (Chair)
Graham Brown
Sandra Robinson (Community Representative)
Ian Stapleton

Also present:

Ms B McNamara	Manager, Development Assessment (North/South)
Ms E Finnegan	Acting Manager, Development Assessment (Central)
Ms R Siasosi	Administration Officer

At the commencement of the public proceedings at 12.00pm, those panel members present were as listed above.

At 2.45 pm, the meeting was closed to the public.

At 3.20 pm, the Panel reconvened in closed session.

At 5.00pm, the meeting closed.

WLPP-2002.A

Apologies

There were no apologies

WLPP-2002.DI

Declarations of Interest

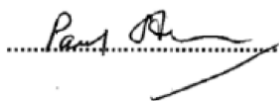
The Chair called for declarations of interest and the following were received:

S Robinson declared an interest in Item WLPP-2002.5, and informed the meeting that she would not take part in the public meeting or determination.

WLPP-2002.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

WLPP-2002.1

19A Gardyne Street, Bronte - Demolition of existing dwelling and garage, excavation and construction of a new part two, part three storey dwelling with integrated parking, swimming pool to the rear and tree removal (DA-283/2019)

Report dated 17 February 2020 from the Development and Building Unit.

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

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. 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 subject to the recommended conditions as amended by the Panel as follows:

2. GENERAL MODIFICATIONS

- (c) A privacy screen shall be provided on the proposed upper level dining room balcony extending 1.2 m from the north east corner of the dining room. The design of the privacy screen is to match the timber screen on the north elevation.

4. SANDSTONE

The existing sandstone fronting Gardyne Street must be retained and protected. If there is any damage to the sandstone, it is to be repaired and any replacement stone shall be of a suitable quality to match the existing and adjoining walls.

Details of the works, including provision for storage of stone if required and grade of matching stone, shall be provided for in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority.

5. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the satisfaction of Council's Executive Manager Compliance (or delegate) for demolition, excavation and construction works.

The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. For further information on the requirements, refer to Council's website:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

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 that the proposal is acceptable and warrants approval subject to some additional conditions of consent.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil.

J Dawson, M Durovic (objectors), G Shiels, M de Moyer (on behalf of the applicant) addressed the meeting.

WLPP-2002.2

29 Read Street, Bronte - Alterations and additions to existing dwelling including new first floor addition and garage to Read Lane (DA-354/2019)

Report dated 20 January 2020 from the Development and Building Unit.

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

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 and floor space ratio 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 recommendations in the officer's report and in accordance with the conditions recommended in the report.

REASONS: The Panel has visited the site, notes that there were no submissions and considered the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval subject to conditions of consent.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil.

D Fleeting (on behalf of the applicant) addressed the meeting.

WLPP-2002.3

26 Cross Street, Bronte - Construction of swimming pool with associated decking and landscaping to dwelling (DA-90/2019/1)

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

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

DECISION: The Review application to delete condition 2(a) is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Act, as stipulated in section 1.3 (g), as the proposal does not promote good design and amenity of the built environment.

2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Act, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. The particular aim expressed under clause 1.2(2)(f) of WLEP as the proposal does not respect the existing natural features of the site, specifically the sandstone outcrop and vegetation that fronts Darling Street.
 - b. The assessment of the effect of the proposal on the heritage item on the site against clause 5.10(4) of WLEP finds the proposal unacceptable, specifically as the proposal will affect the natural setting and curtilage of the heritage listed Canary Island Date Palm trees, and consequently affect the presence of the trees when viewed from Darling Street.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Act, as the proposal is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B3 – Landscaping and Biodiversity

- a. The proposal fails to satisfy objective (a) under section 3.1 and control (e) under section 3.1.1. The proposal obscures the naturally occurring sandstone outcrop appearance and character of the site when viewed from Darling Street. The deck and part of the pool cantilevers from the edge of the uppermost part of the sandstone outcrop, which will expose the underside, support columns and operational equipment for the deck and pool to Darling Street and will appear unsightly.

Part B9 – Heritage

- b. The proposal fails to satisfy objectives (a) and (b) and does not comply with control (a) under section 9.14 and objective (a) and control (a) under section 9.16.1. The proposed swimming pool and deck structure will have its underside, services and supporting columns exposed to Darling Street, which will result in an unsightly appearance from the street. Further, it will diminish the natural and landscape setting of the southern portion of the site, which comprises landscape heritage items and sandstone outcrop.

Part B12 – Design Excellence

- c. The proposal fails to satisfy objectives (b) and (d) and control (a)(viii) under section 12.2, as the proposal does not provide an appropriate response to the specific conditions of the site.

Part B14 – Excavation

- d. The proposal is contrary to control (f) and objective (a), as it involves cutting into the naturally occurring sandstone outcrop of the site to accommodate supporting columns for the deck and pool structure, which diminishes the natural features of the site.

Part C2 – Low Density Residential Development

- e. The proposal fails to comply with control (a) under section 2.2.1 and does not satisfy objectives (a), (b), (d), (f) and (h) under section 2.2 in relation to respecting prevailing setbacks and building lines within the Darling Street streetscape. The siting of the deck/pool structure is inappropriate and will cause adverse streetscape, bulk and scale and privacy impacts.
- f. The proposal fails to comply with controls (d) and (e) under section 2.3 in relation to streetscape and visual impact. It will be an obvious visual interruption of the consistent pattern of natural sandstone outcrops and vegetated frontages of properties that face

Darling Street which are situated between the public reserve of Cross Street and Ashley Street to the east. The proposal will therefore dominate the landscape character of the streetscape of Darling Street.

- g. The proposal fails to comply with control (e) and does not satisfy objectives (a) and (c) under section 2.5 in relation to visual and acoustic privacy as the deck/pool will jut out and extend past the southern outer edge of the rear balcony /deck of the adjoining dwelling to the east of the site at 18 Darling Street and cause unreasonable visual and acoustic privacy impacts.
 - h. The proposal does not comply with the minimum provision of landscape area stipulated by control (c) under section 2.9. This non-compliance demonstrates the inappropriateness of the proposal to the site and the proposal consequently fails to satisfy objective (a) under section 2.9.
 - i. The proposal fails to satisfy objective (c) under section 2.10, which ensures the location of swimming pools do not adversely impact upon surrounding properties and streetscapes. The proposed pool is highly exposed from Darling Street and its elevated and dominant appearance will adversely affect the streetscape of Darling Street.
 - j. The proposal fails to comply with controls (a) and (c) under section 2.14.1 and objective (a) under section 2.14 in relation to dual frontage development, as it does not adequately address the unique characteristics of the Darling Street frontage of the site and the predominant vegetated embankment/sandstone outcrop presentation of adjoining properties to the east of the subject site that also front Darling Street.
- 4. The proposal does not satisfy section 4.15 (1)(b) of the Act 1979, as the proposal will have an undesirable and unacceptable impact on the streetscape of Darling Street, and would adversely impact upon the amenity of the locality and surrounding built environment.
 - 5. The proposal is contrary to section 4.15 (1)(c) of the Act, as the site characteristics do not allow for the proposal to be appropriately accommodated without any disturbance to the streetscape and natural features of the site. Therefore, the proposal is considered unsuitable for the site.
 - 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 Act.

NOTE: The Panel reaffirms the original decision of development consent DA-90/2019.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil

No speakers addressed the meeting.

WLPP-2002.4

21 Thompson Street, Tamarama - Alterations to the approved (not yet constructed) dwelling house and change of use to a dual occupancy (DA-163/2019)

Report dated 31 January 2020 from the Development and Building Unit.

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

DECISION: This application is deferred to allow the Land and Environment Court to determine the matter before it, given that it has heard the matter (including all resident and expert evidence) and the case has been remitted to the Commissioner from a Judge of the Court for determination and the matter has been fixed for hearing on 26-27 March 2020. In addition, the Panel notes that the application before it is the same as the application before the Court.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil

MP Donnan (on behalf of MH McHugh), N Birkhold, B Chambers, G Beard, G Holman, M Beard (on behalf of G&M Garrick), MP Donnan, R Phillips, M Donnan (on behalf of R Dowsett), N Birkhold (on behalf of G Paver), S Gabriel (objectors)

A Boskovitz, A Darroch, G Tonnet, V Betro, G James, D Bliss (on behalf of the applicant)

S McDonald (on behalf of Council) addressed the meeting.

WLPP-2002.5

77 Fletcher Street, Tamarama - Alterations and additions to existing dwelling house, including second floor level addition (DA-322/2019)

S Robinson declared an interest in this item and informed the meeting that she would not take part in the public meetings or determination.

Report dated 17 February 2020 from the Development and Building Unit.

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

DECISION: The request for a deferral for this item was not agreed to by the Panel. The Application is refused for the following reasons:

1. 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 Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. *Clause 4.3(1)(a) and (d) and (2) as the proposal will further exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.*
 - b. *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.*
 - c. *Clause 4.6(4)(a)(i) and (ii) as the proposal would be inconsistent with the objectives of the height of building and FSR development standards and the objectives of R3 zone and does not satisfy the public interest.*
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 on 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;*
 - i. *Clause 2.1 Height, specifically control (a) as the proposal exceeds maximum wall height control of 7m above existing ground level.*
 - ii. *Clause 2.3 Streetscape and Visual Impact, specifically control (a) as the proposal is not visually compatible with its streetscape context.*
 - iii. *Clause 2.5 Visual and Acoustic Privacy, specifically controls (d) and (e) with regards to proposed balconies.*
 - iv. *Clause 2.6 Solar Access, specifically controls (a), (b) and (c) as the proposal adversely impacts upon neighbouring properties through overshadowing.*
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 in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely 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 is *excessive in bulk and scale* and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest *for the reasons outlined above/ for the reasons outlined in public submissions*, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the Decision: Stein, Brown, Stapleton.

Against the Decision: Nil.

M Doyle (Objector), J Dowse (applicant) addressed the meeting.

WLPP-2002.6

8 Denham Street, Bondi - Modification to remove condition (2) of consent to allow double carport to the front of the dwelling (DA-249/2019/A)

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

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

DECISION: The modification application is refused for the following reasons:

1. 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.
2. 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 B8 – Transport
 - i. Clause 8.2.1 Vehicle Access, specifically control (k), as the cross over at the footpath is considered excessive in width; and
 - ii. Clause 8.2.2 Car Parking Provision Rates, specifically control (b), as the proposed double carport does not complement the design of the building and associated streetscape.
 - b. Part C2 – Low Density Residential Development;
 - i. Clause 2.0 General Objectives, specifically control (d) as the development is not sympathetic with the character of the area;
 - ii. Clause 2.2.1 Front and rear building lines, specifically control (a), as the carport does not conform with the predominant front building line of the streetscape;
 - iii. Clause 2.3 Streetscape and Visual Impact, specifically objectives (a) and (b) and controls (a) and (d) as the proposed double carport is not reflective of the streetscape;
 - iv. Clause 2.4 Fences, specifically control (b) as the front gate is considered excessive in height;
 - v. Clause 2.8.1 Design Approach, specifically control (b) as the proposal does not complement the existing dwelling or associated streetscape;
 - vi. Clause 2.8.3 Location, specifically control (d) (ii) and (iii) as the double carport exceeds 45% of the lot's width;
 - vii. Clause 2.8.4 Design, specifically control (a), (b) and (c) as the carport does not relate well or sympathetically integrate into the dwelling it is attached to. In addition, the proposed carport will result in significant removal to the existing front façade of the dwelling; and
 - viii. Clause 2.9 Landscaping and Open Space, specifically control (g) as the double parking space will reduce the amount of landscaping to the front setback.
3. 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 undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
 4. 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, Brown, Robinson, Stapleton.

Against the Decision: Nil

M Young, J Woodley (on behalf of applicant) addressed the meeting.

WLPP-2002.7**Scarborough Crescent, North Bondi - Creation of a new lot around the existing war memorial within Scarborough Crescent road reserve that is adjacent to the North Bondi RSL Club (DA-406/2019)**

Report dated 4 February 2020 from the Development and Building Unit.

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

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

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil.

No speakers addressed the meeting.

WLPP-2002.8**2 Bulga Road, Dover Heights - Demolition of existing dwelling and construction of a pair of semi-detached dwellings with car parking and landscaping (DA-458/2018/1)**

Report dated 3 February 2020 from the Development and Building Unit.

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

DECISION: The Panel changes the decision on the development application to one of approval, in accordance with the recommendations in the officer's report and subject to the recommended conditions of consent as amended by the Panel as follows.

1. APPROVED PLANS AND DOCUMENTATION

(a) Architectural Plans prepared by Uri T Design:

Plan Number	Revision No / Date	Date received by Council
DA-0000	Rev A / 1 November 2019	1 November 2019
DA-1001	Rev C / 31 October 2019	1 November 2019
DA-1002	Rev C / 1 November 2019	1 November 2019
DA-1003	Rev C / 31 October 2019	1 November 2019
DA-1004	Rev C / 31 October 2019	1 November 2019
DA-2001	Rev C / 31 October 2019	1 November 2019
DA-2002	Rev C / 31 October 2019	1 November 2019
DA-2003	Rev C / 31 October 2019	1 November 2019
DA-2004	Rev C / 31 October 2019	1 November 2019
DA-2005	Rev A / 31 October 2019	1 November 2019
DA-3001	Rev C / 1 November 2019	1 November 2019

DA-3002	Rev C / 31 October 2019	1 November 2019
DA-4001	Rev A / 31 October 2019	1 November 2019

2. GENERAL MODIFICATION

- (b) The first floor windows shown on drawing DA-2001 (East Elevation) are to be glazed with translucent glass up to a level 1600mm above finish floor level

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval subject to a further condition of consent.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil.

G Shiels (on behalf of the applicant), M Power (Owner) addressed the meeting.

WLPP-2002.9

12 Chris Bang Crescent, Vaucluse - Alterations and additions to dwelling-house (DA-247/2019)

Report dated 4 February 2020 from the Development and Building Unit.

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

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 development standard. 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 in accordance with the conditions recommended in the report.

REASONS: The Panel has visited the site, reviewed submissions and considered the clause 4.15 assessment in the assessment officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil.

O Altikriti, (On behalf of Y Jamiel) (Objector), G Karavanas, A Chapman (on behalf of the applicant) addressed the meeting.

WLPP-2002.10

319 Old South Head Road, Bondi Beach - Demolition of the existing structures on the site and the construction of a new three storey residential flat building comprising five units (three of which are infill affordable housing) with basement car parking and Strata Subdivision (DA-101/2019)

Report dated 14 February 2020 from the Development and Building Unit.

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

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 and floor space ratio 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 as a deferred commencement consent in accordance with the recommendations in the officer's report and in accordance with the conditions recommended in the report as amended by the Panel.

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 that the proposal is acceptable and warrants approval subject to some changes to the conditions of consent.

For the Decision: Stein, Brown, Robinson, Stapleton.

Against the Decision: Nil

N Boaz, D Zanapalis (Objectors), P Perrie (applicant) addressed the meeting.

THE MEETING CLOSED AT 5.00pm.