

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD BY  
VIDEO CONFERENCE ON  
WEDNESDAY, 26 AUGUST 2020**

**Panel members present:**

Paul Stein (Chair)  
Graham Brown  
Gabrielle Morrish  
Sandra Robinson (Community Rep)

**Also present:**

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

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

*At 1.24pm, the meeting was closed to the public.*

*At 2pm, the Panel reconvened in closed session.*

*At 3.50pm, the meeting closed.*

**WLPP-2008.A**

**Apologies**

**WLPP-2008.DI**

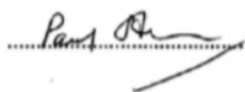
**Declarations of Interest**

P Stein declared a non-pecuniary interest in Item WLPP-2008.7 – 3/28-10 Fletcher Street, Bondi – Review of decision seeking alterations and additions to unit 3 including internal reconfiguration and side extension (DA-402/2019/1) as he chaired the Local Planning Panel meeting in April 2020 that determined the original Development Application. P Stein did not participate in the deliberation of this item.

**WLPP-2007.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



Hon Paul Stein  
**Chairperson**

**WLPP-2008.1**

**47 Wallangra Road, Dover Heights - Demolition of existing dwelling, construction of new part two, part three storey dwelling, front fence and associated landscaping (DA-169/2020)**

Report dated 11 August 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 floor space ratio 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 recommended conditions.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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.

*No speakers addressed the meeting*

**62 Gilgandra Road, North Bondi - Section 4.55(2) modification to approved dwelling including the use of a basement storage area as a gym, new balconies on the front and rear, minor alteration to the skillion roof, alterations to the pool and changes to windows. (DA-216/2018/B)**

Report dated 6 August 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:** That the modification application be approved in accordance with the conditions contained in the Officer's report as amended by the Panel.

Condition 2A

(c) retained

(d) deleted

(e) amended as:

The rear first floor balcony proposed under DA-216/2018/B shall be amended to have a depth no greater than 1m through the enlargement of the perimeter planting. The privacy screening shall be contained to the side boundaries only and shall extend no further than the depth of the balcony and a minimum height of 1.5m. The balustrade shall be contained to the perimeter of the balcony itself, not the outer perimeter of the planters, and shall not exceed 1.2m in height. (ADDED BY DA-216/2018/B).

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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 subject to the amended conditions by the Panel as contained in the resolution.

*S Grant, R Stockley (objectors), T Quinton (on behalf of the applicant) addressed the meeting*

**15 Francis Street Bondi Beach - Significant alterations and additions to the existing residential flat building including additional units at lower level, re-configuration at ground and first floor levels and a new attic level. (DA-404/2019)**

Report dated 10 August 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 floor space ratio 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.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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.

*L Kosnetter and Patrick Nicholas (on behalf of the applicant) addressed the meeting*

**179 MacPherson Street, Bronte - Significant demolition works, internal alterations and additions to existing dwelling and new garage. (DA-120/2020)**

Report dated 12 August 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 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.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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.

*J Gibney (on behalf of the applicant) addressed the meeting*

**114 Warners Avenue, Bondi Beach - Alterations and additions to residential flat building including an additional part storey comprising a separate unit. (DA-10/2020)**

Report dated 13 August 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 floor space ratio 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.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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.

*I de Detrich, (objectors) L Kosnetter and P Nicholas (on behalf of the applicant) addressed the meeting*

**56 Sir Thomas Mitchell Road, Bondi Beach - Demolition of existing two-storey residential flat building and construction of a new three-storey residential flat building with basement parking. (DA-109/2020)**

Report dated 14 August 2020 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 in accordance with the reasons recommended in the Officer's report as amended by the Panel.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**REASONS:** 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 proposed development does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:
  - a. State Environmental Planning Policy No. 65 – *Design Quality of Residential Flat Development* (SEPP 65) as the development fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:
    - i. Principle 1 – *Context and neighbourhood* in that the proposed development does not achieve the desired urban form and built form quality envisaged for the area.
    - ii. Principle 2 - *Built form and scale* as the proposed development is out of scale with the desired future character for the area. The scale, bulk and height of the proposed development exceed that envisaged for the site.
    - iii. Principle 3 – *Density* as the proposed development fails to provide a density that is inappropriate to the site and context.
    - iv. Principle 5 – *Landscape* as the proposed development does not optimise useability and does not provide opportunities for social interaction or respect the neighbours' amenity through the retention of existing trees and landscaping. Additionally, the development does not retain an existing significant tree which is a positive nature feature which contributes to the local context, micro-climate, tree canopy and habitat values of the area.
    - v. Principle 6 – *Amenity* as the proposed development provides apartments with poor amenity without adequate outlook, separation distances, visual and acoustic privacy, storage, communal open space. The proposal also will impact upon the amenity of adjoining properties in terms of overshadowing and visual and acoustic privacy.
    - vi. Principle 7 – *Safety* as the proposed entry to the building on the south side of the site may cause conflict and potential safety issues.
    - vii. Principle 8 – *Housing diversity and social interaction* in that the proposed development does not provide communal spaces for social interaction among residents.
    - viii. Principle 9 – *Aesthetics* as the visual appearance, particularly the bulk and scale, do not respond to the existing or future local context or desired future character.

- b. Waverley Local Environmental Plan 2012 as the development fails the following provisions:
    - i. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the desired future character of the locality.
    - ii. 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.
    - iii. Clause 4.6(4)(a)(i) and (ii) as the applicant's written request has not adequately addressed the matters required to be demonstrated by subclause (3) and the proposal is inconsistent with the objectives of the Height and FSR development standards.
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 B3 – Landscaping and Biodiversity, specifically objectives (a) and (b) and controls (b), (c) and (i), in that the proposed development does not retain existing trees on site, particularly the Bunya Bunya Pine that enhances the amenity and visual setting of the site, streetscape and surrounding neighbourhood.
  - b. Part B5 – Vegetation Preservation, specifically objective (a), (b) and (d) as the proposed development does not ensure the conservation of a tree of ecological, environmental and aesthetic significance.
  - c. Part B8 - Transport
    - i. Clause 8.2.1 Vehicle Access control (m) in that the driveway and vehicular ramp grades are not in accordance with the relevant Australian Standards.
    - ii. Clause 8.2.2 Car Parking Provision Rates, specifically objective (b) and control (h), as the application proposes eight resident car parking spaces and the maximum is six car parking spaces. Additionally, the proposal provides no visitor spaces when one is required and no motorcycle spaces when three are required.
  - d. Part B10 – Safety, specifically objective (a) and controls (d) and (e) as the proposed entry path and lobby on the south side of the site may cause conflict and potential safety issues.
  - e. Part B12 – Design Excellence, specifically objective (a) and control (e) as the proposed development does not achieve design excellence as it does not appropriately consider the context and streetscape, separation distances, environmental impacts, street frontage heights and the relationship of the development to other development on neighbouring sites.
  - f. Part B14 – Excavation, specifically objectives (b), (c), (d) and (f) and control (d) as the proposal provides excessive excavation to accommodate additional parking beyond the controls and the front apartment is partially below street level.
  - g. Part C4 – High Density Residential Development;
    - i. Clause 4.1 Site, Scale and Frontage, specifically objectives (c) and (d) and control (b), as the proposal exceeds the maximum FSR permitted and results in unacceptable impacts. The subject site cannot accommodate the scale of the proposed development and provide an appropriate envelope and separation distances.



- ii. Clause 4.2 Height, specifically objectives (a) and control (a), as the proposal exceeds the maximum height permitted and does not respond to the desired scale and character of the street and locality.
  - iii. Clause 4.3 Excavation, specifically objectives (c) and control (b), as the proposal includes excavation within 1.5m of side boundaries.
  - iv. Clause 4.5 Building Design and Streetscape, specifically objectives (a) and (b) and control (a), in that the density and scale of the proposal is not in keeping with the street or streetscape character.
  - v. Clause 4.8 Pedestrian Access and Entry, specifically objectives (a) to (d) and controls (f), in that the entry to the building is not legible, clear and safe.
  - vi. Clause 4.9 Landscaping, specifically control (a) in that the proposed development does not retain existing trees on site, particularly the Bunya Bunya Pine that enhances the amenity and visual setting of the site, streetscape and surrounding neighbourhood
  - vii. Clause 4.11 Visual Privacy and Security, specifically objectives (a) and (b) and controls (d) and (f), in that the proposed development provides inadequate separation distances to ensure the visual and acoustic privacy of adjoining dwellings is preserved.
  - viii. Clause 4.13 Building Services, specifically objective (a) and controls (a) and (b), as the proposed development does not provide outdoor clothes drying areas.
  - ix. Clause 4.14 Interwar Flat Buildings, specifically, objective (b), (c) and (d) and control (b), in that proposal does not conserve and retain the existing Interwar flat building on the site which contributes to the character of the streetscape.
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 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.
  4. 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 unnecessarily removes significant vegetation therefore the site is unsuitable for the development.
  5. 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.

*N Mattock, R Wallace and C Holle (objectors) addressed the meeting*

**3/28-30 Fletcher Street, Bondi - Review of decision seeking alterations and additions to unit 3 including internal reconfiguration and side extension (DA-402/2019/1)**

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

P Stein declared a non-pecuniary interest in Item WLPP-2008.7 – 3/28-10 Fletcher Street, Bondi – Review of decision seeking alterations and additions to unit 3 including internal reconfiguration and side extension (DA-402/2019/1) as he chaired the Local Planning Panel meeting in April 2020 that determined the original Development application. P Stein did not participate in the deliberation of this item.

**COUNCIL RECOMMENDATION:** That the application be refused for the reasons 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. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The decision to refuse the application is changed to an approval subject to standard conditions and General Modification condition.

**For the RESOLUTION:** Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**REASONS:** The Panel is satisfied that the addition is acceptable for the following reasons:

- Unit 3 is uniquely located at the base of the residential flat building at the same level as the basement carpark and therefore is not visible from the public domain or adjoining residential properties
- The impact on the streetscape is minimal
- There are no adverse amenity impacts for adjoining residents
- A condition has been imposed to address Council concerns in relation to Stormwater and protection of the existing easement.

*D Hughes (on behalf of the applicant) addressed the meeting*

**7 George Street, Dover Heights - Demolition of existing two storey dual occupancy dwelling and construction of a new two storey dual occupancy dwelling with integrated parking and associated strata subdivision. (DA-108/2020)**

Report dated 14 August 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 floor space ratio 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 Officer's report and recommended conditions subject to the insertion and amendment of the following conditions:

**1A GENERAL MODIFICATION**

The application is approved subject to the following plan amendments;

- (a) The planters to the east and west of the first floor rear terrace shall be increased in width to have a minimum dimension of 2m from the edge of the ground floor facade to better protect the privacy to adjoining properties.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

**23 - DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken, in particular but not limited to 5A, 5B & 9 George Street and 17 & 19 Bulga Road. The dilapidation report is to be made available to affected property owners on request.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**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. The Panel has also added and amended conditions 1A and 23 of the consent.

*M Codron, L Dixon, Z Mekler (objectors) addressed the meeting*

**Bronte Park reserve, Bronte Road, Bronte - Demolition and proposed reconstruction of the South Bronte Beach Amenities and Community Centre with trafficable roof and landscaping works (DA-138/2020)**

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

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

**RESOLUTION:** That the application be approved in accordance with the conditions contained in the Officer's report.

**For the RESOLUTION:** Stein, Brown, Morrish and Robinson

**Against the RESOLUTION:** Nil

**REASONS:** The Panel considered the clause 4.15 assessment in the Officer's report and was satisfied that the proposal is acceptable and warrants approval. The Panel considers this to be a sympathetic project which will improve the Bronte Beach Reserve.

*S Cassidy (on behalf of the applicant) addressed the meeting*

**THE MEETING CLOSED AT 3.50PM.**