

# MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 22 SEPTEMBER 2021

## Panel members present:

Jacqueline Townsend (Chair)  
Jan Murrell  
Annelise Tuor  
Sandra Robinson (community representative)

## Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Ms J Zancanaro	Acting Manager, Development Assessment
Ms R Siaoosi	Administration Officer

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*At the commencement of the public proceedings at 12.07 pm, those panel members present were as listed above.*

*At 1.45pm, the meeting was closed to the public.  
At 2.15pm, the Panel reconvened in closed session.  
At 4.50pm, the meeting closed.*

## **WLPP-2109.A**

### **Apologies**

There were no apologies

## **WLPP-2109.DI**

### **Declarations of Interest**

The Chair called for declarations of interest and one was received.

*J Murrell advised a non pecuniary, non significant conflict of interest and did not participate in item WLPP-2109.8 - 118 MacPherson Street, BRONTE NSW.*

## **WLPP-2109.R**

### **Determinations**

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend  
**Chairperson**

**WLPP-2109.1**

**42 Varna Street, WAVERLEY NSW 2024 - Partial demolition and alterations and additions to the existing semi-detached dwelling (DA-232/2021)**

Report dated 13 August 2021 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 contained in Appendix A of the Officer's report.

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*M O'Donnell, (objector) addressed the meeting.*

**WLPP-2109.2**

**197 Old South Head Road, BONDI JUNCTION NSW 2022 - Alterations and additions to convert shop top housing development to commercial premises for skin and beauty therapy, including new second floor addition and hardstand car space and double garage at rear. (DA-155/2021)**

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

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**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 and height development standards. 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.

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

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*H Rubenstein and R Garnett (on behalf of the applicant) addressed the meeting.*

**WLPP-2109.3**

**14 Bulga Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling house, including infill of an existing balcony. (DA-243/2021)**

Report dated 10 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**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.

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

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*L Katz (on behalf of the applicant) addressed the meeting.*

**WLPP-2109.4**

**125 Military Road, DOVER HEIGHTS NSW 2030 - Demolition of existing dwelling for the construction of a new two storey attached dual occupancy including excavation for a basement level and car parking, swimming pools at the rear and Strata subdivision. (DA-235/2021)**

Report dated 10 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be refused by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**RESOLUTION:** This development application is refused for the reasons contained in Appendix A of the Officer's report.

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*R Tawadros and C Schulman (on behalf of the applicant) addressed the meeting.*

**WLPP-2109.5**

**Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH NSW 2026 - Integrated Development: Installation of building identification signage, business identification signage and way finding signage at Bondi Pavilion. (DA-206/2021)**

Report dated 10 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**RESOLUTION:** The Panel approves the development application in accordance with the recommendations in the Officer's report subject to amending condition 2 to read as follows (following receipt of Heritage NSW general terms of approval):

**Amend condition 2 to read as follows:**

## **2. HERITAGE NSW – GENERAL TERMS OF APPROVAL**

### **A. APPROVED DEVELOPMENT**

(a) Development must be in accordance with:

a) Architectural drawings, prepared by Tonkin Zulaikha Greer Architects, as listed below:

<b>Dwg No</b>	<b>Dwg Title</b>	<b>Date</b>	<b>Rev</b>
<b>Project Name: Bondi Pavilion Signage &amp; Wayfinding</b>			
SG-001	Cover Page	20/05/2021	-
SG-002	Naming Plan - Ground Floor	20/05/2021	L
SG-003	Naming Plan - First Floor	20/05/2021	L
SG100	Signage Plan - Ground Floor	20/05/2021	L
SG-101	Signage Plan - Ground Floor	20/05/2021	L
SG-200	North Elevation	20/05/2021	L
SG-201	South Elevation	20/05/2021	L
SG-202	East & West Elevations	20/05/2021	L
SG-203	Internal Courtyard Elevations 1	20/05/2021	L
SG-204	Internal Courtyard Elevations 2	20/05/2021	L
SG-205	Internal Courtyard Elevations 3	20/05/2021	L
SG-300	Signage Height Overview	20/05/2021	L
SG - 400	Type FG - Flag Signage - External Identification	20/05/2021	L
SG - 410	Type FG - Flag Signage - Internal Identification	20/05/2021	L
SG - 420	Type FG - Flag Signage - Internal Directional	20/05/2021	L
SG - 500	Type FR - Free Standing Signage - External Identification	20/05/2021	L
SG - 501	Type FR - Free Standing Signage - External Identification	20/05/2021	L
SG - 502	Type FR - Free Standing Signage - External Identification	20/05/2021	L

SG - 600	Type GR - Ground Graphics - External Identification	20/05/2021	L
SG - 700	Type LE - Individual Letters - External Identification	20/05/2021	L
SG - 710	Type LE - Individual Letters - Internal Identification	20/05/2021	L
SG - 800	Type PA - Wall-Fixed Panel - Internal Identification	20/05/2021	L
SG - 810	Type PA - Wall-Fixed Panel - External Directional	20/05/2021	L
SG - 820	Type PA - Wall-Fixed Panel - Internal Directional	20/05/2021	L
SG - 821	Type PA - Wall-Fixed Panel - Internal Directional	20/05/2021	L
SG - 830	Type PA - Wall-Fixed Panel - External Identification	20/05/2021	L
SG - 900	Type SC - Digital Screens	20/05/2021	L

- b) Report titled Bondi Pavilion Restoration + Conservation Project, Statement of Heritage Impact Signage, prepared by Tonkin Zulaikha Greer Heritage, dated May 2020.
- c) Letter titled Integrated Development Application - Detailed Installation of Signage at Bondi Pavilion, Bondi Beach, Statement of Environmental Effects prepared by Ethos Urban dated 24 May 2021.

#### **B. FURTHER INFORMATION**

- (a) Fixing of signage to significant fabric should use existing fixing points as much as possible. Details of fixing methods shall be submitted for approval to the Heritage Council (or its delegate) with the section 60 application.

*Reason: To ensure the works have minimal impact on significant fabric.*

#### **C. HERITAGE CONSULTANT**

- (a) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### **D. SPECIALIST TRADESPERSONS**

- (a) All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

#### **E. SITE PROTECTION**

- (a) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

- (b) Significant existing signage including the 'Do not spit' wall signage, which provides evidence of early uses shall be retained, protected and conserved as part of the project.

*Reason: To ensure significant signage is conserved and protected.*

#### **F. PHOTOGRAPHIC ARCHIVAL RECORDING**

- (a) A photographic archival recording of the affected areas must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

#### **G. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

- (a) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.*

#### **H. ABORIGINAL OBJECTS**

- (a) The Applicant must submit evidence of how potential impacts to Aboriginal objects have been assessed in accordance with Heritage NSW guidelines (available online at: <https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/before-you-apply/>). The assessment must be provided with the s60 application.
- (b) The applicant must identify any requirement for an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 at the time of submitting the s60 application, based on the outcome of an Aboriginal cultural heritage assessment prepared in accordance with Heritage NSW guidelines.



*Reason: Additional values linked to Aboriginal cultural and archaeological heritage of the Bondi Beach Cultural Landscape have been identified in the recently Endorsed Conservation Management Plan. However, these values have not yet been reconsidered under the Heritage Act 1977. It is appropriate that results of the physical testing are provided to the Heritage Council of NSW to understand what results may have been identified during this investigation.*

- (c) Should any Aboriginal objects be uncovered by the work which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

#### **I. COMPLIANCE**

- (a) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **J. SECTION 60 APPLICATION**

- (a) An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

#### **K. ADVICE**

Heritage NSW recommends that a signage policy be developed for Bondi Beach Cultural Landscape (SHR no 01786) to coordinate and manage the full range of signage on site and to minimise visual clutter and intrusion on heritage values. The signage policy should be referred to the Heritage Council (or its delegate) for comments. Any future signage proposal should be consistent with the final signage policy.

**REASON:** The Panel generally concurs with the recommendations in the Officer's report as amended by the Panel.

**For the Resolution: Townsend, Murrell, Robinson and Tuor**

**Against the Resolution: NIL**

*M Henderson (on behalf of the applicant) addressed the meeting.*

**13 Thompson Street, TAMARAMA NSW 2026 - Demolition of dwelling and construction of a three storey dwelling with integrated double garage and new swimming pool to rear. (DA-178/2021)**

Report dated 10 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**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 and height development standards. 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 subject to the following conditions amended by the Panel:

**Amend condition 2 as follows:**

- (f) The east facing windows labelled W1.04 and W2.09 are to be translucent glazing to limit overlooking into the neighbouring property.
- (g) The entire ground floor outdoor terrace (extending to rear from the glazing line of W0.02) is to be lowered to sit no higher than the existing floor level of the terrace on site (that is, RL 32.72). In this respect, the undercover terrace area, pool terrace, plunge pool coping level and perimeter planters are to be lowered to finished floor level of RL32.72. A stair between W0.02 glazing line and RL32.72 may be provided for the change in levels (stairs should be the minimum depth, required by relevant standards). The boundary walls to the ground floor terrace shall be reduced by the same amount, accordingly.

**Insert new condition 3 (and remaining conditions get renumbered accordingly) to read as follows:**

**3. BUILDING HEIGHT**

- (a) The height of the dwelling must not exceed RL 42.90 to top of roof/parapet, RL 43.20 to the top of plant / roof services / solar panels and RL 43.80 (AHD) to the top of the clerestory butterfly roof.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the buildings accords with (a) above, to the satisfaction of the Principal Certifier.

**REASON:** The Panel concurs with the recommendations in the Officer's report as amended by the Panel to clarify condition 2 in response to the oral submission made by the neighbour at the Public meeting.

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution: NIL**

*K Shaw (Objector) R Peters (on behalf of the applicant) addressed the meeting.*

**WLPP-2109.7**

**2 MacKenzie Street, BONDI JUNCTION NSW 2022 - Alterations and additions to semi detached dwelling including internal reconfiguration, ground and first floor additions and attic dormer. (DA-193/2021)**

Report dated 10 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be granted deferred commencement by the Waverley Local Planning Panel subject to the matters in Appendix A and conditions in Appendix B.

**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 that consent may be granted to the development application that contravenes the floor space ratio and 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 as a deferred commencement consent in accordance with the recommendations except for the following:

**Add new deferred commencement matter 5 to read as follows:**

5. The proposed dormer and window is not approved and is to be deleted from the Plans. The existing roof profile is to be maintained.

**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 deletion of the proposed dormer. The majority of the Panel considered that the proposed dormer reduced the contribution of the building to the Mill Hill Heritage Conservation area and serves limited purpose as the adjoining roof space is not habitable GFA.

Ms Murrell accepts the Heritage Officer's recommendation as on balance the applicant may choose to utilise a dormer with a rear upper-level extension for a bedroom. Clearly this would have to be accepted on its merits.

**For the Resolution:** Townsend, Robinson, Murrell and Tuor

**Against the Resolution:** NIL

*M O'Donnell (on behalf of the applicant) addressed the meeting.*

**WLPP-2109.8**

**118 MacPherson Street, BRONTE NSW 2024 - Substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies and construction of a new rear garage (DA-40/2021)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be refused by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**RESOLUTION:** This development application is refused for the reasons contained in Appendix A of the Officer's report and as amended by the Panel:

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 2012, in particular the following provisions:
  - a. *Clause 4.4 Floor Space Ratio* as the proposal exceeds the Floor Space Ratio development standard applicable to the subject site in accordance with the Waverley Local Environmental Plan 2012.  
(Two surveys have been submitted to Council with conflicting site areas, which results in the non-compliance.)

**REASON:** The Panel concurs with the reasons for refusal in the Officer's report as amended by the Panel. The Panel notes that due to the conflicting surveys, which show different site areas, the FSR is uncertain.

**For the Resolution:** Townsend, Robinson and Tuor

**Against the Resolution:** NIL

*M Taylor, E Maxwell, P McQueen (Objectors), S Hanson, D Waghorn (on behalf of the applicant) addressed the meeting.*

*J Murrell advised a non pecuniary, non significant conflict of interest and did not participate in item WLPP-2109.8 - 118 MacPherson Street, BRONTE NSW.*

**21-23 Imperial Avenue BONDI NSW 2026 - Alterations and additions to convert a residential flat building to an attached dual occupancy, including rear extensions, new decks to ground and first floor levels; and Torrens title subdivision of site into two lots. (DA-121/2021)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**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 and lot size development standards. 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 the following conditions as amended by the Panel:

**Amend condition 2(a) and add subclause (g) and (h) to read as follows:**

- (a) All glazing to bathrooms (including ensuites) and stairwells/voids on the first floor level shall be translucent.
- (g) The first floor rear deck to each dwelling shall comprise of solid, fixed privacy screening on each side elevation to a height of minimum 1.6m measured above finished floor level.
- (h) The legend in the Plan No DA00 is to be updated to include all abbreviations shown in the set of architectural plans.

**REASON:** The Panel concurs with the recommendations in the Officer's report subject to the additional privacy measures. The applicant's request to reduce the affordable housing contribution is not supported by the Panel based on the information provided.

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*N Dowman (on behalf of the applicant) addressed the meeting.*

**575, 577, 581 & 581A Old South Head Road, ROSE BAY NSW - Demolition of all structures and construction of three x four-storey residential flat buildings including infill affordable housing units and basement parking. (DA-204/2020)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**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. 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 conditions as amended by the Panel:

**Add Condition 2A to read as follows:**

#### **2A. SUBSTATION BLAST AND FIRE WALL**

Prior to the issue of an Occupation Certificate, the substation blast and firewall, which is located adjacent to the substation on the southern boundary, as shown on ground floor plan A1.03 revision U, is to provide acoustic attenuation to minimise noise impacts to 573 Old South Head Road.

**Add Condition 2B to read as follows:**

#### **2B. MECHANICAL PLANT AND EQUIPMENT ON ROOF**

(a) Prior to the issue of any Construction Certificate, evidence by a suitably qualified mechanical engineer must be submitted to and approved by the Executive Manager Development Assessment (or delegate), that the structures to accommodate the plant, services and lift overruns are the minimum size required to service the buildings. Options to reduce the size of the structures must be explored. There must be no increase.

(b) These structures in the future are not to be used as habitable space at any time.

**REASON:** The Panel generally concurs with the recommendations in the Officer's report. Further work is required on the substation blast and firewall and on the size of the plant on the roof.

**For the Resolution:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*M Prayster, P Belinfante (Objectors), L Kosnetter, A Hipwell, G Melville and I Leis (on behalf of the applicant) addressed the meeting.*

**98, 100, & 102 Brighton Boulevard, NORTH BONDI NSW 2026 - Modifications to approved shop top housing development, including proposed balcony on the uppermost floor level, raising central roof area, and new window openings. (DA-159/2015/B)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the modification application be approved by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

**RESOLUTION:** The Panel approves the modification application in accordance with the recommendations in the Officer’s report and conditions as amended by the Panel.

**Amend Condition 1(a) to read as follows:**

1.106 / Rev P	Roof Plan	<b>26/08/2021</b>	30/08/2021
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**Amend Condition 2(c) to read as follows:**

The proposed increase in height to the north-western boundary wall is not approved. The boundary wall height is to revert back to what was approved under DA-159/2015/A.

**REASON:** The Panel concurs with the recommendations in the Officer’s report. 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:** Townsend, Murrell, Robinson and Tuor

**Against the Resolution:** NIL

*I Moon (Objector), W Van Wyk and L Buttenshaw (on behalf of the applicant) addressed the meeting.*

THE MEETING CLOSED AT 4.50PM