

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD AT THE WAVERLEY COUNCIL CHAMBER
ON WEDNESDAY 26 JUNE 2019**

Panel members present:

The Hon Paul Stein (Chair)
Michael Harrison
Jan Murrell
Allyson Small

Also present:

| | |
|----------------|---|
| Ms A Rossi | Manager, Development Assessment (Central) |
| Ms B McNamara | Manager, Development Assessment (North/South) |
| Ms K DesChamps | Administration Officer |
| Ms E Finnegan | A/Manager, Development Assessment |

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

At 1.10pm, the meeting was closed to the public.

At 2.00pm, the Panel reconvened in closed session.

At 2.58pm, the meeting closed.

WLPP-1906.A

Apologies

There were no apologies

WLPP-1906.DI

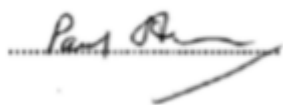
Declarations of Interest

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

WLPP-1906.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

WLPP-1906.1

5 & 5A St Thomas Street, Bronte - Demolition of a pair of semi-detached dwellings and construction of two semi-detached dwellings, including shared pool and common garage (DA-342/2018)

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

DECISION: That the application be refused in accordance with the reasons contained in the report, as amended by the Panel, as follows:

- Renumber reasons so that (2) becomes (1) and (1) becomes (3) and adjust subsequent numbering accordingly.
- Add subclause (c) into Reason (5) to read as follows:
(c) Lack of view loss analysis.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

L Griffiths (on behalf of 7 St Thomas St), G Tomaszuk (27A Yanko Ave), V Wilson (representative from Bronte Beach Precinct), B Delapierre (on behalf of owners of 25 Yanko), C Seton (3A St Thomas Street) (objectors) and M MacCormick (on behalf of the Applicant) addressed the meeting.

WLPP-1906.2

Unit 3 / 8-10 Notts Avenue, Bondi Beach - Alterations and additions to unit 3 including internal reconfiguration, roof extension and external material changes (DA-329/2018)

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

DECISION: The Waverley Local Planning Panel in 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 which contravenes the floor space ratio development standard. The Panel is satisfied that the objectives of the standard and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

REASONS: The Panel has visited the site and the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

WLPP-1906.3

43A Denham Street, Bondi Beach (alternate address: 34A Francis Street) - Alterations and additions to residential flat building (DA-118/2018)

Report dated 14 June 2019 from the Development and Building Unit.

DECISION: That this development application be approved subject to the conditions in the officer's report, as amended by the Panel, as follows:

Add Condition (14):

14. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

REASONS: The Panel has visited the site and the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval. The Panel has added a condition concerning the provision of a geotechnical report.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

D Doyle (6/34 Francis St) (objector) and M Stubbs (Architect on behalf of the Applicant) addressed the meeting.

WLPP-1906.4

30 & 32 O'Brien Street, BONDI BEACH - Modification to DA-159/2017, including additional dormer windows, skylights and internal staircase (DA-159/2017/A)

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

DECISION: That this modification application be refused in accordance with the reasons contained in the report.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

S Crow (1/22-28 O'Brien St) (objector), A Chougam (CVMA Architects on behalf of the Applicant) addressed the meeting.

WLPP-1906.5

4/121-123 Wellington Street, Bondi Beach - Alterations and additions to unit 4 (DA-431/2018)

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

DECISION: The Waverley Local Planning Panel in 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 which contravenes the floor space ratio development standard. The Panel is satisfied that the objectives of the standard and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

That this development application be approved subject to the conditions attached to the planning officer's report.

REASONS: The Panel has visited the site and the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

E Kovalenko (on behalf of the applicant) addressed the meeting.

WLPP-1906.6

46-48 Glasgow Avenue Bondi Beach - Modifications to the approved dwelling to delete Conditions 2(a)-(f) and general amendments to the approved ground floor plan and first floor plan (DA-171/2018/A)

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

DECISION: That this modification application be approved subject to the recommended conditions contained in the planning officer's report, as amended by the Panel, as follows:

Amend Condition (5) as follows:

5. DOMESTIC HEATING/FIREPLACES

The provision of solid fuel heating is prohibited. In this regard, the fireplaces shall use liquid fuels or gaseous fuels such as gas (and not wood, coal or other solid fuels).

REASONS: The Panel visited the site and has considered the planning officer's report and is of the view that this application warrants approval.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

G Stalley (on behalf of owner of 37 Warners Ave), N Lau (33 Warners Ave) (objectors) and W Gordon (on behalf of the Applicant) addressed the meeting.

WLPP-1906.7

5 Nancy Street, NORTH BONDI NSW 2026 - Demolition of existing dwelling and construction of a new dual occupancy including strata subdivision, new carport and associated landscaping works for each (DA-385/2018).

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

DECISION: The Waverley Local Planning Panel in 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 which contravenes the floor space ratio development standard. The Panel is satisfied that the objectives of the standard and the zone are met and the development is therefore in the public interest. The Panel concurs on behalf of and as the delegate of the Secretary of the Department of Planning and Environment.

That this development application be approved subject to the conditions attached to the planning officer's report as amended by the Panel, as follows:

Amend Condition (23):

23. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

- (a) The landscape plan is to be updated to reflect the driveway and car parking amendments imposed under condition 2 of this consent. The amended landscape plan shall include additional permeable areas at the frontage and also provide for the planting of two canopy trees in that area.

REASONS: The Panel has visited the site and the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

V Milligan (Planner on behalf of the Applicant) addressed the meeting.

WLPP-1906.8

1A Reina St, NORTH BONDI - Review of previous refusal of proposed alterations and additions to existing dual occupancy development (DA-367/2018/1)

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

DECISION: That the decision to refuse the development application be changed to one of approval by the Waverley Development Assessment Panel.

REASONS: The Panel concurs with the planning officer's report on this development application and is of the opinion that it warrants approval. The Panel notes the development will still comply with the controls of FSR and height.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

LA Katz (on behalf of the Applicant) addressed the meeting

WLPP-1906.9

3 Gilgandra Road, NORTH BONDI - Alterations and additions to existing two storey secondary dwelling to convert to a detached dual occupancy (DA-36/2019)

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

DECISION: That the application be refused in accordance with the reasons contained in the planning officer's report, as amended by the Panel, as follows:

- Renumber reasons so that (1) becomes (2) and adjust subsequent numbering accordingly
- Add to subclause (a) and (b) of Reason (1)
- Amend Reason (4)
- Add Reason (7)

Amend Reasons (1), (4), and add Reason (7) as follows:

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 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum floor space ratio, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality and the Panel does not support the Clause 4.6 variation written request.
 - b. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the floor space ratio development standard and the zone objectives. As such, the development is not in the public interest.
4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
 - a. Accuracy and clarity of proposed plans, sections and elevations
 - b. Accuracy and clarity of draft strata plan
7. The existing structure on the land is built to the boundary on three sides and this is not appropriate for good design of a two-storey dwelling.

For the Decision: Stein, Harrison, Small, Murrell

Against the Decision: Nil

A Boskovitz, E Grescheit and W Black (on behalf of the Applicant) addressed the meeting.

THE MEETING CLOSED AT 2.58PM.