

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 23 JUNE 2021**

Panel members present:

Hon Paul Stein (Chair)
Peter Brennan
Jan Murrell
Sandra Robinson (Community Rep)

Also present:

Ms A Rossi	Acting Executive Manager, Development Assessment
Ms B McNamara	Manager, Development Assessment (North/South)
Mr B Magistrale	Acting Manager, Development Assessment
Ms R Siaosi	Administration Officer

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

At 1.35pm, the meeting was closed to the public.

At 2.00, the Panel reconvened in closed session.

At 3.45pm, the meeting closed.

WLPP-2106.A

Apologies

There were no apologies

WLPP-2106.D1

Declarations of Interest

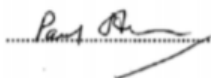
The Chair called for declarations of interest, and one was received.

S Robinson advised as a potential conflict as she acted as a Town Planner for the resident/owner at 14 Notts Ave and provided advice. S Robinson did not participate in Item WLPP-2106.4.

WLPP-2106.R

Determinations

The Panel resolved to make the following determinations overleaf.



Paul Stein
Chairperson

19 Dellview Street, Tamarama - Review of decision seeking alterations and additions to the existing residential flat building including construction of new garages, balconies/decks, internal alterations and strata subdivision. (DA-326/2020/1)

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

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

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel, as follows:

Additional subclause - Condition 2(d)

2. General Modifications

(d) The Strata Plan shall be amended to delete all references to the second floor..

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

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

A Smith (applicant) addressed the meeting.

2 Birrell Street, Bondi Junction - Change of use from dwelling house to a medical centre with internal and external alterations, car parking, signage and landscape works. (DA-12/2021)

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

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

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend condition 2(b) and insert new subclause 2(e):

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The palisade fence is not to exceed a maximum height of 1500mm above natural ground level with hedging able to extend higher.
- (b) As ceilings in the forward areas of the residence are of notable and original detail, opening of the entry hall western side wall to provide a reception area, the wall between the dining and living room, and wall between kitchen and bedroom 3, should incorporate a drop beam detail maintaining the original ceilings and cornices with a beam depth of 450mm minimum.
- (c) A schedule of restoration/ maintenance works to external detailing including woodwork, face brick tuckpointing and roof cladding is to be provided for the approval of Council's Heritage Officer.
- (d) The amended signage on a low free standing, post supported panel in the front yard is supported subject to submission of a signage design including colours and no illumination of the sign.
- (e) The Landscape Plan shall be amended as follows:
 - i. Address condition 30 – Tree Removal
 - ii. Update the landscape plan in accordance with the approved architectural plans (including car parking arrangement)
 - iii. Increase the perimeter planting in the rear yard to provide planters that are a minimum 1m in soil width for the full extent. The planters shall be landscaped in accordance with the approved landscape plan.

The amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

Add new condition 3 (subsequent numbering of conditions to be adjusted accordingly)

3. APPROVED USE

The approved use for the site is a 'health services facility', which means "a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—(a) a medical centre". In this regard, "Medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services. Note— Medical centres are a type of health services facility".

Amend condition 29 (now becomes condition no 30) to read as follows:

30. TREE REMOVAL

- (a) The removal of the four proposed trees on site according to the Landscape Plan prepared by Discount Landscape, Plans DWG; L/01, dated 18/11/2020 are supported subject to 4 replacement trees of local native species being planted on the site, prior to the issue of an Occupation Certificate. The replacement trees are to be minimum of 50L pot size at time of planting with size and species to be shown on an amended Landscape Plan, prior to the issue of the relevant Construction Certificate.
- (b) Situated on the naturestrip in St James Road is one (1) Callistemon species tree, 2 metres in height with a canopy width of 2 metres and in poor health. To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the tree but must plant a replacement tree. The following conditions will apply:
 - (i) Plant one (1) replacement tree on the naturestrip in St James Road. The tree is to be planted where the **existing vehicle crossing to be removed and made good as per council specification**. The tree is to be planted prior to the issue of an Occupation certificate. The tree is to be a *Callistemon Dawson River* and must be a minimum pot size of 75 litres when planted. The tree is to be planted by a horticulturist (Min qualification AQF Level 3).

Add new condition to read as follows:

42. HERITAGE RESTORATION WORKS

All heritage restoration works are to be completed to the satisfaction of Council's Heritage Architect prior to the issue of an Occupation Certificate.

For the RESOLUTION: Stein, Brennan and Murrell

Against the RESOLUTION: Robinson

REASON: The majority of the Panel generally agrees with the Planning Officer's report but have added a number of conditions to better protect the heritage fabric and setting of the building.

Ms Robinson voted against the resolutions given her concerns about the development's inconsistency with the objectives of Zone R3.

T Gellibrand, E Scarf and Tony Moody (objectors) D Barber and Dr M Lee (applicant) addressed the meeting.

**3 Grove Street, Bondi - Review of determination for alteration of existing front fence and porch for construction of a new hard stand car space at front of site and new vehicle crossover.
(DA-406/2020/1)**

Report dated 10 June 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 set out in the Planning Officer's report.

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

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

P Corbett and C Faulkner (on behalf of the applicant) addressed the meeting.

1 Notts Avenue, Bondi Beach - Alterations and additions to Level 4 Icebergs Dining Room and Bar including internal reconfiguration, new roofed area, signage and works to the entrance and parking areas. The proposal also includes an extension of trading hours of the outdoor terrace to 10pm. (DA-440/2020)

Report dated 11 June 2021 from the Development and Building Unit.

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

S Robinson advised as a potential conflict as she acted as a Town Planner for the resident/owner at 14 Notts Ave and provided advice. S Robinson did not participate in Item WLPP-2106.4.

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend Conditions 21 and 70(a) to read as follows:

21. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the development;

...

70. WASTE STORAGE FOR PREMISES

- (a) A waste management plan must be submitted to and approved by Council's Waste Officer, that includes all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises relating to this consent.

For the RESOLUTION: Stein, Brennan and Murrell

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the Planning Officer's report and the conditions of consent make it clear that the public viewing platform is maintained (see condition 3) at all times. The trial period will allow for the hours to be assessed as part of a future application.

L Holland, M Nunez (objectors), Dr G Shields, M Terzin (Applicant) addressed the meeting.

68 Sir Thomas Mitchell Road, Bondi - Alterations and additions to dwelling including internal reconfiguration, demolition of secondary dwelling and construction of a new dwelling to form a dual occupancy with Strata subdivision. (DA-23/2021)

Report dated 11 June 2021 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. In the opinion of the Panel, the objectives of the zone and the development standards 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 Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

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

D Palmer and D O'Toole (on behalf of the applicant) addressed the meeting.

7-13 Bondi Road, Bondi Junction- Construction of a 9-storey residential flat building containing 42 apartments with two levels of basement for parking, plant and waste rooms, communal open space areas on the ground floor and rooftop and alterations and additions to the existing semi-detached dwelling on site. (DA-401/2020)

Report dated 10 June 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 set out in the Planning Officer's report as amended by the Panel, as follows:

Amended Reason for refusal 2(b) to read as follows:

2(b) - Waverley Local Environmental Plan (WLEP) 2012 as the development fails the following provisions:

- i.* Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unreasonable amenity impacts and be incompatible with the desired future character of the locality.
- ii.* Clause 4.5(6) as the proposal seeks to include the site area of 13 Bondi Road into the proposed development, despite there being no significant development on that additional lot.
- 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 FSR development standard.

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

REASON: The Panel concurs with the reasons for refusal for the reasons set out in the Planning Officer's report as amended by the Panel.

P A Chauvet and A Boskovitz (objectors), addressed the meeting.

52 Albion Street, Waverley - Alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including new first floor addition, garages and Strata subdivision. (DA-114/2021)

Report dated 9 June 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 set out at pages 370 – 372 in the Planning Officer’s report.

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

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

No speakers addressed the meeting.

154 Ramsgate Avenue, North Bondi - Demolition of existing structures; construction of a three storey residential flat building containing apartments with integrated basement parking; and tree removal. (DA-152/2021)

Report dated 15 June 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 set out at pages 430 – 432 of the Planning Officer’s report.

For the RESOLUTION: Stein, Brennan, Murrell and Robinson

Against the RESOLUTION: NIL

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

A Coroneo (objector), A Harvey (on behalf of applicant) addressed the meeting.

The meeting closed at 3.45pm