

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD BY
VIDEO CONFERENCE ON
WEDNESDAY, 29 APRIL 2020**

Panel members present:

The Hon Paul Stein (Chair)
Jan Murrell
Richard Thorp
Allyson Small (Community Rep)

Also present:

Mr P Monks	Director, Planning, Environment & Regulatory Services
Mr M Reid	Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Central)
Mrs B McNamara	Manager, Development Assessment (North/South)
Ms B Matlawski	Manager, Development Assessment
Ms R Siaoosi	Administration Officer

At the commencement of the public proceedings at 12.05pm, those panel members present were as listed above.

At 1.38 pm, the meeting was closed to the public.

At 2.15 pm, the Panel reconvened in closed session.

At 4.50 pm, the meeting closed.

WLPP-2004.A

Apologies

There were no apologies

WLPP-2004.DI

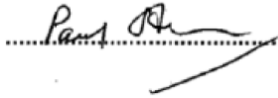
Declarations of Interest

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

WLPP-2004.R

Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read "Paul Stein", is written over a horizontal dotted line. A long, sweeping underline stroke extends from the end of the signature.

The Hon Paul Stein
Chairperson

WLPP-2004.1

248-250 Bronte Road, Waverley - Partial demolition of existing building, with the partial retention of the front facade and significant alterations and additions resulting in a three storey shop top housing development (DA-428/2019)

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

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

RESOLUTION: This development application is refused in accordance with the reasons contained in the Officer's report subject to reasons 3 (g) being deleted:

Condition 3(g) to be deleted

~~*g. Part C3 – Medium Density Residential Development*~~

- ~~i. Clause 3.1 – Site, Scale and Frontage, specifically objectives (b) and (d) as the development exceeds the maximum building height and FSR development standards that is incompatible with existing development in the streetscape.~~
- ~~ii. Clause 3.2 – Height, specifically objectives (a) and (c) and control (a) as the development exceeds the maximum building height development standard and the height of development in the streetscape and causes adverse bulk and scale impacts upon the existing building and character of the locality.~~
- ~~iii. Clause 3.3.1 – Street Setbacks, specifically objectives (a) and (d) and controls (a) and (b) as the street setback of the second floor level is inadequate in preserving and positively contributing to the streetscape character of the area.~~
- ~~iv. Clause 3.3.2 – Side and Rear Setbacks, specifically objectives (a) and (b) and controls (a) and (b) as the side and rear setbacks of the first and second floor levels contribute towards the bulk of the building, do not maintain amenity for adjoining properties and adversely impact upon the streetscape.~~
- ~~v. Clause 3.4 – Length and Depth of Buildings, specifically objectives (a) and (c) as the development exceeds the height of buildings in the immediate vicinity and would not provide good internal residential amenity for the occupants.~~
- ~~vi. Clause 3.5 – Building Design and Streetscape, specifically objectives (a)-(f) and controls (a)-(c) and (e) as the development is not of a high design standard and diminishes the contributory value of the building in the conservation area and streetscape. The development is incompatible with the existing building and is unsympathetic to the streetscape and overall appearance of the building.~~
- ~~vii. Clause 3.6 – Attic and Roof Design, specifically objective (c) and controls (a)-(c) as the flat roof form contributes to the bulk of the building and does not respond to the streetscape character of the area.~~
- ~~viii. Clause 3.8 – Pedestrian Access and Entry, specifically objective (a) as access to the basement level is only provided from the residential lobby and therefore compromises the safety of people who live in and visit the development.~~

- ~~ix. Clause 3.9 – Landscaping, specifically controls (a) and (b) as a detailed landscape plan has not been submitted and the development is non-compliant with Council’s landscaped area requirement.~~
- ~~x. Clause 3.11 – Private Open Space, specifically objectives (d) and (f) and Clause 3.11.2 – Balconies/Decks, specifically controls (a), (b) and (f) as the balcony fronting Bronte Road on the second floor level visually dominates the façade and the balcony at the rear of the first floor level, located off Bedroom 2, results in adverse visual privacy impacts.~~
- ~~xi. Clause 3.13 – Solar Access and Overshadowing, specifically objective (d) and control (c) as the development causes adverse overshadowing impacts to the adjoining property.~~
- ~~xii. Clause 3.15 – Visual Privacy and Security, specifically objectives (a) (c) and control (f) as the proposal does not maintain visual privacy for surrounding properties.~~
- ~~xiii. Clause 3.16 – Dwelling Size and Layout, specifically objective (c) as the residential unit is not provided with a high standard of residential amenity.~~
- ~~xiv. Clause 3.17 – Ceiling Heights, specifically objectives (a) (d) and control (a) as the development does not provide adequate floor to ceiling heights.~~
- ~~xv. Clause 3.20 – Natural Ventilation, specifically objective (a) and controls (a), (c), (e) and (f) as insufficient information has been provided to demonstrate that the residential unit is naturally ventilated.~~

REASONS: The Panel agrees with the Officer’s report and the application is refused for the reasons contained in that report subject to the deletion of 3(g).

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

M Main (objector on behalf of Charing Cross Village Precinct), E Rogers (on behalf of the applicant) addressed the meeting.

WLPP-2004.2

7 Alfred Street, Bronte - Alterations and additions to an existing two storey dwelling including first floor extension, internal reconfiguration, replacement of existing carport, new balcony and tree removal. (DA-433/2019)

Report dated 15 April 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 summary, conclusions and recommendation in the Officer's report subject to the amendment of the following condition:

Amend Condition 17, to read as follows:

17. GREEN ROOF LANDSCAPING DETAILS AND STREET TREES

- a) *The green roof shall comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).*
- b) *The green roof shall have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.*
- c) *The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.*
- d) *Two canopy trees shall be provided on the street verge to the satisfaction of the Council Tree Management Officer.*

REASONS: The Panel has considered submissions and the clause 4.15 assessment in the Officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval subject to amendment of condition 17.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

M MacCormick (on behalf of the applicant) addressed the meeting.

WLPP-2004.3

3/28-30 Fletcher Street, Bondi - Alterations and additions to unit 3, including internal reconfiguration and side extension (DA-402/2019)

Report dated 15 April 2020 from the Development and Building Unit.

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

RESOLUTION: This development application is refused in accordance with the reasons contained in the Officer's report.

REASONS: The Panel agrees with the Officer's report and the application is refused for the reasons contained in that report.

For the Decision: Stein, Murrell and Small.

Against the Decision: Thorp.

M Solomon (on behalf of the applicant) addressed the meeting.

WLPP 2004.4 – 5/62 Fletcher Street, Bondi

Review of decision seeking alterations and additions to Unit 5 including internal reconfiguration and extension into subfloor area (DA-281/2019/1)

Report dated 15 April 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 Panel defers this item to the next meeting of the LPP for consideration.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

WLPP-2004.5

14 Sandridge Street Bondi - Demolition of existing semi-detached dwelling and construction of a new three storey semi-detached dwelling with garage. (DA-344/2019)

Report dated 14 April 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 summary, conclusions and recommendations in the Officer's report.

REASONS: The Panel has considered submissions and the clause 4.15 assessment in the 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, Murrell, Small and Thorp.

Against the Decision: Nil.

No persons addressed the meeting.

WLPP-2004.6

246-248 Campbell Parade, Bondi Beach - Modification to increase car stacker capacity to 16 car spaces, alter internal layout and reinstate original parapets (DA-150/2017/A)

Report dated 14 April 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 Panel approves the Section 4.56 modification of development application in accordance with the summary and conclusions and recommendations in the Officer's report subject to the recommended conditions.

REASONS: The Panel is in general agreement with the Officer's report and recommended conditions. The Panel is also satisfied having regard to the decision of the Land and Environment Court Judgment dated 19 December 2019 for this matter, in particular with regard to section 4.56(1)(a) of the EP&A Act.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

A Fitzgerald, R Read, M & J Hughes, S Griffiths (objectors) L Rosselli (applicant) addressed the meeting.

Additional written material was received from S Griffiths.

WLPP-2004.7

1-7 Curlewis Street, Bondi Beach - Demolition of the existing two storey building and construction of a four storey plus basement indoor recreation facility with associated ground level café (DA-403/2018)

Report dated 17 April 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.

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 subject to the deletion of the top level 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 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.

REASONS: The Panel has considered submissions and the clause 4.15 assessment in the Officer's report. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval subject to the deletion of the top level of the proposed development.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

G Shapiro, M Wallace, N Boaz (objectors), L Kosnetter (applicant) addressed the meeting.

144 Warners Avenue, Bondi Beach - Alterations and additions to a residential flat building including attic bedrooms and storage (DA-409/2019)

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

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

RESOLUTION: This development application is refused in accordance with the reasons contained in the Officer's report.

REASONS: The Panel agrees with the Officer's report and the application is refused for the reasons contained in that report.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

A Smith (on behalf of applicant) addressed the meeting.

101 Hastings Parade, North Bondi - Review of determination for refusal to section 4.55(2) decision which sought approval for alterations and additions to an approved dual-occupancy (DA-442/2018/1/A)

Report dated 16 April 2020 from the Development and Building Unit.

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

RESOLUTION: The original decision to refuse this modification application is reaffirmed by the Panel for the reasons contained in the Officer's report.

REASONS: The Panel agrees with the Officer's report and the application is refused for the reasons contained in that report.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

J Mead (on behalf of applicant) addressed the meeting.

42 Military Road, North Bondi - Alterations and additions to existing residential flat building (DA-399/2019)

Report dated 16 April 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 summary and conclusions and recommendations in the Officer's report as amended by the Panel:

Amend Condition 2, to read as follows:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The proposed external fixed dark louvres to the front sunroom windows for units 1 and 2 are not approved and are to be deleted.*
- (b) The proposed full timber privacy screen wall to the lower deck of unit 3 is to be lowered to a maximum height of 1.7m from the finished floor level of RL 47.17.*
- (c) There is to be no more than one sliding screen on the west and south elevation of the upper deck of the ground floor unit and is to have a maximum width of 1.5m to ensure the deck cannot be enclosed.*
- (d) The Bamboo planting shown on Drawing DA-002 shall be removed and replaced by low species planting of up to 1.5mtrs in height.*

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

Delete Condition 9:

~~9. LAUNDRY FACILITIES~~

~~*Laundry facilities must be provided in accordance with Clause F2.1 of the Building Code of Australia. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.*~~

Amend Condition 24, to read as follows:

24. CERTIFICATE OF SURVEY - LEVELS

The construction works of the ground floor decks are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans.

REASONS: The Panel agrees with the Officer's report.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

P Panson (objector), T Mithen (on behalf of the applicant) addressed the meeting.

220 Military Road, Dover Heights - Alterations and additions to a detached dwelling including a second floor addition (DA-420/2019)

Report dated 17 April 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 and in accordance with the conditions recommended in the report.

REASONS: The Panel is in general agreement with the Officer's report and notes that this building has existing use rights.

For the Decision: Stein, Murrell, Small and Thorp.

Against the Decision: Nil.

H Rubenstein (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 4.50 PM.