

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 26 May 2021**

Panel members present:

Annelise Tuor (Chair)
Graham Brown
Jan Murrell
Penelope Mora (Community Rep)

Also present:

Ms B McNamara	Acting Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Central)
Ms P Wong	Acting 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 12pm those panel members present were as listed above, with the exception of Graham Brown (who joined late).

At 1.46pm, the meeting was closed to the public.

At 2.15pm, the Panel reconvened in closed session.

At 4.55pm, the meeting closed.

WLPP-2105.A

Apologies

There were no apologies

WLPP-2105.DI

Declarations of Interest

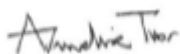
The Chair called for declarations of interest and one was received.

A Tuor declared she would not participate in Item WLPP-2105.2 as she was a Panel member in the original Development Application determination.

WLPP-2105.R

Determinations

The Panel resolved to make the following determinations overleaf.



Annelise Tuor
Chairperson

5 Dellview Street, Tamarama - Alterations and additions to semi-detached dwelling including rear first floor addition with balconies (DA-424/2020)

Report dated 12 May 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 assessment report.

For the RESOLUTION: Tuor, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel concurs with the reasons for refusal in the Officer's report.

R Brennan (objector), A Davis (applicant) addressed the meeting.

Panel member G Brown was not present at the public meeting for this item, so withdrew from deliberations on this item.

9-11 Andrews Avenue, Bondi - Review of decision seeking demolition of existing structures, construction of two new dwellings with integrated garages, tree removal, swimming pools at rear and Strata subdivision (DA-59/2020/1)

Report dated 12 May 2021 from the Development and Building Unit.

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

A Tuor did not participate in Item WLPP-2105.2 as she was a Panel member in the original Development Assessment determination.

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 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 Officer's report and recommended conditions.

For the RESOLUTION: Murrell, Brown and Mora

Against the RESOLUTION: NIL

REASON: The Panel considers the amended plans subject of this review application satisfy the concerns raised in the previous assessment. The amended plans have reduced the height and FSR to provide an appropriate transition to the lower density area and provide acceptable levels of amenity. The Panel has considered the concerns raised by residents and is of the opinion the amended plans recognise the transition in zone and satisfactorily mitigate the impacts to acceptable levels on adjoining properties.

D McKnight (Objector) and L Kosnetter (on behalf of the applicant) addressed the meeting.

Panel member, J Murrell performed in the role of Chairperson for this item.

669 Old South Head Road, Vaucluse - Demolition of all structures on site and construction of a four storey building with two retail spaces at ground floor, seven residential units above and two levels of basement car parking (DA-374/2020)

Report dated 11 May 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 height and floor space ratio development standards. 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 Officer's report and recommended conditions.

For the RESOLUTION: Tuor, Mora and Murrell

Against the RESOLUTION: NIL

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

J Bryden (applicant) addressed the meeting.

Panel member G Brown was not present at the public meeting for this item, so withdrew from deliberations on this item.

150-152 Glenayr Avenue, Bondi Beach - Demolition of existing building, removal of existing trees on site and construction of a 4 storey shop-top housing development containing 1 retail space on ground floor with 11 residential units above and car parking accessible from Glenayr Avenue (DA-354/2020)

Report dated 12 May 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 assessment report.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

Y Middleton and Simon Hanson (on behalf of the applicant) addressed the meeting.

Unit 29/ 14 Edward Street, Bondi - Extension of the existing terrace, alterations and additions and internal reconfiguration of Unit 29 (DA-24/2021)

Report dated 13 May 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 height and floor space ratio development standards. In the opinion of the Panel the objectives of both 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 Officer's report and recommended conditions.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel concurs with the reasons in the Officer's report and endorses the recommendations.

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

286-294A Campbell Parade, North Bondi - Change of operations for licensed cafe/restaurant (Cafe Bondi) to allow food preparation and cooking in Shop 2, increase internal seating capacity and extend trading hours (DA-34/2021)

Report dated 12 May 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 approves the development application as a Deferred Commencement Consent subject to Council staff including deferred commencement conditions of consent and amending the recommended conditions of consent as follows:

Deferred Commencement Consent requiring:

- Surrender of development consent, DA-299/2015;
- Building Information Certificate being approved and consistent with this approval for use (BC-84/2020); and
- Noise Acoustic report being prepared and approved by Council.

Following conditions are deleted:

- Conditions 4 & 5 (Fire Safety);
- Condition 8 (Noise Acoustic Report); and
- Condition 26 (Serving from the window).

The following conditions are to be amended:

- Condition 10 (Waste Plan of Management) is to include that the PoM is to be complied with at all times; and
- Condition 12 (b) to ensure PoM is updated to reflect the noise acoustic report required by the deferred commencement condition and any changes to business operations including future footway seating.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASON: The Panel requires certainty that the building works under the Building Information Certificate are approved, that there are no inconsistencies with the existing approval for Shop 2 and that noise impacts are assessed. The Panel has also amended and deleted conditions consequential to the deferred commencement conditions.

B Daintry (objectors) and B Babikian (on behalf of the applicant) addressed the meeting.

82 Liverpool Street, Dover Heights - Demolition of all structures on site and construction of a new two storey dwelling with basement level garage and swimming pool at rear (DA-453/2020)

Report dated 12 May 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 both 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 Officer's report and recommended conditions as amended by the Panel.

New Condition:**2 GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The rear setback (façade, roof and floor) of the upper level is to be increased to match the rear wall setback of the ground floor level.
- (b) The paved terrace off the living room and kitchen is to be reduced in width by 1m and the lawn /deep soil area extended to this area.
- (c) A retractable awning can be provided over the paved terrace.
- (d) The Landscape Plan is to be amended to include two additional Indigenous Canopy trees on the site and one new indigenous street tree, adjacent to the site in the nature strip. The applicant can contact Council's Tree Management unit for guidance.

The amendments are to be approved by the **Executive 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.

Amended condition:**40. PLANTING OF SIGNIFICANT TREES**

- (a) Prior to any Occupation Certificate being issued, the three canopy trees identified in the amended landscape plan identified in Conditions 1 and 2 must be planted.
- (b) The new street tree is to be planted adjacent to the property in accordance with Waverley Council Public Domain Technical Manual I.05 New Street Tree - Nature Strip. The tree is to be planted by horticulturists/arborists with experience in constructing tree pits and planting large container size trees.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel generally concurs with the reasons in the Officer's report and endorses the recommended conditions as amended by the Panel above. The Panel has reduced the extent of the dwelling in the rear set back area to create greater consistency with existing built form in the locality and to increase deep soil opportunities for canopy trees.

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

17 Fletcher Street, Tamarama - Alterations and additions to existing semi-detached dwelling including partial demolition, internal reconfiguration, new roof top level with terrace, construction of a new garage and removal of a tree at the rear (DA-413/2020)

Report dated 11 May 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 building height (in so far as the existing roof and proposed rooftop slab breach the height standard) and floor space ratio development standards. In the opinion of the Panel the objectives of both 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 Officer's report and recommended conditions subject to condition 2 being amended to read as follows:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) No approval is granted or implied for the roof terrace (Sky Garden). In this regard, the roof terrace including all access (stairs and associated structures) are to be deleted from the plans. The existing roof is to be retained and the entire roof shall be non trafficable.*
- (b) Any lift overrun must not exceed RL 61.870.*
- (c) Privacy screening to a height of 1.5m (measured above finished floor level) shall be provided along the eastern and western sides of the balcony/terrace at the rear of the ground floor level, designed to mitigate overlooking into the adjoining properties.*
- (d) The landscape plan shall be updated to reflect the plans referenced in Condition 1(a) and 2(a) and 2(c) of this consent.*

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

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel generally concurs with the reasons in the Officer's report and endorses the recommendations subject to the deletion of the rooftop terrace (Sky garden). The terrace and associated structures exceed the height limit and are not justified when balanced against other terraces provided in the proposed development and given the existing viewing opportunities. The Panel notes the other roof terraces nearby are residential flat buildings whereas this is a single semi detached dwelling.

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

96-104 Ebley Street, Bondi Junction - Demolition of all structures on site, excavation and construction of a new shop top housing development (DA-421/2020)

Report dated 17 May 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 Officer's report and recommended conditions.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel concurs with the reasons in the Officer's report and endorses the recommendations. The Panel notes the building compliance with the height and floor space ratio development standards and the high level of design which was fundamental to its decision.

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

12 Hall Street, Bondi Beach - Consolidation of three ground floor tenancies into a single tenancy, associated fit-out, signage and change of use to a Woolworths Metro supermarket (DA-392/2020)

Report dated 17 May 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 assessment report.

For the RESOLUTION: Tuor, Brown, Mora and Murrell

Against the RESOLUTION: NIL

REASONS: The Panel notes the request of the applicant to provide additional information in an attempt to address issues raised in the assessment report. In this regard, the Panel were of the view that the additional information requires a detailed review and assessment by Council staff prior to determination (insufficient time prior to this meeting to consider). Furthermore, the additional information may raise new issues which will need further assessment that are best dealt with by way of a Section 8.2 review rather than a deferral. Consequently, the Panel concurs with the reasons for refusal in the Officer's report.

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

The meeting closed at 4.55pm