

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD BY  
VIDEO CONFERENCE ON  
WEDNESDAY, 27 MAY 2020**

**Panel members present:**

Annelise Tuor (Chair)  
Jocelyn Jackson  
Sandra Robinson (Community Rep)  
Richard Thorp

**Also present:**

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

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*At the commencement of the public proceedings at 12 noon those panel members present were as listed above.*

*At 1.06 pm, the meeting was closed to the public.*

*At 1.35 pm, the Panel reconvened in closed session.*

*At 3.26 pm, the meeting closed.*

**WLPP-2005.A**

**Apologies**

There were no apologies

**WLPP-2005.DI**

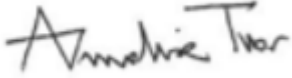
**Declarations of Interest**

The Chair called for declarations of interest and the following were received:

1. Sandra Robinson declared an interest in Item **WLPP-2005.3**, and informed the meeting that there may be a perceived conflict of interest.

**WLPP-2005.R**  
**Determinations**

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink that reads "Annelise Tuor". The signature is written in a cursive, slightly slanted style.

Annelise Tuor  
**Chairperson**

**WLPP-2005.1**

**1/4 Cross Street, Bronte – Alterations and additions to unit 1 (ground floor) within a residential flat building (DA-13/2020/1)**

Report dated 14 May 2020 from the Development and Building Unit.

**COUNCIL RECOMMENDATION:** That the Review application be refused for the reasons 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 subject to conditions in Attachment A to the minutes.

**REASONS:** The Panel, except one member viewed the site from the public domain. The Panel considered the clause 4.15 assessment in the Officer's report and the oral submission of the applicant.

The proposal is a minor addition and whilst it is forward of the building line it is not visible from the public domain, does not extend beyond the eaves of the building and therefore will have an acceptable impact on the streetscape whilst providing increased amenity for the unit.

The Panel has imposed standard conditions, as well as special conditions requiring further details of the treatment of the doors, stormwater and roof drainage and permeable open space to be provided to Council. The Panel also imposed a condition that the existing trees be retained.

**For the Decision:** Tuor, Jackson, Robinson and Thorp.

**Against the Decision:** Nil.

*U Turgeman (applicant) addressed the meeting.*

**WLPP-2005.2**

**203–209 Bronte Road, Waverley (Robin Hood Hotel) – Internal alterations to the basement, ground and first floors to provide a restaurant on the first floor and improve back of house and bathroom facilities throughout the Hotel (DA-368/2019)**

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

COUNCIL RECOMMENDATION: That the application be approved in accordance with the conditions contained in the report and the additional memo.

**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. 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 subject to the inclusion of the recommended conditions provided to the Panel in the memo on 27 May 2020.

**REASONS:** The Panel considered the clause 4.15 assessment in the Officer's report, memo and amended conditions of consent. For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval.

**For the Decision:** Tuor, Jackson, Robinson and Thorp.

**Against the Decision:** Nil.

*D Whitten (applicant) and S Gouge (on behalf of the applicant) addressed the meeting.*

**WLPP-2005.3**

**9–11 Andrews Avenue, Bondi – Demolition of dwellings and construction of two semi-detached dwellings with integrated garage, Torrens title subdivision, tree removal and swimming pools at rear (DA-59/2020)**

*Sandra Robinson declared an interest in this item and did not participate in the public meeting or deliberations for this agenda item.*

Report dated 12 May 2020 from the Development and Building Unit.

**COUNCIL RECOMMENDATION:** That the application be refused for the reasons contained in the report.

**RESOLUTION:** The Panel viewed the site from the public domain, considered the Section 4.15 assessment report and submissions, including the applicant’s request to defer the application. The Panel determined that there would be no utility in deferring the application as this would require significant re-design of the application, re-notification and assessment by Council.

The Panel resolved to refuse the application for the reasons set out in the Council Officer’s report, subject to reasons 1(e) and 1(f) being reasons 1 (a) and 1 (b) and the subsequent numbering updated accordingly.

**For the Decision:** Tuor, Jackson and Thorp.

**Against the Decision:** Nil.

*J Dann, J Menyhart, H Nicholas (objectors) A Betros (on behalf of the applicant) addressed the meeting.*

**WLPP-2005.4**

**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 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 subject to the recommended conditions.

**REASONS:** The Panel considered the submission 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:** Tuor, Jackson, Robinson and Thorp.

**Against the Decision:** Nil.

*P McGregor (applicant) addressed the meeting.*

**WLPP-2005.5**

**310 Bondi Road, Bondi – Alterations and additions to the existing heritage listed dwelling and construction of a residential flat building to the rear facing Cutler Street (DA-382/2019)**

Report dated 12 May 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 and conclusions and recommendations in the Officer's report subject to the recommended conditions.

**REASONS:** The Panel viewed the site from the public domain, considered submissions and the clause 4.15 assessment in the Officer's report. In particular, in respect to the retention of the heritage item and the separation of the new building, the proposal satisfies Clause 5.10 of the LEP and is consistent with the form of development envisaged for the R3 Medium Density Residential Zone.

For the reasons in the report, the Panel was satisfied that the proposal is acceptable and warrants approval.

**For the Decision:** Tuor, Jackson, Robinson and Thorp.

**Against the Decision:** Nil.

*T Robb on behalf of Owners Corporation 312 Bondi Road (Objector), L Kosnetter (on behalf of the applicant) addressed the meeting.*

**WLPP-2005.6**

**155 Curlewis Street, Bondi Beach – Alterations and change of use of premises to a gymnasium (F45 Training) (DA-506/2017/A)**

Report dated 12 May 2020 from the Development and Building Unit.

COUNCIL RECOMMENDATION: That the application be refused for the reasons contained in the report.

**RESOLUTION:** The Panel considered the assessment report and submissions, including the oral submission of the applicant. The Panel considered that the changes put forward by the applicant at the meeting were beyond the scope of the application before them and warranted further assessment by Council's Officers and notification prior to any determination.

Based on this, the Panel resolved to refuse the application for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good amenity.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part D1 – Commercial and Retail Development
    - i. Section 1.2 *Design*, specifically objective (e) as the extended hours are not compatible with the amenity expectations of adjoining and nearby residential uses.
    - ii. Section 1.3 *Hours of Operation*, specifically objective (a) and control (d), as the application proposes hours of operation that are not in accordance with the DCP and will impact upon the amenity of the area and disrupt nearby residential properties.
3. The site is considered to be unsuitable for the proposal and is therefore contrary to section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979. The proposal is inconsistent with the hours of operation of surrounding properties and will impact negatively upon residential properties within the immediate vicinity.
4. The proposal is contrary to section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 in relation to the public interest as the proposal is inconsistent with noise and hours of operation objectives and controls relating to commercial development contained in Waverley DCP 2012. The non-compliances of the proposal will consequently undermine the intent of those objectives and controls.

**For the Decision:** Tuor, Jackson, Robinson and Thorp.

**Against the Decision:** Nil.

*R Gallop, L Jackson (objectors), N Frier (applicant) addressed the meeting.*



**WLPP-2005.7**

**115 Murriverie Road, North Bondi – Review of previous refusal seeking alterations to single dwelling to provide a hardstand car space (DA-342/2019/1)**

The application was withdrawn prior to the meeting.

**THE MEETING CLOSED AT 3.26 PM.**