

**MINUTES OF THE WAVERLEY LOCAL PLANNING
PANEL MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 23 SEPTEMBER 2020**

Panel members present:

Paul Stein (Chair)
Jocelyn Jackson
Gabrielle Morrish
Sandra Robinson (Community Rep)

Also present:

Mr M Reid	Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Ms E Finnegan	acting Manager, Development Assessment
Ms R Siaoisi	Administration Officer

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

At 1.14pm, the meeting was closed to the public.

At 1.45pm, the Panel reconvened in closed session.

At 3.45pm, the meeting closed.

WLPP-2009.A

Apologies

There were no apologies

WLPP-2009.DI

Declarations of Interest

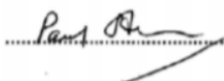
The Chair called for declarations of interest and the following were received:

S Robinson declared a non-pecuniary interest in item WLPP-2009.6 – 21 Thompson Street, Tamarama, she advised a possible conflict of interest as she is currently working on a project with the owner's company. S Robinson did not participate in the deliberation of the item.

WLPP-200.R

Determinations

The Panel resolved to make the following determinations overleaf.



Hon Paul Stein

15 Murrivier Road, North Bondi – Demolition of existing structures, construction of two-storey attached dual occupancy with basement garage, swimming pools and strata subdivision (DA-182/2020)

Report dated 8 September 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 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 as amended by the Panel:

Deferred commencement additional condition 4.

4. AMENDED LANDSCAPE PLAN

An amended landscape plan shall be submitted to Council for the approval of the Executive Manager, Development Assessment or delegate. The amended plan shall:

- (a) include two x trees (indigenous species) to a mature height of 10metres to be planted in the front garden on either side of the driveway with a minimum pot size of 75 litres; and
- (b) amend the surface of the side pathways for each dwelling to random stepping stones and ground cover in lieu of pebbles and road base to provide sufficient soil volume and area to sustain the proposed climbers.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

REASON: The Panel considered the clause 4.15 assessment in the Officer's report and was satisfied that the proposal is acceptable and warrants approval.

The Panel concurs with the Planning Officer's report and has added an additional deferred commencement condition requiring an amended landscape plan.

W van Wyk (on behalf of the applicant) addressed the meeting

84 Nancy Street, North Bondi – Demolition of existing buildings, Torrens title subdivision to create two lots and construction of two semi-detached dwellings (DA-165/2020)

Report dated 7 September 2020 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 in accordance with the reasons in the Officer's report as amended by the Panel:

REASON 1 – AMENDED:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (c) and (g) as the proposal does not promote the orderly and economic use and development of land nor promote good design or amenity in the built environment.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

G Shapiro, J McRae (objectors) D Laybutt and G Mourad (on behalf of the applicant) addressed the meeting

248–250 Bronte Road, Waverley – Review of decision seeking partial demolition of existing building with the partial retention of the front façade and significant alterations and additions resulting in a three-storey shop top housing development with basement level (DA-428/2019/1)

Report dated 9 September 2020 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 in accordance with the Officer’s report as amended by the Panel:

REASON 3 - AMENDED:

- a. Part B14 – Excavation
 - i. Part B14 - Excavation, specifically objective (e) and controls (d) and (l) as the excavation is excessive. The excavated area is accessible from the residential entry of the development and may enable the use of subterranean space as habitable rooms.
 - ii. Part B14 – Excavation, specifically objectives (g) and (h) as no Geotechnical Report has been submitted with the application.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

E Rogerson (on behalf of the applicant) addressed the meeting

292–302 Oxford Street, Bondi Junction – Modifications to approved mixed use (shop top housing) development including modifications to internal layouts of apartments to reduce number of apartments proposed to 48 and increase the commercial floor area (DA-600/2015/H)

Report dated 10 September 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 modification application in accordance with the Officer's report and recommended conditions as amended by the Panel as follows:

10A. ACOUSTIC REPORT RECOMMENDATIONS - AMENDED

The recommendations as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 shall be implemented.

An Engineers Certificate prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

(Amended DA-600/2015/H)

10B. REFRIGERATION UNITS AND MECHANICAL PLANT - DELETED

~~*All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.*~~

(Deleted DA-600/2015/H)

2 GENERAL MODIFICATIONS – insertion of new subclause (i)

- (i) The proposed layout changes to units L2-04, L3-03, L3-04 and L3-06 are not approved under this modification application DA-600/2015/H.

(Amended DA-600/2015/H)

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

REASON: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval. However, the Panel was concerned with the habitable rooms for units on Levels 2 and 3 opening onto the lightwell contrary to the ADG and has not approved of these changes.

A Tchorlian, B Daintry, G Jandegian and N Borhani (on behalf of the applicant) addressed the meeting

14 Council Street, Bondi Junction – Review of decision seeking construction of a new carport over an existing hardstand car space (DA-96/2020/1)

Report dated 11 September 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 Review application is refused and the original decision to refuse the development application DA-96/2020 is affirmed.

Reasons for refusal:

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 design and amenity of the built environment.
2. The proposed development is contrary to Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 and in respect to the following provisions:
 - a. Part B8 – Transport;
 - i. Objectives (a) & (b) in relation to streetscape under section 8.1 Streetscape.
 - ii. Section 8.1 Streetscape, controls (c) & (f) as the proposal would result in an inappropriate design outcome for the site.
 - b. Part B12 – Design Quality
 - i. 12.1 Objectives (a) & (c) and Controls (a) & (b) in relation to design quality as the proposal does not result in good urban design.
 - c. Part C2 – Low Density Residential Development;
 - i. Section 2.3 Streetscape and Visual Impact, objective (a) as the design does not acknowledge and respond to the architectural style and character of the existing built form.
 - ii. Section 2.3 Streetscape and Visual Impact, control (d) as the proposal does not maintain the existing built form and landscape character and as a result, the development dominates the streetscape presentation of the semi-detached pair.
 - iii. Section 2.8 Car Parking, objectives (a), (b) and (d) as the design and location of the proposed carport over the existing hardstand car parking space adversely impacts upon the visual quality of the streetscape.
 - iv. Section 2.8.4 Design, controls (a), (b), and (i) as the design of proposed carport over the existing hardstand parking space is not considered to be complementary to the style of the semi-detached dwelling to which it relates.
 - v. Section 2.9 Landscaping and Open Space, objective (a) as the proposal does not maintain the landscaped visual setting of the site and streetscape.
 - vi. Section 2.13.1 Built Form, objective (a) as the proposal does not maintain the original style of the semi-detached dwelling and adversely impacts upon the cohesion between the paired buildings.
3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.

4. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

P Spina (on behalf of the applicant) addressed the meeting

21 Thompson Street, Tamarama – Alterations to the approved (not yet constructed) dwelling house and change of use to a dual occupancy (DA-163/2019)

S Robinson declared a non-pecuniary interest in item WLPP-2009.6 – 21 Thompson Street, Tamarama, and advised of a possible conflict of interest as she is currently working on a project with the owner's company. A Rossi also declared a non pecuniary interest. Both A Rossi and S Robinson did not participate in the deliberation of the item, nor were present during the public meeting for this item.

Report dated 31 January 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 refused the development application for the following reasons:

1. The proposed development exceeds the floor space ratio development standard in the Waverley LEP 2012. A clause 4.6 variation is sought by the applicant to vary the standard. We are not satisfied that the request is well-founded and, accordingly, it cannot be supported. It is not reasonable. It does not satisfy the objectives of the development standard. We are not satisfied that there are sufficient environmental planning grounds to justify the contravention and the variation sought is not in the public interest (S4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979)).
2. The proposed development exceeds the height development standard in the Waverley LEP 2012. A clause 4.6 variation is sought by the applicant to vary the standard. We are not satisfied that the request is well-founded and, accordingly, it cannot be supported. It is not reasonable. It does not satisfy the objectives of the development standard. We are not satisfied that there are sufficient environmental planning grounds to justify the contravention and the variation sought is not in the public interest (S4.15(1)(a)(i) of the EP&A Act 1979).).
3. The proposed development is an overdevelopment of the subject site (S4.15(1)(b) of the EP&A Act 1979).).
4. The proposed development is unsuitable for the site (S4.15 (1)(c) of the EP&A Act 1979).).
5. The proposed development is contrary to the Public Interest (S4.15(1)(e) of the EP&A Act 1979).).

For the RESOLUTION: Stein, Jackson and Morrish

Against the RESOLUTION: Nil

G Beard, R Phillips and M Fahey (objectors) J Cottee (on behalf of the applicant) addressed the meeting

58 Military Road, Dover Heights – Modification to alter internal layout, external reconfiguration of side and rear elevations, new roof terrace and various other alterations to approved dual occupancy dwellings (DA-468/2017/B)

Report dated 13 September 2020 from the Development and Building Unit.

COUNCIL RECOMMENDATION: That the modification application be approved in accordance with the conditions contained in the report.

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

REASONS: The Panel considered the clause 4.15 assessment in the Officer's report and was satisfied that the proposal is acceptable and warrants approval.

J Gottlieb and J Arnold (Objectors) R Koo and A Minto (on behalf of the applicant) addressed the meeting

11 Thompson Street, Tamarama – Alterations to existing dwelling including internal reconfiguration, conversion of existing garage into habitable studio space and construction of a double garage at front (DA-183/2020)

Report dated 11 September 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 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 recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Jackson, Morrish and Robinson

Against the RESOLUTION: Nil

REASONS: The Panel considered the clause 4.15 assessment in the Officer's report and was satisfied that the proposal is acceptable and warrants approval.

J Cullen (on behalf of the applicant) addressed the meeting

THE MEETING CLOSED AT 3.45PM.