

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 22 MARCH 2023**

Panel members present:

Helen Lochhead (Chair)
Jan Murrell
Sharon Veale
Allyson Small (community representative)

Also present:

A Rossi	A/ Executive Manager, Development Assessment
B McNamara	Manager, Development Assessment
B Magistrale	Manager, Development Assessment
J Somerville	A/ Manager, Development Assessment
E Finnegan	A/ Executive Planner, Development Assessment

At the commencement of the public proceedings at 12.00 pm, those panel members present were as listed above.

*At 12.46pm, the meeting was closed to the public.
At 12.50pm, the Panel reconvened in closed session.
At 1.47pm, the meeting closed.*

WLPP-2303.A

Apologies

There were no apologies.

WLPP-2303.DI

Declarations of Interest

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

Allyson Small advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2303.7 – 173 Blair Street NORTH BONDI NSW 2026

WLPP-2303.R

Determinations

The Panel resolved to make the following determinations overleaf.



Helen Lochhead
Chairperson

WLPP-2303.1

246-248 Campbell Parade BONDI BEACH NSW 2026 - Modification to remove the approved car stacker and associated excavation and retention of existing apartment with various other alterations. (DA -150/2017/C)

Report dated 8 March 2023.

Council Recommendation: That the modification be approved for the reasons contained in the report.

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

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EP&A Act.

For the RESOLUTION: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

T Yu (on behalf of the applicant) addressed the meeting.

WLPP-2303.2

404/10 Jaques Avenue, BONDI BEACH NSW 2026 - Alterations and additions to unit within a mixed-use building. (DA-448/2022)

Report dated 9 March 2023.

Council Recommendation: That the application be approved 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 height development standard. In the opinion of the Panel the objectives of both the zone and the development standard 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 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: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

D. Waghorn (on behalf of the applicant) addressed the meeting.

7 Bourke Street, QUEENS PARK NSW 2022 - Alterations and additions to dwelling including new green roof to rear garage. DA-533/2022

Report dated 9 March 2023.

Council Recommendation: That the application be approved 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. In the opinion of the Panel the objectives of both the zone and the development standard 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 and Environment.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions, subject to amendments to Condition 2 *General Modifications* as below:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The additional height atop of the existing southern side boundary fence is not supported as it is excessive in height and creates additional shadowing impacts to a neighbouring private open space.
- (b) The design of the front boundary fence is to be amended. The bottom/lower solid portion of the front boundary fence is to have a maximum height of 0.6m (measured from footpath level). The remaining top portion of the fence shall be minimum 50% open in design.
- (c) To increase the amount of landscaped area on the site, the area to the west of the lower ground floor covered terrace (i.e., rear garden around the pool) is to be landscaped. A stepping-stone style path may be permitted between the garage door entry, pool entry and covered terrace area.
- (d) The colour of the metal work of the fenestration on the front elevation is to be a lighter tone more compatible with the adjoining heritage item.

The amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate.

For the RESOLUTION: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

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

24 Watkins Street, BONDI NSW 2026 - Alterations and additions to attached dwelling including rear extension and attic addition. (DA-436/2022)

Report dated 9 March 2023.

Council Recommendation: That the application be approved 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. In the opinion of the Panel the objectives of both the zone and the development standard 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 and Environment.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions, and subject to amendments to Condition 2 *General Modifications* as below:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) All new windows to the front elevation are to be timber framed. The French door to the reinstated first floor balcony is to be timber framed and the style is to match the original examples within the listed terrace row.
- (b) The new filigree balustrade to the first floor verandah is to match similar balustrades and doors in the listed terrace row. The filigree balustrade may be aluminium, subject to deep section detailing.
- (c) The planting identified along the perimeter of the rear yard is to be deep soil planting, with a minimum soil width of 600mm to enable to growth of medium shrubs and trees.
- (d) The dormer to the front and rear of the roof shall be amended to respect the Victorian terrace typology as follows:
 - i. be arranged symmetrically on the roof plane,
 - ii. be no greater than 1.2m maximum width overall (for each),
 - iii. the height of the window is to be 1.4 times its width, as measured from the head of the window to the bottom of the sill; and the roof pitch is to be between 32-45 degrees.
 - iv. the top of dormer must be below the main roof ridge by at least 300mm.
 - v. the dormer is to match the existing timber window frames, roof materials and colour palette.

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.

For the RESOLUTION: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

72 Gilbert Street, DOVER HEIGHTS NSW 2030 - Addition of vergolas and privacy screens to the first-floor level terrace of approved dual occupancy. (DA-469/2022)

Report dated 7 March 2023.

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.

Having regard to section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

The proposed building height is not considered compatible with the height, bulk and scale of the desired future character of the locality. It does not preserve the environmental amenity of neighbouring properties by causing view loss and overshadowing, contrary to clause 4.3 (1) (a) and (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to *Waverley Development Control Plan (WDCP) 2012*, in respect to the following provisions:

Part C2 Low Density Residential Development

- a. *General Objectives 2.0*, specifically objective (a, b, d, e) as the proposed development unreasonably increases the scale and bulk of the dwelling compared to other dwellings and the future character of the area. The proposal will likely affect the existing harbour views enjoyed by adjacent properties.
 - b. *Streetscape and Visual Impact 2.3*, specifically objective (a, b) and control (a), as the proposed development causes an increase in the visual bulk that is uncharacteristic to the streetscape.
 - c. *Solar Access 2.6*, specifically objective (a) and control (e), as the proposed development creates additional overshadowing on the adjacent property greater than that expected for a building that complies with the maximum building height development standard.
 - d. *Views 2.7*, specifically objective (a, b) and control (b, c, d) as the proposed development will impact existing harbour views of an adjacent dwelling.

3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and

dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.

4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The proposed addition to the subject site to the scale and density proposed could consequently affect the orderly future redevelopment of adjoining sites.
5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.

The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

For the RESOLUTION: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

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

WLPP-2303.6

168 and 170 Hastings Parade, NORTH BONDI NSW 2026 - Modification to extend the basement floor level. (DA-369/2021/A)

Report dated 8 March 2023.

Council Recommendation: That the modification be approved for the reasons contained in the report.

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

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EP&A Act.

By way of comment, the Panel notes that the current WDCP 2022 limits the amount of excavation and that this modification is being determined under the previous WDCP 2012.

For the RESOLUTION: Lochhead, Murrell, Veale and Small

Against the RESOLUTION: Nil

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

L. Kosnetter and A. Haddow (on behalf of the applicant) addressed the meeting.

WLPP-2302.7

173 Blair Street NORTH BONDI NSW 2026 - Demolition of existing structures and construction of a new three storey residential flat building with three x four bedroom units. (DA-466/2022)

Report dated 9 March 2023.

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.

Having regard to section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (the Act), the development application is refused for the following reasons:

1. The proposed development does not satisfy section 4.15(1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012 (Waverley DCP 2012), in respect to the following provisions:
 - a. Part B12 Design Excellence
 - i. Section 12.1 in relation to design in that proposed development does not achieve a high standard of architectural design, materials and detailing appropriate to the building type and location. The form and external appearance of development is to improve the quality and amenity of the public domain, specified in control (a), (b) and (e). Consequently, the proposed development fails to satisfy objective (a), (b), (c) and (d) in relation to ensuring that the development contributes to the architectural and overall urban design quality of Waverley, which was qualified by the Waverley Design Excellence Advisory Panel.
 - b. Part C3 Multi Unit and Multi Dwelling Housing
 - i. Section 3.2 in relation to height in that the proposed development has an overall external wall height of 9.7m, which exceeds the maximum wall height of 9.5m specified by control (b). The exceedance will accentuate the perceived overall building bulk and scale of the proposed development when viewed from Blair Street, resulting in the proposed development appearing incompatible with the desired scale and character of the streetscape. Consequently, the proposed development fails to satisfy objective (a) in relation to ensuring future development responds to the desired scale and character of the street and local area.
 - ii. Section 3.3.2 in relation to side setbacks in that the proposed development does not provide a landscaped deep soil area of 2m along one side boundary at a minimum specified in control (d). The development consequently fails to satisfy objective (a) and (d) in that same section of Waverley DCP 2012 regarding the development not providing sufficient space for new mature landscaping that positively contributes to the landscape of the site, and its presence in the streetscape.
 - iii. Section 3.4 in relation to length and depth of buildings as the development proposes a building depth of 31.67m which exceeds the maximum depth of any residential building at 18m specified in control (c). The development therefore fails to satisfy objective (a) and (c) in ensuring that the development responds to the scale of the surrounding buildings and to have a high standard of amenity for occupants of dwellings.

- iv. Section 3.5 in relation to building design and streetscape as the proposed development has an inappropriate scale and design relative to the existing and desired future character of the streetscapes of Blair Street. The development therefore fails to satisfy objective (a), (b) and (c) in relation to achieving development of a scale and appearing in keeping with the street.
 - v. Section 3.6 in relation to attic and roof design as the overall roof form and design of the development are not appropriately scaled and are therefore contrary to controls (a), (b) and (i). The excessive and bulky roof form, overly accentuate the perceived building height and the roof of the development effectively read as a full storey or floor level. The development therefore fails to satisfy objective (a) and (b) in relation to achieving development of a scale and appearing in keeping with the street.
 - vi. Section 3.7 in relation to fences and walls as the front fence height is proposed at 1.34m which is exceeding the maximum height of 1.2m specified in control (b). The proposal is therefore contrary to controls (a), (b) and (c) as the development does not promote a cohesive streetscape.
 - vii. Section 3.8 in relation to pedestrian access and entry as the principal pedestrian entry of the proposed development from Blair Street are not particularly legible given it is not visible from the street. It does not adequately satisfy objective (a) and (b) in terms of creating entrances which provide a desirable residential identity for the development to orientate visitors.
 - viii. Section 3.10 in relation to communal space as the development does not provide any communal space and 15% of the total site is require as specified in control (a). It does not adequately satisfy objective (a), (b), (c) in terms of creating a positive street address for the development.
 - ix. Section 3.11.1 in relation to private open space as the development has a private courtyard within the front setback and no sufficient buffers have been provided as specified in control (a). Section 3.11.2 in relation to the proposed balconies are not designed to relate to the surrounding character of the existing building and dominant the façade.
 - x. Section 3.15 in relation to visual privacy and security as the development does not appropriately screen private open space and overlook living rooms and bedrooms as specified in control (d). It does not adequately satisfy objective (a), (b) and (c) as the development has maximised outlook and views and compromised the visual privacy of the building.
 - xi. Section 3.18 in relation to storage as the development does not provide for sufficient storage for a four bedroom unit specified in control (a) and (b). It does not adequately satisfy objective (a) and (b) as the development does not provide adequate and accessible enclosed storage for everyday household items.
 - xii. Section 3.21 in relation to building services as the architectural plans do not provide for sufficient details on building services specified in control (a) and (c). It does not adequately satisfy objective (a) and (b) as the development does not provide and integrate site services and facilities in a sensitive manner such that they relate to the building and landscape design, enable easy access, and require minimal maintenance.
2. The proposed development does not satisfy section 4.15(1)(d) of the Act as the development does not satisfy *Environmental Planning and Assessment Regulation 2021*, as insufficient documentation has been provided to properly assess the application, including but not limited to:

- a. View from the Sun access diagrams have not been provided with the application to demonstrate consistency with the solar access design criteria.
 - b. A Schedule of External Finishes of the development have not been provided.
 - c. The incorrect Site Waste and Recycling Management Plan (SWRMP Part 2) was submitted with the application.
3. The proposed development does not satisfy section 4.15(1)(b) of the Act as it will adversely impact on the built and natural environment on the locality in relation to streetscape and visual impact.
 4. The proposed development is contrary to section 4.15(1)(e) of the Act in relation to the public interest as it performs poorly against objectives and controls of principal built form development standards and planning controls under Waverley LEP 2012 and Waverley DCP 2012, which will consequently undermine the intent and effect of those standards and controls in achieving the desired future character of the Waverley local government area.

By way of comment, the Panel notes the State Heritage Listed Item (SHR 01623 and 'Bondi Ocean Outfall Sewer') follows the alignment of Blair Street and the curtilage for the Item should be reviewed prior to any new or amended application for this development site.

For the RESOLUTION: Lochhead, Murrell and Veale

Against the RESOLUTION: Nil

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

A. Thompson (objector) and D. Waghorn (on behalf of the applicant) addressed the meeting.

Panel member A. Small advised a conflict of interest and did not participate in the public meeting or determination for item WLPP-2303.7 – 173 Blair Street NORTH BONDI NSW 2026

THE MEETING CLOSED AT 1.47PM