

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 8 DECEMBER 2021

Panel members present:

Helen Lochhead (Chair)
Peter Brennan
Sharon Veale
Allyson Small (community representative)

Also present:

Ms A Rossi	Acting Executive Manager, Development Assessment
Mrs B McNamara	Manager, Development Assessment (North/South)
Ms J Elijah	Acting Manager, Development Assessment (Central)
Ms K Lucas	Senior Assessment Officer, Development Assessment
Ms R Siaoosi	Administration Officer

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

At 1.45pm, the meeting was closed to the public.

At 2.00pm, the Panel reconvened in closed session.

At 3.55pm, the meeting closed.

WLPP-2112.A

Apologies

There were no apologies

WLPP-2112.DI

Declarations of Interest

The Chair called for declarations of interest and two were received.

A Small declared an interest in WLPP-2112.4 50 Gilbert Street, DOVER HEIGHTS NSW 2030 DA-289/2021 and did not participate in the public meeting or deliberations.

S Veale declared an interest in WLPP-2112.12 Diamond Bay Reserve, Diamond Bay Road, VAUCLUSE NSW 2030 DA-378/2021 and did not participate in the public meeting or deliberations.

Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink that reads "Helen Lochhead". The script is cursive and fluid, with the first name "Helen" and last name "Lochhead" clearly distinguishable.

Helen Lochhead
Chairperson

113 MacPherson Street, BRONTE NSW 2024 - Review of decision seeking construction and operation of a food and drink kiosk in front of the western end of the existing commercial tenancy of the building (DA-188/2021/1)

Report dated 18 November 2021 from the Development and Building Unit.

Council Recommendation: That the review application be Refused for the reasons contained in the report.

RESOLUTION: The Review application is refused and the original decision to refuse the development application DA-188/2021 is affirmed.

REASON: The Panel concurs with the reasons for refusal in the Officer's report. This section 8.2 review of the original determination is confirmed. The Panel sees no reason to change the decision, noting there appears to be no clear public benefit for infilling the colonnade in part and will detrimentally impact the presentation of the building.

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

R McLellan (Objector), addressed the meeting.

30 Yanko Avenue, BRONTE NSW 2024 - Review of refusal seeking alterations and additions to dwelling house, including internal reconfiguration to ground floor, replace existing first floor and extend lower ground floor level containing parking (DA-328/2020/1)

Report dated 26 November 2021 from the Development and Building Unit.

Council Recommendation: That the review 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 section 8.2 review 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, Industry and Environment.

The Panel approves the section 8.2 review application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

Amend Condition

21. DILAPIDATION REPORT

A Dilapidation report is to be prepared for **No's 28 and 32 Yanko Avenue** that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The reports are to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

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

157-159 Military Road, DOVER HEIGHTS NSW 2030 - Modification including reduction in the number of units from six to three, increase in gross floor area, internal reconfiguration and various other alterations to the facade (DA-316/2015/D)

Report dated 26 November 2021 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the 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 EPA Act.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

W Black (Objector), M O'Donnell (on behalf of the applicant) addressed the meeting.

50 Gilbert Street, DOVER HEIGHTS NSW 2030 - Demolition of the existing dual occupancy and construction of a three storey dual occupancy with integrated parking, roof top terrace, two swimming pools and Strata subdivision (DA-289/2021)

Report dated 26 November 2021 from the Development and Building Unit.

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 and height 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 as amended by the Panel:

New condition 11A

11A ARCHIVAL RECORDING OF EXISTING BUILDING

An archival record (at a minimum the front and rear elevations, including details of notable elements of the building) shall be prepared of the existing building for deposit in Waverley Council's Archive. This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work. The record is to comply with the NSW Heritage Office Guidelines for digital archival recording.

Amend Condition 2

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The window off the living room on southern elevation to Dwelling B directly faces 52 Gilbert Street and must be installed with frosted glass or a privacy screen to a minimum height of 1.6m from finished floor level.
- (b) The eave located above the entry way of both dwellings is not approved and must be amended to achieve a 1.2m side setback. Please note that no part of the building is to be located within 1.2m of the Council Pipe. The architectural plans (all drawings i.e. plan views, elevations, sections etc.) are to be updated to denote the extent of the required drainage easement to ensure that there are no new fixed structures (e.g. habitable dwellings, eaves & balconies, garages, impervious fences, swimming pools and retaining walls) built over Council's below ground drainage system or within the confines of the required drainage easement. Where any structure is proposed to be built over Council's below ground drainage system or within the confines of the required drainage easement, details are to be provided to Council's satisfaction.

(c) The frangipani tree, located to the rear of the site, near the south boundary, is to be retained insitu or planted elsewhere on site.

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.

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

For the Resolution: LOCHHEAD, BRENNAN AND VEALE

Against the Resolution: NIL

P Deshpande (on behalf of the applicant) addressed the meeting.

Panel member - A Small declared an interest in this item and did not participate in the public meeting or deliberations.

16 Thompson Street, TAMARAMA NSW 2026 -Modification to alter internal layout, amend roof line, adjustments to window sizes and locations, external screens, planters, changes to swimming pool and pool terrace (DA-181/2018/A)

Report dated 24 November 2021 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the 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 EPA Act.

Additional Condition

19A. SUMP AND PUMP SYSTEM REQUIREMENTS

A sump and pump system is to be permanently installed to manage the overland flow along the southeast boundary of the site and is to be pumped to the street. Detailed design and specifications are to be submitted to the satisfaction of **Council's Executive Manager, Infrastructure Services (or delegate)**, prior to the issue of the relevant Construction Certificate.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

J Ford, (Objector) S Prasad, A Basile (on behalf of the applicant) addressed the meeting.

4 Ruthven Street, BONDI JUNCTION NSW 2022 - Alterations and additions to attached dwelling including ground and first floor extension, new attic level addition with rear dormer and hardstand carspace to rear (DA-354/2021)

Report dated 24 November 2021 from the Development and Building Unit.

Council Recommendation: That the modification 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, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions. Notwithstanding the approval the Panel notes that the heritage inventory for the item describes the terrace row as intact, however, there are significant modifications to the rear of the row and the description in the inventory should be updated to reflect this.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

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

60 Blair Street, NORTH BONDI NSW 2026 - Alterations and additions to existing school (Reddam House), including its expansion onto the adjoining site at 60C Blair Street; and change of use from place of public worship (Jewish Learning Centre (DA-213/2021))

Report dated 26 November 2021 from the Development and Building Unit.

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 and height 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.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

D Vaile (Objectors), A Minto, T Steal (on behalf of the applicant) addressed the meeting.

12 Burge Street, VAUCLUSE NSW 2030 - Modification to alter internal layout and parking bay, increase in GFA, windows, increase in height and various other alterations. (DA-325/2020/A)

Report dated 29 November 2021 from the Development and Building Unit, and as updated by the memo dated 6 December 2021 prepared by the Planning Officer to correct the error in the report regarding FSR, which should read 1.02:1 and not 1.23:1.

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

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the 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 EPA Act.

Additional Condition 31A:

31A ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW DPIE is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

Delete AD6. BONDI - ROSE BAY SAND BODY

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

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

43 Ramsgate Avenue, BONDI BEACH NSW 2026 -Alterations and additions to residential flat building, including an additional level to accommodate two additional units. (DA-79/2021)

Report dated 26 November 2021 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.

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

REASON: The Panel concurs with the recommendations in the Officer's report. Noting that the proposed development is compliant with the development controls, retains and adapts the existing interwar building and provides much needed affordable housing.

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

J Anthony (Objectors), L Kosnetter (on behalf of the applicant) addressed the meeting.

11 Silva Street, TAMARAMA NSW 2026 - Demolition of existing structures; construction of a new three storey dwelling house including car lift and stacker and swimming pool; and tree removal. (DA-122/2021)

Report dated 26 November 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 Officer's report noting that the proposal needs significant redesign to address the vehicular access, parking, and stormwater management.

Delete reasons for refusal - 2

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

- a. *Clause 4.6 Exceptions to Development Standards*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.59:1 as prescribed by Clause 4.4 of WLEP 2012 and no clause 4.6 statement has been submitted to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The application cannot be approved in the absence of a Clause 4.6 statement.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.59:1 and no clause 4.6 statement has been submitted to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

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

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

I Fasol, S Baldwin (Objectors) addressed the meeting.

79-103 Wellington Street BONDI BEACH - Demolition of all structures and construction of two four-storey residential flat buildings containing 56 apartments including infill affordable housing units and two-level basement parking. (DA-268/2020)

Report dated 26 November 2021 from the Development and Building Unit.

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, 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 noting a typographical error in the report. Notwithstanding the approval, the Panel considered the Planning Controls for this location could be reviewed to ensure new development is more responsive to the local character.

Amend Condition 54(a)

54. CAR PARKING

A total of 56 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 34 residential parking spaces for the non-affordable residential apartments

REASON: The majority of the Panel concurs with the recommendations in the Officer's report. S Veale considers the proposed development will impact the character of the area and is not contextual with the existing scale proportion and form.

For the Resolution: LOCHHEAD, BRENNAN AND SMALL

Against the Resolution: VEALE

N Boaz, N Eberhardt (Objectors), L Kosnetter (on behalf of the applicant) addressed the meeting.

Diamond Bay Reserve, Diamond Bay Road, VAUCLUSE NSW 2030 - Upgrade works to Diamond Bay Reserve and Waverley Clifftop Walk including replacing and extending existing boardwalk structure, new additional viewing platform, seating bins, signage, fencing and landscaping (DA-378/2021)

Assessment Report – PAGE 857

Report dated 1 December 2021 from the Development and Building Unit.

Council Recommendation: That the application be Approved for the reasons contained in the report.

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel as follows:

Additional condition 2A

2A. SCHEDULE OF MATERIALS AND FINISHES

- a) Materials and finishes are to be consistent with the palette used elsewhere along the coastal walk to provide a cohesive experience of Public open space for example Waverley Cemetery coastal walk.
- b) Durable materials to be explored should include composite materials and high-grade marine quality stainless steel.

The materials 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.

REASON: The Panel concurs with the recommendations in the Officer's report and noting the amendments to acknowledge the submissions made in relation to detailed design and materials selection.

For the Resolution: LOCHHEAD, BRENNAN, VEALE AND SMALL

Against the Resolution: NIL

D Frazer, C Wallace, J Pager, M Philips Warwick (Rock climbing Association) (Objectors), R Sabato, S Cassidy (on behalf of the applicant) addressed the meeting.

Panel member – S Veale declared an interest in this item and did not participate in the public meeting or deliberations.

THE MEETING CLOSED AT 3.55PM