At the commencement of the public proceedings at 11.07am, those present were as listed above.

At 1.06pm the meeting was closed to the public.

At 2.16pm the Panel reconvened in closed session.

WDAP-1308.A

Apologies

No apologies were received.
WDAP-1308.DI
Declarations of Interest

The Chair called for any Declarations of Interest and the following were received.

1. Mr P Brennan declared a less than significant non pecuniary interest in Item WDAP-1308.1 – 11 Kent Street, Waverley – Modifications to dual occupancy development (DA-80/2008/B) and informed the meeting that, during his employment with Waverley Council, he had a minor involvement in the original development application for this site.

2. Mr P Brennan declared a pecuniary interest in Item WDAP -1308.3 – 11 Gould Street, North Bondi – Conversion of residential flat building into a boarding house including rear and attic additions (DA-38/2013) and informed the meeting he has a business relationship with one of the objectors.

WDAP – 1308.R
Determinations

The Panel resolved to make the following determinations:

[Signature]
Chairperson
WDAP-1308.1
11 Kent Street, Waverley – Modifications to dual occupancy development
(DA-80/2008/B)

Mr Peter Brennan declared a less than significant non pecuniary interest in this item and
informed the meeting that, during his employment with Waverley Council, he had a minor
involvement in the original development application for this site.

Report dated 15 August 2013 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in this
report, subject to the following additional condition:

2. GENERAL MODIFICATIONS

2b. The stair adjacent to the eastern boundary shall be relocated at least (two) 2 metres to the
west. The topography of the land adjacent to the boundary shall be generally retained in
its present form. The landscape plan drawings are to be amended accordingly.

Reason: To allow vegetation along the boundary to maintain privacy for the neighbour.

(Condition inserted as part of DA-80/2008/B)

For the Decision: Stein, Brennan, Harrison, Murrell and Sargeant.

Against the Decision: Nil

C Farrell, Architect on behalf of the Applicants, addressed the meeting.

WDAP-1308.2
5/109 Ramsgate Avenue, North Bondi – Modifications to relocate approved balcony
(DA-311/2003/B)

Report dated 14 August 2013 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in this
report.

For the Decision: Stein, Brennan, Harrison, Murrell and Sargeant.

Against the Decision: Nil

A Boskovitz (on behalf of an Objector) and A Johnston (the Applicant) addressed the meeting.
Mr P Brennan declared a pecuniary interest in this item and informed the meeting he has a business relationship with one of the objectors and was not present at, or in sight of, the meeting during the consideration and vote on this item.

Report dated 14 August 2013 from the Development and Building Unit.

DECISION: That the application be refused in accordance with the reasons contained in this report, subject to amendments to reasons No.1, 2, and 3, the deletion of reason No.7, and the addition of a Advisory Note, as follows:

1. With regard to Section 79C(1)(b) the proposal is considered to negatively impact upon the built environment and surrounding locality.

2. The proposal does not satisfy State Environmental Planning Policy (Affordable Rental Housing) 2009 “SEPP (ARH)”, Division 3 – Boarding Houses, having regard to section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 and the following provisions:

   ... (a-f unchanged)

3. The SEPP (ARH) requires having regard to the Waverley Local Environmental Plan 2012, having regard to section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and to this extent the proposal does not satisfy the following provisions:

   ... (a-d unchanged)

Advisory Note: The Waverley Development Assessment Panel notes that there is insufficient and contradictory information submitted with the application. The application form quite clearly seeks a Boarding House whilst the part of Statement of Environmental Effects refers to assessment under Division 1 – In-fill Affordable Housing of the SEPP (ARH) 2009.

The Panel noted that the application form clearly articulated the new use of the building would be for a Boarding House. Notwithstanding this, the Panel considered a preliminary assessment of the application against the relevant controls for ‘In-fill Affordable Housing’ under the SEPP (ARH) 2009 and concluded that if the application were for In-fill Affordable Housing, it fails to comply with numerous clauses of the SEPP including neighbourhood character and is an overdevelopment of the site.

For the Decision: Stein, Harrison, Murrell and Sargeant.

Against the Decision: Nil

C McKellar, S Loeffler, J Franich, V Ordman, D Krizanovic, R Dudley and S Rischin (Objectors) and P Lonergan (Architect on behalf of the Applicant) addressed the meeting.
WDAP-1308.4
4 Lola Road, Dover Heights – Section 96 modification seeking deletion of conditions 2(a) and 2(c) (DA-560/2012/A)

Report dated 5 August 2013 from the Development and Building Unit.

DECISION: That the application be approved in accordance with the conditions contained in this report, subject to the following conditions being amended:

2 GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) The roof proposed over the south eastern first floor terrace of Study 2 is to be deleted along with all associated structures so as to minimise overshadowing and its impact on the southern adjoining property. A privacy screen consisting of obscure glass vertical louvre blades fixed at 45 degrees angled to the north east, extending 1.6m in height is to be provided on the southern side of this terrace to assist with light penetration to the property located to the south.

For the Decision: Stein, Brennan, Harrison, Murrell and Sargeant.

Against the Decision: Nil

B Farrell, J Jellens and M Jellens (Objectors), T Moody (on behalf of an Objector) and A Darroch (Consultant on behalf of the Applicant) addressed the meeting.

WDAP-1308.5
20 Kenilworth Street, Bondi Junction – Alterations and additions to existing dwelling (DA-149/2013)

Report dated 13 August 2013 from the Development and Building Unit.

DECISION That the application be approved in accordance with the conditions contained in this report, subject to additional conditions at No.2 (e, f, g) and amendments to condition No.41 as follows:

Additional conditions:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(e) The window (W7) is to be deleted.

(f) The first floor shall be reduced at the rear by increasing the setback by 1 metre from northern boundary.

(g) All external walls of the laneway development are to be rendered and painted. The wall adjacent to the heritage item at No.18 Kenilworth Street is to be painted in a colour which is sympathetic to the heritage item.
Amended condition:

41. TREE PROTECTION

...  
- Trees/palm to be transplanted

The existing Washingtonia sp (palm) shall be transplanted in the rear courtyard as approved by Council.

...

For the Decision: Stein, Brennan, Harrison, Murrell and Sargeant.

Against the Decision: Nil

P Stuart-Carberry, P Murray, A Murray (Objectors) and B Collingridge (Architect on behalf of two Objectors) and C Lucas (Heritage Architect on behalf of an Objector) and N Nakache (Designer on behalf of the Applicant) addressed the meeting.

THE MEETING CLOSED AT 4:12PM