

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS ON
WEDNESDAY, 24 OCTOBER 2018**

Panel members present:

Annelise Tuor (Chair)
Peter Brennan
Jane Murrell
Penelope Mora

Also present:

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| Ms A Rossi | Manager, Development Assessment (Central) |
| Ms B Matlawski | A/Manager, Development Assessment |
| Mr B Magistrale | Senior Development Assessment Officer |
| Ms Gabrielle Coleman | Strategic Planner |

On 24 October 2018, prior to the public meeting commencing at Council Chambers the Panel undertook a site inspection of all agenda items, except item WLPP-1810.6, 16 Loombah Road, Dover Heights (DA-215/2018).

At the commencement of the public proceedings at 12:11pm, those panel members present were as listed above.

At 02:15 pm, the meeting was closed to the public.

At 03:05 pm, the Panel reconvened in closed session.

At 5:38 pm, the meeting closed.

WLPP-1810.A

Apologies

There were no apologies

WLPP-1810.DI

Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-1810.R

Determinations

The Panel resolved to make the following determinations overleaf.

Ms A Tuor
Chairperson

WLPP-1810.1

6 Pacific Avenue, Tamarama – Review of previous decision for demolition of existing dwelling and construction of 2 x semi-detached dwellings fronting Pacific Avenue and 1 x detached dwelling fronting Silva Street (DA-471/2017/1)

Report dated 12 October 2018 from the Development and Building Unit.

DECISION:

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

1. *The proposal does not promote good design and amenity of the built environment in accordance with Environmental Planning and Assessment Act 1979 Clause 1.3(g).*
2. *The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:*
 - a. *Clause 4.4 as the proposal will exceed the maximum FSR permitted for the site and a Clause 4.6 written request has not been submitted to vary the FSR development standard.*
3. *The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Clause 1.1 Height, as the proposed dwellings exceed 7.5m in height.*
 - b. *Clause 1.2 Setbacks, as the proposed front and rear setback exceed the predominant building lines within the streetscape. Further, the side setbacks do not comply with the minimum control.*
 - c. *Clause 1.3 Excavation, as the proposed development includes excessive excavation with non-compliant setbacks.*
 - d. *Clause 1.4 Streetscape and Visual Impact, as the proposed pedestrian entrance does not provide a sense of place and is convoluted.*
 - e. *Clause 1.8 Visual and Acoustic Privacy, as the proposal results in adverse privacy impacts on neighbouring properties due to the extent of glazing and minimal side setbacks. Further, the rooftop terrace has an unreasonable impact on visual and acoustic privacy and does not comply with Clause 1.8(e).*
 - f. *Clause 1.9 Solar Access, as the proposed open space at all three dwellings will be overshadowed on the winter solstice. The documentation does not provide enough detail about overshadowing of the living room windows at neighbouring properties.*
 - g. *Clause 1.10 Views. From the information provided the proposed development does not demonstrate appropriate view sharing would be achieved.*
 - h. *Clause 1.11 Car Parking, as the proposed driveways on Pacific Avenue result in the loss of two on street car parking spaces and could be minimised.*
 - i. *Clause 1.12 Landscaping and Open Space, as the proposed development includes predominantly hard surfaces to the front of the site.*
4. *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 impact upon the amenity of the locality and surrounding built environment.*
5. *The proposal is contrary to 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.*

6. *The proposal is contrary to 4.15(1)(d) as the proposal will result in unreasonable amenity impacts to adjoining properties having regard to the issues raised in the submissions.*

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil.

T Freeman, A Betros (*applicant*) and D Oakley, S Baldwin, M Swain and K Kench (*objectors*) addressed the meeting.

WLPP-1810.2

70 Watson Street, Bondi – Modification to erect a roof terrace to dwelling (retrospective works) (DA-369/2000/B)

Report dated 10 October 2018 from the Development and Building Unit.

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

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

J Stemler (*applicant*) addressed the meeting.

WLPP-1810.3

14 Notts Avenue, Bondi Beach – Demolition of existing dwelling and construction of a new 3 storey dwelling with garage and outdoor swimming spa (DA-469/2017)

Report dated 12 October 2018 from the Development and Building Unit.

DECISION: 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 which contravenes the Floor Space Ratio Development Standard. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

The application is approved in accordance with the conditions contained in the report.

REASON: The Panel has visited the site, considered submissions and the Clause 4.15 assessment in the Assessment Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval. In particular, appropriate view sharing has been achieved, and the height and bulk of the development is appropriate in the context.

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

W Smart, A Harvey and K Catellanos (on behalf of the applicant), A Boskovitz (objector) addressed the meeting.

WLPP-1810.4

46-48 Glasgow Avenue, Bondi Beach – Demolition of existing pair of semi-detached dwellings and construction of a two-storey detached dwelling with integrated double garage, swimming pool and landscaping works (DA-171/2018)

Report dated 11 October 2018 from the Development and Building Unit.

DECISION: The Panel approves the development application subject to the conditions in the Assessment officer's report with following amended condition 2:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Balcony 2 is to be reduced in size to extend no further into the rear setback than Balcony 1, to mitigate overlooking to adjoining properties.*
- (b) Privacy screens are to be provided on the side elevations of the rear balconies (in lieu of the nominated concrete screen) and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.*
- (c) The Master Bedroom window located on the eastern elevation (W.13) shall be reduced in size by at least 50% of the overall size to mitigate overlooking to adjoining properties.*
- (d) The width of the driveway shall be reduced to 3m at the front property boundary, and taper at an angle to garage entry with additional soft landscaping is to be provided within the front setback to reduce the dominance of the garage.*
- (e) The garage door shall be recessed 400mm from the proposed position to reduce the visual bulk of the building in streetscape.*
- (f) The side setback shall be increased to 1.5m for the front multipurpose room and associated terrace 2 and garage at ground floor as well as the corresponding rooms above on the first floor (bedrooms 3 and 4) to reduce the bulk of the building and be compatible with pattern of development in the streetscape.*

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

REASON: The Panel visited the site, heard submissions and considered the Clause 4.15 assessment in the Assessment Officer's report. However, the panel considered that the proposed bulk of the dwelling should be modified to be more compatible with the pattern of development in the street and has imposed conditions accordingly.

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

W Gordon (applicant) and R Howden, G Sumner, J Antony and F Liebeskin (objectors) addressed the meeting.

WLPP-1810.5

101 Ramsgate Avenue, North Bondi – Alterations and additions to the existing residential flat building, including an attic addition. (DA-77/2018)

Report dated 11 October 2018 from the Development and Building Unit.

DECISION:

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 proposal does not satisfy section 4.15(a)(i) of the Act as the proposed development is contrary to the Waverley Local Environmental Plan 2012 (Waverley LEP 2012), in respect to the following provisions:*
 - *Clause 4.3 Height of buildings*
 - *Clause 4.4 Floor space ratio*
 - *Clause 4.6 Exception to development standards.*
2. *The departure from the height and floor space ratio development standards does not satisfy the requirements of clause 4.6. Any additional floor space and height should be substantially contained within the existing roof form.*
3. *The proposal does not satisfy section 4.15(a)(iii) of the Act as the proposed development is contrary to the Waverley Development Control Plan 2012 (Waverley DCP 2012), in respect to the following provisions:*
 - (a) *Part C2 Multi Unit and Multi Dwelling Housing, with respect to the following matters:*
 - (i) *The form and design of the proposal do not demonstrate architectural unity with the existing building. The proposal therefore does not comply with control (b) under section 2.8.*
 - (ii) *The dormer windows of the proposal occupy more than 50% of the area of the roof elevation and do not set down by a minimum of 300mm below the main ridge line of the roof of the building, and therefore does not comply with controls (d) and (e) under section 2.9. These non-compliance will result in adverse streetscape impacts.*
4. *The proposal does not satisfy section 4.15(b) of the Act as it will set an undesirable precedent which will be contrary to the amenity of the locality and cause undue impacts on the natural and built environments of the locality.*
5. *The proposal does not satisfy section 4.15(e) of the Act as it is considered contrary to the public interest as the proposal significantly exceeds the relevant development standards and planning controls applying under Waverley LEP 2012 and Waverley DCP 2012, which will consequently undermine the intent of these standards and controls in achieving the desired future character of the Waverley local government area.*

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

D McGregor (applicant) addressed the meeting.

WLPP-1810.6**16 Loombah Road, Dover Heights – Alterations and additions to existing dwelling (DA-215/2018)**

Report dated 11 October 2018 from the Development and Building Unit.

DECISION: 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 which contravenes the Floor Space Ratio Development Standard. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

The Panel approves the development application subject to the conditions in the Officer's report.

REASON: The Panel has considered the assessment under Clause 4.15 in the Assessment Officer's report. For the reasons in the report, the Panel is satisfied the proposal is acceptable and warrants approval.

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

WLPP-1810.7**89 Macpherson Street, Bronte– Alterations and additions to existing flat building to provide 2 additional units (total 6 units), four car parking spaces and communal open space (DA-11/2018)**

Report dated 12 October 2018 from the Development and Building Unit.

DECISION: That the Waverley Local Planning Panel, as the consent authority, defer the development application for the following:

The submission of a written request under Clause 4.6 to vary the floor space ratio standard in the Waverley LEP 2012. The written request is to be submitted within 14 days of this notice. The Panel (as constituted on 24 October 2018) upon receipt of Clause 4.6 written request, will determine the application electronically, unless the Chair determines that a further public meeting is required.

REASON: The walkway on the lower ground floor is gross floor area and consequently the proposal exceeds floor space ratio under Clause 13.2(a)(ii) of the Affordable Rental Housing SEPP and consent cannot be granted in the absence of a Clause 4.6 written request.

For the Decision: Tuor (Chair), Brennan, Murrell, Mora

Against the Decision: Nil

T Bassely, A Betros, A Jelicic (applicant) addressed the meeting.

THE MEETING CLOSED AT 5:38 PM.