

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL, QUEENS PARK ROOM
ON WEDNESDAY, 17 APRIL 2019**

Panel members present:

The Hon R.N. (Angus) Talbot (Chair)
Jocelyn Jackson
Jan Murrell
Allyson Small

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Ms E Finnegan	Acting Manager, Development Assessment (North/South)
Ms R Siaoisi	Administration Officer

At the commencement of the public proceedings at 12.05 pm, those panel members present were as listed above.

At 1.05 pm, the meeting was closed to the public.

At 2.05 pm, the Panel reconvened in closed session.

At 4.00pm, the meeting closed.

WLPP-1904.A

Apologies

There were no apologies

WLPP-1904.DI

Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-1904.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon R.N. (Angus) Talbot
Chairperson

WLPP-1904.1

71 York Road, Queens Park – Alterations and additions to dwelling including new front balcony, and rear studio over an existing rear lane garage (DA-287/2018)

Report dated 3 April 2019 from the Development and Building Unit.

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

DECISION: The Waverley Local Planning Panel, in 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 is satisfied that the objectives of the standard and the zone are met and the development is therefore 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 summary and conclusions and recommendations in the officers report subject to the recommended conditions.

REASONS: 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.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

No speakers addressed the meeting.

WLPP-1904.2

150 Carrington Road, Waverley - Alterations and additions to a heritage listed building including conversion from one dwelling into five units, and the reconfiguration of an approved rear residential flat building to the rear from three units to four units (DA-262/2018)

Report dated 5 April 2019 from the Development and Building Unit.

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

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 is satisfied that the objectives of the standard and the zone are met and the development is therefore 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 summary and conclusions and recommendations in the officer's report subject to the recommended conditions and the additional following condition:

New Condition:

The balcony to unit 8 shall have a fixed screen extending 1m from the external northern wall to the west to a minimum height of 1.6m with fixed louvers to provide privacy to unit 4/146-148 Carrington Rd, Waverley.

REASONS: The Panel has visited the site, considered submissions and the Clause 4.15 assessment in the Assessment Officer's report. The Panel is satisfied that the privacy overlooking impacts for the adjoining properties is mitigated by an offsetting of windows, sill heights and the imposition of the additional condition. The Panel is also satisfied the amended plans allow for view sharing. Furthermore the Panel notes the parking provision has been amended in the current DCP amendment 6 and proposal complies with the minimum provision.

With the above comments and including the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

A Brady, J Bush, S Mills and P Hutchinson (objectors) and L Kosnetter and J Kibble (on behalf of the applicant) addressed the Panel.

WLPP-1904.3

1 Darling Street, BRONTE - Alterations and additions to dwelling including rear balcony extension (DA-434/2018)

Report dated 5 April 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report

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 and height size development standard. The Panel is satisfied that the objectives of the standards and the zone are met and the development is therefore 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 summary and conclusions and recommendations in the officer's report subject to the recommended conditions.

REASONS: 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.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

No speakers addressed the meeting.

WLPP-1904.4

16 Thompson Street, Tamarama - Demolition of dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls (DA-181/2018)

Report dated 5 April 2019 from the Development and Building Unit.

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

DECISION: The Waverley Local Planning Panel in 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 is satisfied that the objectives of the standard and the zone are met and the development is therefore 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 summary and conclusions and recommendations in the officer's report subject to a Deferred Commencement consent and the following matters:

A. That the application be subject to a Deferred Commencement consent as follows:

The Director, Waverley Futures (or delegate) must be satisfied as to the following matters before the consent can operate.

Deferred commencement consent is granted in accordance with the provisions of section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. The consent is not to operate until the applicant has satisfied Council as to the following matters before the consent can operate:

1. Geotechnical Engineer Report:

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

2. Structural Engineer Report:

A Structural Engineer Report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may

occur to adjoining or nearby properties as a result of the proposed building and excavation works.

3. Stormwater Management:

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines.

4. Landscape Plan:

Submit for approval a Landscape plan to correspond with the amended architectural plans. The Landscape Plan shall include:

- (a) Proposed levels of rear yard including a transition that better aligns with the natural topography of the site. (This will require either terracing or lowering of the lawn area down to the rear boundary).
- (b) Details of access to rear perimeter planting including maintenance schedule.
- (c) Details and RLs for proposed retaining walls and boundary fences.
- (d) Landscape details taking into consideration the requirements of condition 1(c) of the consent.
- (e) Any consequential amendments to the architectural plans shall be updated and provided to Council for approval.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

The applicant has 12 months to obtain approval of the amended plans and additional information required by the deferred commencement matters in order to activate the consent.

Upon satisfying the consent authority as to the matters contained in the Deferred Commencement, the following conditions shall apply:

B. Condition 1 – Approved Development shall be amended to read as follows:

- (b) Amended Landscape Plans (complying with deferred commencement condition 4);

Add:

NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.

C. Condition 2 – General Modifications

Delete condition 2(a) (which becomes a deferred commencement condition) and renumber subclauses accordingly.

D. Condition 15 - Geotechnical Engineers Report shall be amended to read as follows:

The Geotechnical Engineers Report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

E. Condition 16 – Details of Excavation, Shoring or Pile Construction shall be amended to read as follows:

The Structural Engineers Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

F. Condition 18 – Dilapidation Reports

Delete the words “on request” from condition 18(a).

REASONS: The Panel has visited the site, considered submissions and the Clause 4.15 assessment in the Assessment Officer's report. The Panel is not satisfied that the level for the rear lawn has been appropriately addressed and that conditions relating to landscaping and details of retaining walls are required. The Panel was also concerned that the issues relating to Geotechnical matters, Structural Engineering and Stormwater drainage should be satisfied before the consent operates.

For the reasons in the report, the Panel was otherwise satisfied the proposal is acceptable and warrants approval subject to the deferred commencement conditions and amended conditions.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

J Flavell, B Chambers, Dr M Mina (objectors) and Dr G Shiels, A Basile and Professor M Irvine (on behalf of the applicant) addressed the meeting.

WLPP-1904.5

43-45 Hall Street, Bondi Beach - Partial demolition of mixed use buildings, retention and refurbishment of the listed heritage item and construction of five storey shop top housing development with integrated basement car parking (DA-391/2018)

Report dated 3 April 2019 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in the report.

DECISION: The Waverley Local Planning Panel, in exercising the functions of Council as consent authority is not satisfied that the matters required to be addressed under Clause 4.6 (4) of Waverley LEP 2012 have been demonstrated and that consent should be granted to the development application.

The Panel is not satisfied that the objectives of the standards and the zone are met, that the heritage item has been sympathetically retained and restored or that the development is in the public interest, in the form submitted. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment. The Panel has considered submissions in the assessment officer's report.

The Panel refuses the development application in accordance with the reasons for refusal in Appendix A of the Officer's Report subject to the following:

A. Addition of paragraph inserted as Reason 3(b)(v)

3(b)(v):

9.3 Alterations, deletions, additions and partial demolition proposed are considered to have severe adverse effects on the heritage item, an example of early residential development of the beach front precinct. Furthermore the submitted survey and architectural plans and elevations do not accurately depict the existing building.

(subclauses to be renumbered accordingly)

REASONS: 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 is not satisfied the proposal is acceptable and warrants refusal.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

No speakers addressed the meeting.

WLPP-1904.6

5/127 Hastings Parade, NORTH BONDI - Alterations and additions to residential unit including internal reconfiguration and attic level addition with bedroom, ensuite and study (DA-457/2018)

Report dated 5 April 2019 from the Development and Building Unit.

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

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 is satisfied that the objectives of the standard and the zone are met and the development is therefore 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 summary and conclusions and recommendations in the officer's report subject to the recommended conditions.

REASONS: 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.

For the Decision: Talbot, Jackson, Murrell and Small

Against the Decision: Nil.

No speakers addressed the meeting.

THE MEETING CLOSED AT 4.00PM.