

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL  
MEETING HELD BY VIDEO CONFERENCE ON  
WEDNESDAY, 14 DECEMBER 2022**

**Panel members present:**

Jacqueline Townsend (Chair)  
Peter Brennan  
Jan Murrell  
Allyson Small (community representative)

**Also present:**

Mr M Reid	Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Area 1)
Ms B McNamara	Manager, Development Assessment (Area 3)
Mr B Magistrale	Manager, Development Assessment (Area 2)
Ms R Siaosi	Administration Officer

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

*At 1.35pm, the meeting was closed to the public.  
At 2.00pm, the Panel reconvened in closed session.  
At 3.45pm, the meeting closed.*

**WLPP-2212.A**

**Apologies**

**WLPP-2212.DI**

**Declarations of Interest**

The Chair called for declarations of interest and none were received

**WLPP-2212.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend  
**Chairperson**

**150 Hastings Parade, NORTH BONDI NSW 2026** - Alterations and additions to a dwelling house (DA-384/2022)

Report dated 30 November 2022 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 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: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

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

No speakers addressed the meeting.

**1 Marne Street, VAUCLUSE NSW 2024** - Alterations and additions to existing residential flat building including conversion of two apartments to one x two storey apartment and new roof level terraces to the rear. (DA-350/2022)

Report dated 21 November 2022 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 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 as amended by the Panel:

Remove Condition 2(c)

~~(c) Storage with a minimum of 8m<sup>3</sup> is to be provided within each apartment, excluding wardrobes and kitchen cupboards.~~

**For the RESOLUTION: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

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

*A Myers (Objectors), I Durack (on behalf of the applicant) addressed the meeting.*

**35 Bennett Street, BONDI NSW 2026** - Alterations and additions to existing residential flat building including conversion of ground floor storeroom to a studio unit, balcony extensions and roof additions to Units 8, 9 and 10. (DA-354/2022)

Report dated 28 November 2022 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 Planning Officer's report.

1. 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 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 12.5m 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.

*Details:* The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality contrary to clause 4.3 (1) (d) of WLEP and does not preserve the environmental amenity of neighbouring properties.

b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.9:1 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 Waverley LEP.

*Details:* The proposal is considered an overdevelopment of the site and the proposed development is not compatible with the bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under subclauses 4.4 (1) (c) and (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:

a. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* as the application fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and floor space ratio development standards under WLEP, and is contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.
- ii. *Principle 2 - Built form and scale* as the proposed building bulk and height is excessive, and as the proposed built form does is generally inappropriate for the site.

- iii. *Principle 3 – Density* as the density of the proposed development is greater than what can be suitably and reasonably achieved based on the site’s area and dimensions, and results in unacceptable amenity impacts on neighbouring sites.
  - iv. *Principle 5 – Landscape* as insufficient information regarding landscaping is provided
  - v. *Principle 6 – Amenity* as the proposed development does not afford acceptable residential amenity for neighbours in terms of solar access and visual and acoustic privacy, and does not provide acceptable residential amenity for future occupants of the subject site.
  - vi. *Principle 8 – Housing Diversity and Social Interaction* as the proposal does not provide sufficient communal open space and does not provide opportunities for social interaction.
  - vii. *Principle 9 – Aesthetics* as the proposal does not achieve a built form with good proportions, does not respect the character of the existing building, and does not respond to the existing or future desirable local context.
- b. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* subclauses 30(2)(a) and (b), as adequate regard has not been given to the SEPP 65 design quality principles nor with the following objectives specified in the Apartment Design Guide (ADG) for relevant design criteria:
- i. *Objective 3F Visual Privacy*, specifically objective 3-F1 design criteria (1), as the proposal provides insufficient separation distances from the side boundaries of the site.
  - ii. *Objective 4A Solar and daylight access*, specifically objective 4A-1 design criteria (1), as the existing and proposed units have insufficient solar access.
  - iii. *Objective 4B Natural ventilation*, specifically the design guidance of objective 4B-2, as the proposed studio unit does not achieve sufficient natural ventilation.
  - iv. *Objective 4C Ceiling height*, specifically objective 4C-1 design criteria (1), as the proposal provides insufficient ceiling heights.
  - v. *Objective 4D Apartment size and layout*, specifically objective 4D design criteria (1), as the proposed studio unit has an area of less than 35m<sup>2</sup>.
  - vi. *Objective 4E Private open space and balconies*, specifically objective 4E-1 design criteria (1) and (2), as the proposed studio unit has no private open space.
  - vii. *Objective 4G Storage*, specifically objective 4G design criteria 4G-1, as the applicant has not demonstrated the provision of sufficient storage space.
- c. *State Environment Planning Policy (Housing) 2021* in that insufficient information has been provided to properly assess the application with respect to Part 3, *Retention of existing affordable rental housing*.

- d. WLEP as the application is contrary to the following provisions:
  - i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(m), as the proposal does not maintain amenity for neighbours.
- 3. 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 B1 Waste*

- a. Section 1.2 *Ongoing management* objective (a), (d) and (f), controls 1.4.1.1 (b) and 1.4.1.2 (a), as the applicant has not demonstrated the provision of sufficient waste storage areas.

*Part B3 Landscaping and Biodiversity*

- a. Section 3.1 objectives (a) and (b), and controls 3.1.1 (a), (b), (c), (h), and (i), as insufficient information has been provided to demonstrate the adequate provision of planting, and to demonstrate the retention of existing trees.

*Part B5 Vegetation Preservation*

- b. Section 5.2 objectives (a) and control (a), as insufficient information has been provided to demonstrate the retention of existing trees.

*Part 7.1 Accessibility*

- c. Section 7.1 objectives (a), (b), and (d) and control (a), (b) and (d) as insufficient information has been provided to demonstrate relevant accessibility standards are met, and as no accessible parking is provided.

*Part B12 Design Excellence*

- d. Section 12.1 objective (a) and controls (a) and (e)(iii), (iv), (v), and (viii), as the proposal does not contribute to the architectural design quality of Waverley, does not achieve a high standard of architectural design appropriate to the building type and location, and does not sufficiently consider streetscape constraints, the relationship with neighbouring sites in terms of setbacks and amenity, the bulk and massing of buildings, and overshadowing.

*Part B8 Transport*

- e. Section 8.2.2 *Car parking provision rates* objective (b) and control (h) as the proposal does not provide accessible parking spaces or motorcycle parking spaces.
- f. Section 8.2.6 *Bicycle parking* objective (b) and (c), and control (a), as no bicycle parking is provided.

*Part C3 Other Residential Development*

- g. Section 3.5 *Building design and streetscape* objectives (a), (b), (c), (d), and (e), and controls (a), (b), and (c) as the proposal does not respond to the existing streetscape character, and is not compatible with the existing building.
- h. Section 3.6 *Attic and roof design* objectives (a), (b) and (c), and controls (a), (b), (d), (e), and (i) as the proposed additional storey is not contained within a pitched roof form, is above the height of the existing ridge, and does not contribute to the architectural design of the development.

- i. Section 3.8 *Pedestrian access and entry* objective (a), and controls (b) and (c), as an accessible path of travel from the street to ground floor dwellings is not provided and the provision of lifts has not been considered.
  - j. Section 3.10 *Communal space* objectives (a), (b) and (d), and controls (a) and (c) as insufficient communal open space is provided.
  - k. Section 3.15 *Visual privacy and security* objective (a) and controls (d) and (f) as the proposed above ground open spaces overlook adjoining properties and as it has not been demonstrated that windows and balconies of upper level dwellings overlook no more than 50% of lower level private open spaces.
  - l. Section 3.19 *Acoustic privacy* objective (a) and control (b) as the proposed studio unit is located adjacent to noisy uses.
  - m. Section 3.21 *Building services* control (e), as the waste storage room is located unacceptably close to the proposed studio unit's windows.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
- a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning solar access and overlooking impacts.
  - b. The Statement of Environmental Effects is insufficient, as it does not provide drawings of the proposed development in the context of surrounding development,.
  - c. The Statement of Environmental Effects is insufficient, as it does not accurately depict compliance with building height standard as marked on plans, sections and elevations.
  - d. The Statement of Environmental Effects is insufficient, as it does not provide accurate drawings of the proposed landscape area.
5. 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.
6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
7. 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: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

*No speakers addressed the meeting.*



**4 Wolaroi Crescent, TAMARAMA NSW 2026** - Alterations and additions to the existing dwelling including additional floor space and vehicle turntable. (DA-359/2022)

Report dated 28 November 2022 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 Planning Officer's report.

1. 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 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.7:1 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 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.

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

*Part B12 Design Excellence*

- a. *Section 12.1 Design*, specifically objectives (a) and (d) control (e), and *Section 12.2 Context Analysis* specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

*Part C2 Low Density Residential Development*

- b. *Section 2.2 Setbacks*, specifically objectives (a), (b), (c) and (f) and controls (a), (d) as the proposed development has a front setback that is inconsistent with the predominant lines of the streetscape and fails to comply with the minimum side setback.

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 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.
5. 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: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

*M Mariani (on behalf of the applicant) addressed the meeting.*

**BONDI ICEBERGS, 1 Notts Avenue, BONDI BEACH NSW 2026** - Modifications to Bondi Icebergs to alter internal layout, and reduce approved extensions on the Notts Avenue frontage. (DA-440/2020/A)

Report dated 29 November 2022 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 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 EPA Act.

**For the RESOLUTION: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

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

*T Wallis, M Terzini and P Kambos (on behalf of the applicant) addressed the meeting.*

**17-21 Curlewis Street, BONDI BEACH NSW 2026** - Demolition of existing buildings and construction of a 3 storey commercial building with basement services and parking. (DA-214/2022)

Report dated 29 November 2022 and Addendum dated 12 December 2022 from the Development and Building Unit.

**Council Recommendation:** That the application be granted Approval for the reasons contained in the assessment report and the addendum dated the 12 December 2022 confirming the site is suitable for its intended use.

**RESOLUTION:** The Panel approves the development application in accordance with the recommendations in the Planning Officer's reports and as amended by the Panel as follows:

#### ADDITIONAL CONDITIONS

##### **65A. PLAN OF MANAGEMENT – GENERAL USE**

A Plan of Management (PoM) is to be submitted for the operation of the premises and is to include details of the operational and management procedures as well pro-active measures to control the following:

- (a) Amenity impacts to the surrounding neighbourhood of the premises;
- (b) Compliance with conditions (capacity of outdoor areas, use of outdoor areas, approved hours of operation, noise conditions, handling of complaints);
- (c) The behaviour of patrons;
- (d) Staffing roles and responsibilities;
- (e) Management of lighting to ensure neighbouring amenity;
- (f) Other such operational matters to ensure compliance with relevant regulatory requirements.

The PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

#### AMENDED CONDITIONS

##### **1. APPROVAL DOCUMENTS**

To be added:

- (i) Memorandum prepared by Douglas and Partners dated 7 December 2022 with ref 212973.02

##### **28. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for all adjoining properties and any nearby properties that may be subject to potential damage as a result of any works being undertaken. The dilapidation report to be made available to affected property owners.

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

### **33. EXCAVATION AND BACKFILLING**

- (a) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.
- (b) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.
- (c) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.
- (d) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.
- (e) All work associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

### **34. SITE CONTAMINATION**

Sampling data gaps currently exist namely: (i) potential undetected variations in contaminants in fill beneath inaccessible parts of the site, and (ii) potential impacts resulting from demolition of the existing structures on-site.

Therefore, the site must be made suitable for the proposed commercial development subject to the following prior to the commencement of any work, other than demolition or excavation in association with remediation of the site:

- (a) Conduct a data gap investigation (DGI), following demolition, by a suitably qualified environmental consultant, a CEnvP-SC qualified at minima, to provide an updated statement on suitability of the site for the proposed development to be submitted to and approved by Council's Executive Manager of Compliance (or delegate). The DGI must comprise additional testing / inspection to meet NSW EPA recommended sampling densities and assessment of any potential demolition impacts; and
- (b) (If required) Preparation of a Remediation Action Plan (RAP) to manage the site in accordance with:
  - i. Guideline on Investigation Levels for Soil & Groundwater: Schedule B1 – National Environment Protection (Assessment of Site Contamination) Measure (NEPM), (1999 amended 2013).
  - ii. NSW Contaminated Land Management Act 2008 No.11 a
  - iii. State Environmental Planning Policy (Resilience and Hazards) 2021
- (c) Remediation works must ensure no unnecessary harm to human health or the environment.

### **69. MANAGEMENT OF OUTDOOR AREA**

The outdoor area must be managed and operated as follows:

- The outdoor area must only be used between 7am and 6pm; and
- No music is to be played within, or directed toward, the outdoor areas.
- The maximum capacity of the outdoor area are:
  - 8 people for each of the rear outdoor areas at first, second and third floor level
  - 20 people for the front open spaces at first and second floor level
  - 25 people for the rooftop open space at third floor level

NOTES:

**AD14 DILAPIDATION**

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.

**For the RESOLUTION: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

**REASONS:** The Panel considered the clause 4.15 assessment in the assessment officer's assessment and addendum reports and was satisfied that the proposal is acceptable and warrants approval. The development is compliant and as anticipated by the Zone B4 mixed use.

*M Baker-Barden, C Dwyer and N Boaz (Objectors), K Bartlett and V Blank (on behalf of the applicant) addressed the meeting.*

**26-32 Hall Street, Bondi Beach NSW 2026** - Demolition of buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement and 15 residential units above. (DA-552/2021)

Report dated 29 November 2022 from the Development and Building Unit.

**Council Recommendation:** That the application be granted Deferred Commencement Consent 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 that consent may be granted to the development application that 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 as a deferred commencement consent in accordance with the recommendations in the Planning Officer's report and in accordance with the conditions recommended in the report and as amended by the Panel.

#### **DEFERRED COMMENCEMENT**

That the Council grant deferred commencement consent 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:

1. The setback of the Ground level rear building line is to match the setback of the southern elevation of level 1.
2. The setback of the Level 2 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 8.1m from the southern boundary and demonstrate that the building is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.
3. The setback of the Level 3 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 11.2m from the southern boundary and demonstrate that the building, including any balconies or planter boxes, is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.

**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.**

**These conditions must be satisfied within 1 year of the date of this consent.**

## AMENDED CONDITIONS

### **29 DILAPIDATION REPORT**

A Dilapidation report is to be prepared for all adjoining properties and any nearby properties that may be subject to potential damage as a result of any works being undertaken. The dilapidation report to be made available to affected property owners.

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

#### NOTES:

### **AD14 DILAPIDATION**

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.

### **44 EXCAVATION AND BACK FILLING**

- (a) A further detailed geotechnical report is to be provided to the satisfaction of Council prior to any Construction Certificate, that addresses how the excavation works can be carried out without damage or adverse impacts on adjoining properties including de-watering as a result of the proposed excavation. In particular, the report is to address the matters raised in section 5 of the Geotechnical Investigation Report prepared by EI Australia (Report No. E25361.G03\_Rev1) dated 18 July 2022 and received by Council on 22 July 2022.
- (b) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.
- (c) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.
- (d) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.
- (e) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.
- (f) All work associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

**Condition 83 ONSITE GARBAGE COLLECTION is to be deleted.**



**For the RESOLUTION: Townsend, Brennan, Murrell and Small**

**Against the RESOLUTION: Nil**

**REASONS:** The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable with the increased setback to the ground level to reduce the impact on the neighbouring properties.

*A Findlay, M Merten and J Lawrence (Objectors), L Kosnetter (on behalf of the applicant) addressed the meeting.*

THE MEETING CLOSED AT 3.45PM