

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 23 NOVEMBER 2022**

Panel members present:

The Hon Paul Stein (Chairperson)
Peter Brennan
Annelise Tuor
Sandra Robinson (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 |

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

*At 1.08pm, the meeting was closed to the public.
At 1.30pm, the Panel reconvened in closed session.
At 2.30pm, the meeting closed.*

WLPP-22112.A

Apologies

There were no apologies

WLPP-22112.DI

Declarations of Interest

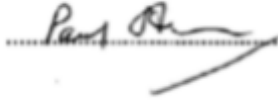
The Chair called for declarations of interest and the following were received:

S Robinson advised a conflict of interest and did not participate in the public meeting or determination for item WLPP-22111.5 80-82 Hall Street, BONDI BEACH NSW 2026

S Robinson advised a conflict of interest and did not participate in the determination for item WLPP-22111.4 79-103 Wellington Street, BONDI BEACH NSW 2026

WLPP-22112.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read "Paul Stein", is written over a horizontal dotted line. A long, sweeping horizontal stroke extends to the right from the end of the signature.

The Hon Paul Stein
Chairperson

105 Hewlett Street, BRONTE NSW 2024 - Modification to increase floor levels, overall height, reconfiguration of gross floor area and reduction in setbacks. (DA-265/2019/C)

Report dated 9 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 deferred this matter to allow the applicant to consider the submission of amended plans that would remove the retrospective works that have been constructed without consent from the modification application.

The Panel requests Council to determine the Building Information Certificate.

On receipt of the information above, Council is to prepare in a timely manner, a supplementary report for the Panel with recommended conditions of consent. The matter is to be referred to this Panel for an electronic determination.

The applicant has 14 days to submit the necessary documents. In the absence of receipt, the Panel may determine the matter on the information before it.

For the RESOLUTION: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

REASON: The Panel is aware of the recent decision of Court of Appeal in relation to retrospective approvals and has resolved accordingly.

G Karavanas (on behalf of the applicant) addressed the meeting.

16A and 16B Llandaff Street, BONDI JUNCTION NSW 2022 - Modification to approved residential flat building, including additional excavation to basement levels, internal reconfiguration, additional lift to service the building, increase height of lift overrun, new communal open space at the roof level and external amendments to facade and landscaping. (DA-68/2017/A)

Report dated 9 November 2022 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 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: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

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

L Kosnetter (on behalf of the applicant) addressed the meeting.

51 Llandaff Street, BONDI JUNCTION NSW 2022 Demolition and construction of two x new three-storey semi-detached dwellings with garage, pool, Torrens title subdivision and tree removal. (DA-66/2022)

Report dated 10 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 minimum lot size and floor space ratio development standards. 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 deferred commencement conditions recommended in the report as follows:

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 principal roof form at the second floor level is to have the same pitch to the front and rear or alternatively provide a flat roof.
2. The roof over the stairs at the second floor level is to start from the balcony balustrade and can be either sloping or flat.
3. The northern windows at first floor level to the stair void are to be reduced to vertically proportioned openings no greater than half the width of the current glazing and aligned with the window openings to the ground floor immediately below.
4. The roof colour is to be amended to mid or slate grey and the white bricks replaced with mid-red or brown face brick matched to the adjacent Federation houses within the vicinity.

These details to be approved by Council's Heritage Architect.

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.

For the RESOLUTION: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

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

A Lakeman (Objector), D Waghorn (on behalf of the applicant) addressed the meeting.

79-103 Wellington Street, BONDI BEACH NSW 2026 - Modifications including design refinement, services, apartment reconfiguration and new roof terraces. (DA-268/2020/A)

Report dated 8 November 2022 from the Development and Building Unit.

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

RESOLUTION: 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.

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

Delete Condition 5A.

Amend Condition 5:

The following condition is imposed in accordance with Clause 17 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*:

For 10 years, commencing from the date of issue of an Occupation Certificate;

- (a) A minimum of 23% of the floor space of the development shall be allocated for affordable housing. In this regard, Units A.UG01, A.UG02, A.UG03, A.UG04, A.UG05, A.UG06, A.UG07, A.UG08, A.UG09, A.101, A.106, A.107, A.108, A.109, **A.103 and A.104** as nominated on the approved plans contained in condition 1 of this consent is to be used for the purposes of 'affordable housing', as defined in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates. The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

(AMENDED DA-268/2020/A)

For the RESOLUTION: Stein, Brennan and Tuor.

Against the RESOLUTION: Nil

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

L Kosnetter (on behalf of the applicant) addressed the meeting.

S Robinson advised a conflict of interest and did not participate in the determination for item WLPP-22111.4 79 Wellington Street, BONDI BEACH NSW 2026

80-82 Hall Street, BONDI BEACH NSW 2026 - Change of use to gymnasium, fitout, signage and extended trading hours. (DA-274/2022)

Report dated 9 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend Condition 18

- (a) Signage (in lettering not less than **150mm** in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:

Approved hours of operation

*Monday to Friday: 6.00am to 8.00pm
Saturday and Sunday: 7.00am to 5.00pm
(Trial Period)*

*Approved patron capacity
22 persons*

Amend Condition 19c

- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises. **Any amended POM shall be submitted to Council for approval.**

For the RESOLUTION: Stein, Brennan and Tuor

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report as amended by the Panel.

A Unsworth, B Peacock and J Cahill (Objectors), L Doan (on behalf of the applicant) addressed the meeting.

S Robinson advised a conflict of interest and did not participate in the public meeting or determination for item WLPP-22111.5 80-82 Hall Street, BONDI BEACH NSW 2026

24 Jensen Avenue, VAUCLUSE NSW 2030 - Demolition of semi-detached dwelling and construction of a new two-storey dwelling. (DA-358/2022)

Report dated 9 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 as follows:

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

Part B3 Landscaping and Biodiversity

- a. Section 3.2.2 *Habitat Corridors and Recognised Habitat*, specifically objectives (a)-(c) and controls (a) and (h), as the proposed development provides insufficient indigenous or local native plants listed in Annexure B2-1.

Part B12 Design Excellence

- b. Section 12.1 *Design*, specifically objectives (a), (c) and (d) and controls (a), (b), (d) and (e), as the proposed development is of low standard of architectural design that is detrimental to the amenity of the public and neighbours. Further, the proposed bulk, massing and modulation of the building does not bear any relationship with other existing development on neighbouring sites in terms of setbacks, amenities and urban form.
- c. Section 12.2 *Context Analysis*, specifically objectives (a)-(d) and controls (a), as the proposed development has not followed the established urban structure, building type and streetscape of the surrounding environment.

Part C2 Low Density Residential Development

- d. Section 2.0 *General Objectives*, specifically objectives (a)-(e) as the proposed development is inappropriate in scale and detracts from the amenity of other dwellings. Furthermore, the proposal is unsympathetic in bulk, scale and character with the desired future of the character of the area resulting in a low-quality design.
- e. Section 2.2 *Setbacks*, specifically objective (a), (b), (d), (f)-(h) and *Sub-Section 2.2 Front and rear building lines*, specifically controls (a)-(d) as the proposed development is inconsistent with the predominant front and rear building lines established by surrounding development to the north of the site.
- f. Section 2.2 *Setbacks*, specifically objective (a), (b), (d), (f)-(h) and *Sub-Section 2.2.2 Side setbacks*, specifically controls (a)-(d) as the proposed development is set back 0.312m from the northern side boundary, which falls short of the minimum setback requirement of 0.9m.
- g. Section 2.3 *Streetscape and visual impact*, specifically objectives (a)-(b) and controls (a), (d)-(h) as the proposal is of a poor design quality that is detrimental and inharmonious with its surroundings, eroding the character of the streetscape.

- h. Section 2.4 *Fences*, specifically objectives (a)-(f) and controls (a)-(k), as the proposal provides no information on the existing and proposed fence.
 - i. Section 2.6 *Solar access*, specifically objectives (a)-(c) and control (a) as the proposal's design layout will experience less than 3 hours of direct sunlight to 50% of its living space areas.
 - j. Section 2.13.1 *Semi-detached dwellings & terrace developments*, objectives (c)-(e) and (g) and controls 2.13.1 *Built Form* (a)-(e), 2.13.1 *First floor addition to semi-detached dwellings* (a)-(b), (d)-(f), (h)-(i), 2.13.3 *Materials finishes and detail for semi-detached dwellings* (a)-(c), (e), (g), as the proposal seeks the complete demolition of a semi-detached pair and replacement with a detached dwelling destroying the street frontage of the existing pair. Furthermore, the bulk scale and materiality of the proposal are disrespectful to the existing development and its pair.
 - k. Section 2.14 *Dual frontage development*, objectives (a), (c) and controls 2.14.1 *General controls* (a), as the design of the development does not have a clear relationship to the primary and secondary frontages of the site. Furthermore the design does not maintain or improve but rather is detrimental to the amenity of surrounding properties.
2. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
 3. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site to the type of dwelling, scale and bulk proposed could consequently affect the orderly future redevelopment of adjoining sites.
 4. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to 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: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

C Cosgrove (Objector), L Paneras (on behalf of the applicant) addressed the meeting.

30 Tower Street, VAUCLUSE NSW 2030 - Demolition and construction of a two-storey semi-detached dwelling including integrated garage and swimming pool at rear. (DA-130/2022)

Report dated 9 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

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

C Cosgrove (Objector) G Karavanas (on behalf of the applicant) addressed the meeting.

C Cosgrove addressed the Panel, after the Live feed had ended.

32 Tower Street, VAUCLUSE NSW 2030 - Demolition of the existing semi-detached dwelling and construction of a new three-storey dwelling, swimming pool and landscaping.(DA-154/2022)

Report dated 9 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Brennan, Tuor and Robinson

Against the RESOLUTION: Nil

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

I Malamas (Objector), G Bensen (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 2.30pm