

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 24 FEBRUARY 2021**

Panel members present:

Hon Paul Stein (Chair)
Penelope Mora (Community Rep)
Jan Murrell
Annelise Tuor

Also present:

Mr M Reid	Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Mr B Magistrale	Acting Manager, Development Assessment
Ms R Siaosi	Administration Officer

At the commencement of the public proceedings at 11am those panel members present were as listed above.

At 12.30 pm, the meeting was closed to the public.

At 1.15pm, the Panel reconvened in closed session.

At 3.00pm, the meeting closed.

WLPP-2102(2).A

Apologies

There were no apologies

WLPP-2102(2).DI

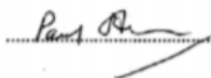
Declarations of Interest

The Chair called for declarations of interest and none were received.

WLPP-2102(2).R

Determinations

The Panel resolved to make the following determinations overleaf.



Hon Paul Stein
Chairperson

4 Blair Street NORTH BONDI - Demolition of existing buildings and construction of a three storey building comprising of eight x units, two x ground floor shops and basement parking (DA-348/2020)

Report dated 29 January 2021 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 in accordance with the recommendation in the assessment report as amended by the Panel.

REASONS FOR REFUSAL

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. Clause 4.6 *Exception to development standards* of the Waverley Local Environment Plan 2012 (Waverley LEP 2012), as the applicant's written request has failed to adequately address matters under subclauses 4.6(3)(a) and (b) due to the sheer overdevelopment of the site and the failure of the development to preserve the environmental amenity of neighbouring properties and the surrounding locality.
2. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979 ("the Act"), as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
3. The proposal 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 proposed development 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 significantly exceeds the floor space ratio development standard under Waverley Local Environment Plan 2012 (Waverley LEP 2012), 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 building envelope of the proposed development is excessive and constitutes overdevelopment of the site. Building separation distances across the south-eastern side of the development are inconsistent with relevant design criteria under Part 3F of the Apartment Design Guide (ADG), resulting in unreasonable visual privacy impacts upon the neighbouring property at 6 Blair Street.
 - iii. *Principle 3 – Density* as the density of the proposed development is significantly greater than what can be suitably and reasonably achieved based on the site's area and dimensions and not all units will be afforded with a high level of amenity for future occupants of the development.
 - iv. *Principle 5 – Landscape* as a lack of landscaped area and deep soil planting are provided.
 - v. *Principle 6 – Amenity* as the development does not afford optimal and adequate residential amenity for future occupants of the development, given it does not adequately meet the design criteria of the ADG for the following aspects:
 - optimal solar access outlined in Part 4A;
 - minimum apartment size and layout outlined in Part 4D; and

- private open space and balconies outlined in Part 4E.
- b. Waverley LEP 2012 as the development is contrary to the following provisions:
- i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(c) as the lack of residential amenity afforded by the development does not suitably provide for a range of housing types to meet changing housing needs of the community.
 - ii. *Clause 4.4 Floor space ratio*, as the FSR of the proposed development is 1.32:1, which significantly exceeds the applicable FSR development standard of 0.6:1 by 119%.
4. The proposed development does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012 (Waverley DCP 2012), in respect to the following provisions:

Part B8 Transport

- a. Objective (d) under this the Part, as the enlarged basement car park of the proposed development will dominant and adversely impact upon landscaping.

Part B14 Excavation

- b. Objective (d) and controls (i) and (m) under this Part, given the enlarged basement car park that provides no or minimal setbacks from boundaries of the site, thereby resulting in a lack of landscaped area and deep soil planting. Further, the proposed ground level raising adjacent to side and rear boundaries of the site will unacceptably impact on neighbouring properties.

Part C3 Other Residential Development

- c. Section 3.2 *Height*, specifically objective (a) and control (b) as the proposed development has an excessive overall wall height of 7.585m, which does not respond to the desired scale and character of the local area.
- d. Section 3.3.1 *Street setbacks*, specifically objective (d) and control (e) as the proposed development does not provide landscaped area within its front building setback area and behind the street boundaries of the site.
- e. Section 3.3.2 *Side and rear setbacks*, specifically objective (d) and control (d) as the proposed development provides a deep soil planting area with a depth less than 2m within its south-eastern setback area.
- f. Section 3.4 *Length and depth of buildings*, specifically objective (a) and control (a) as the proposed development has an excessive building length of 33.8m across its Simpson Street elevation.
- g. Section 3.5 *Building design and streetscape*, specifically objectives (a) and (b) and control (b) as the overall massing, bulk and scale of the proposed development are excessive and contrary to the existing and desired future streetscape.
- h. Section 3.8 *Pedestrian access and entry*, specifically objective (b) and control (f) as the residential entry of the proposed development is illegible and does not afford optimal amenity.
- i. Section 3.9 *Landscaping*, specifically controls (b) and (c) and objectives (a)-(f) as the proposed development falls short of the minimum quantum of landscaped area and deep soil planting.
- j. Section 3.10 *Communal space*, specifically objectives (a)-(e) and controls (a) and (f) as the proposed development does not provide communal open space.

- k. Section 3.12 *Vehicular access and parking*, specifically objective (c) and control (f) as the enlarged basement car park and access ramp result in a lack of landscaped area and deep soil planting.
 - l. Section 3.13 *Solar access and overshadowing*, specifically objective (d) as the excessive FSR of the proposed development result in unreasonable overshadowing impacts upon neighbouring properties.
 - m. Section 3.15 *Visual privacy and security*, specifically objective (b) and controls (e) and (h) as the proposed development will result in unreasonable visual privacy impacts upon neighbouring properties.
 - n. Section 3.21 *Building services*, specifically objective (a) and controls (a) and (c) as the yellow car park exhaust pipes across the Simpson Street elevation are unsightly and do not integrate well into the design of the development.
- 5. The development application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. Shadow diagrams are considered insufficient, as they do not accurately model and show overshadowing impacts of the proposed ground level raising and expected boundary fences upon the neighbouring property at 6 Blair Street.
 - 6. The proposed development does not satisfy section 4.15 (1)(b) of the Act as it is excessive in terms of building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable streetscape impacts upon the locality and surrounding built environment.
 - 7. The proposed development 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 scale and density proposed) could consequently affect orderly future redevelopment of adjoining sites to the east of the site.
 - 8. The proposed development 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 development.
 - 9. The proposed development 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, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

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

S Gouge – on behalf of M Marshall (objector)

116-122 Blair Street, NORTH BONDI - Alterations and additions to existing residential dwelling forming part of a mixed use development, including partial demolition, internal reconfiguration and swimming pool at rear (DA-248/2020)

Report dated 10 February 2021 from the Development and Building Unit.

Council Recommendation: That the application be approved in accordance with the conditions 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, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

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

D Waghorn, S Hanson (on behalf of the applicant)

3 Military Road, North Bondi - Partial demolition of the existing dwelling, excavation and construction of a part two, part three storey boarding house and integrated basement/ ground level carparking (DA-278/2020)

Report dated 5 February 2021 from the Development and Building Unit.

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

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

55. COMMUNITY LIAISON

The boarding house manager\owner of the premises is to attend any Precinct meetings of the local precinct committee when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to be amended to reflect this condition.

Reason: This will provide a further mechanism to address community concerns which may arise from time to time.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and recommended conditions as amended by the Panel above.

R Bradshaw (objector), C Taylor (on behalf of the applicant)

Report dated 10 February 2021 from the Development and Building Unit.

Council Recommendation: That the application be approved in accordance with the conditions 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 and height development standards. In the opinion of the Panel, the objectives of both the zone and the development standards 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, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and recommended conditions.

No speakers addressed the meeting.

4 Wolaroi Crescent, Tamarama - Modifications to approved dwelling including additional floor space at ground floor and second floor levels and internal modifications (DA-829/2003/C)

Report dated 12 February 2021 from the Development and Building Unit.

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

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

Amendment to conditions to read as follows:

1(A). GENERAL MODIFICATIONS

The modification application DA-829/2003/C is approved subject to the following plan amendments:

- (a) To reduce the overall visual bulk and scale of the proposed alterations and additions to the dwelling, the proposed addition to the Ground Floor level Rumpus room (including the roof overhang) is not approved. Amended plans are to be submitted deleting the Ground Floor level addition to the Rumpus Room at the eastern front elevation of the dwelling, as shown marked in colour on the submitted plans, elevations and sections.
- (b) To reduce the overall visual bulk and scale of the proposed alterations and additions to the dwelling and to reduce visual and acoustic privacy impacts to the adjoining property to the south, the front eastern facing balcony addition at the Ground Floor Level (for its full length as shown in colour on Plan No.DA06 Revision 26/08/2020) is not approved and is to be deleted from the plans. However approval is granted for opening doors from the bedroom directly to the existing ground level terrace.
- (e) The existing planter to the north of the master bedroom may be removed and replaced with tiles and large pot plants and remain as a non-trafficable area.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and recommended conditions as amended by the Panel above.

F Lazaridis (on behalf of the applicant)

12 Burge Street, VAUCLUSE - Demolition of existing building and construction of a residential flat building containing 6 units over basement car parking and Strata Subdivision (DA-325/2020)

Report dated 15 February 2021 from the Development and Building Unit.

Council Recommendation: That the application be approved in accordance with the conditions 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 and height development standards. In the opinion of the Panel, the objectives of both the zone and the development standards 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, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and recommended conditions. Fundamental to the Panel's decision is the architectural quality of the development, including the provision of rear setbacks, external spaces, and deep soil that exceed the requirements of the Development Control Plan and provide landscape setting of the development that contributes to the character of the area.

Written Submission: M Albert on behalf of Owners of apartments in 1, 3, 5 and 7 Young Street, Vaucluse (objectors), D Desson, A Martin (on behalf of the applicant)

27 Carlisle Street, TAMARAMA - Alterations and additions to dwelling including extension of existing deck, landscaping, screening and new swimming pool at rear (DA-398/2020)

Report dated 15 February 2021 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report and recommended conditions.

W Cooper (objector), V Milligan (on behalf of the applicant)

The Grand Hotel – 81 Ebley Street BONDI JUNCTION - Modification to increase the hours of operation of the Grand Hotel to between 6am and 12 midnight on Sunday. The trading hours on Monday to Saturday are not proposed to be modified (DA-572/2015/C)

Report dated 15 February 2021 from the Development and Building Unit.

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

RESOLUTION: This modification application is refused in accordance with the recommendation in the assessment.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

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

R Tepsatra (objector)

145 Hall Street BONDI BEACH - Demolition of existing boarding house, garage and all structures, and construction of a four-storey boarding house with basement parking (DA-196/2020)

Report dated 15 February 2021 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel below:

Add new conditions to read as follows:

5. ON-SITE PARKING

- (a) Three (3) car parking spaces in the basement car park of the development shall be devoted to car share spaces for the exclusive use of residents/lodgers (and not for the general public).
- (b) The one (1) remaining car parking space in the basement car park of the development shall be used for the on-site manager.
- (c) Carparking allocations are to remain in place, in perpetuity.
- (d) A restriction as to user must be registered against the title of the property prior to the issue of any Occupation Certificate, in accordance with s88E of the *Conveyancing Act 1919* which requires the ongoing provision of the internal carshare spaces in subclauses (a) to (c) . All legal costs associated with this process shall be wholly borne by the owner. Details to be submitted to Council's Legal Administration Officer (or delegate).

6. COMMUNITY LIAISON

The boarding house manager / owner of the premises is to attend any Precinct meetings of the relevant Local Precinct Committee when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to be amended to reflect this condition.

76. PARKING PERMITS

In accordance with Council's Policy, Resident Parking permits will not be issued for this development when it is completed.

Amend condition 4 to read as follows:

4. PLAN OF MANAGEMENT (POM)

The PoM accompanying this Development Application and identified in condition 1 of this development consent has been approved and becomes operational and enforceable during the occupation of the development, subject to amendments required by conditions 5 (On-site parking) and 61 (PoM – Shared Accommodation) of this development consent.

Amend condition 17 to read as follows:

17. MOTORCYCLE PARKING

A total of 5 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Amend condition 59 (note: condition 'number' may adjust once new conditions inserted) to add subclause (d) and (e) to read as follows:

59. PLAN OF MANAGEMENT – SHARED ACCOMMODATION

The Plan of Management (PoM) identified in condition 1 of this development consent shall be amended as follows:

- (a) All recommended mitigation measures made in section 4.7 of the Social Impact Assessment referred to in condition 1 (d) of this development consent shall be incorporated and align with relevant operational processes and procedures in the PoM.
- (b) In section 10.0 of the PoM in relation to 'House Rules', include a provision in the 'Smoking' subsection to not permit smoking within the private open space areas on all side-facing balconies and ground floor courtyard serving Apartments or Rooms 3, 8, 15 and 21 of the development.
- (c) Contact details, including phone number and email address, of the on-site manager shall be identified so that the on-site manager is readily contactable 24 hours a day and available to be made immediately aware of any issues and complaints as they arise so that they can quickly resolve any issue to the best of their ability.
- (d) The management and operation of the on-site carparking shall be provided in the PoM. In particular details for managing the car share process are to be provided including how tenants will be encouraged and educated to use this transport system.
- (e) The PoM is to include details on the Community Liaison mechanism as required by condition 6 of this development consent.

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

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behaviour. A copy of the amended PoM shall be submitted to Council's Executive Manager, Development Assessment (or delegate) for review and approval prior to the issue of any Occupation Certificate. Changes to the PoM must be in accordance with the approved conditions of consent.

For the RESOLUTION: Stein, Murrell, Mora and Tuor

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the recommendations in the Officer's report and recommended conditions as amended by the Panel above. The Panel has amended and has imposed a number of new conditions which will further mitigate impacts.

M Shapiro, L Kosnetter (on behalf of the applicant)

The meeting closed at 3pm