

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBER ON
WEDNESDAY, 23 OCTOBER 2019**

Panel members present:

Annelise Tuor (Chair)
Richard Thorp
Peter Brennan
Allyson Small (Community Representative)

Also present:

Ms B McNamara	Manager, Development Assessment (North/South)
Mr B Magistrale	Acting Manager, Development Assessment (Central)
Ms R Siasosi	Administration Officer

At the commencement of the public proceedings at 12.04 pm, those panel members present were as listed above.

*At 12.55pm, the meeting adjourned for a short break
At 1.00pm, the meeting reconvened in open session.*

At 1.12 pm, the meeting was closed to the public.

At 1.45 pm, the Panel reconvened in closed session.

At 3.50 pm, the meeting closed.

WLPP-1910.A

Apologies

There were no apologies.

WLPP-1910.DI

Declarations of Interest

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

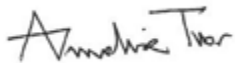
1. P Brennan declared a less than significant non-pecuniary interest in Item WLPP-1910.2. as he has a grand-daughter who attends this school.
2. P Brennan declared a less than significant non-pecuniary interest in Item WLPP-1910.5 as he has a grand-daughter who is a member of this surf club.

WLPP-1910.AR
Annual Returns Disclosing Interests of Panel Members

DECISION: That the Panel receives and notes the annual returns of panel members disclosing interests.

WLPP-1910.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink that reads "Annelise Tuor". The signature is written in a cursive style with a large initial 'A'.

Annelise Tuor
Chairperson

WLPP-1910.1

54/107 MacPherson Street, Bronte – Construction of two aluminium louvred pergolas and associated landscaping to the existing roof terrace of unit 54 at level 9 (DA-270/2019)

Report dated 10 October 2019 from the Development and Building Unit.

DECISION: That the application be refused for the reasons recommended in the Officer's report as amended by the Panel, as follows.

AMENDED REASON FOR REFUSAL:

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 environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the surrounding area, and would adversely impact upon the amenity of the locality and surrounding built environment.

ADDED REASON FOR REFUSAL:

7. The size of the proposed pergola (approximately 65.5 square metres) is excessive and beyond the size reasonably required for a roof terrace of a single dwelling.

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: NIL

L Kosnetter, Tony Gill - (on behalf of the applicant) addressed the meeting.

WLPP-1910.2

St Clare's College, 41–51 Carrington Road, Waverley – Demolition of the existing convent, landscaping and change of use to educational establishment (DA-112/2019)

P Brennan declared a less than significant non-pecuniary interest in Item WLPP-1910.2. as he has a grand-daughter who attends this school.

Report dated 11 October 2019 from the Development and Building Unit.

DECISION: The development application is approved in accordance with the conditions in the Officer's report.

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: Tuor, Brennan, Small and Thorp

Against the Decision: NIL

S Robinson, L Melocco (on behalf of the applicant) addressed the meeting.

WLPP-1910.3

12 Ewell Street, Bondi – Section 8.3 review of application, specifically seeking review (and deletion) of condition 2 relating to car parking in the front setback (DA-100/2019/1)

Report dated 10 October 2019 from the Development and Building Unit.

DECISION: The Panel approves the development application subject to conditions in Appendix B of the officer's report dated 10 October 2019.

REASONS: The Panel has visited the site, considered submissions and the Clause 4.15 assessment in the Assessment Officer's report dated 23 May 2019 and the further report for the section 8.3 review dated 10 October 2019. For the reasons in these reports, the Panel was satisfied the proposal is acceptable and warrants approval with the exception of the carport and hardstand.

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: Nil

M Swain (on behalf of the applicant) addressed the meeting.

WLPP-1910.4

12 Forest Knoll Avenue, Bondi Beach – Alterations and additions to existing dwelling house including internal reconfiguration, first floor addition and extension to rear (DA-229/2019)

Report dated 9 October 2019 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 height 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.

REASONS: The Panel has visited the site and considered the Clause 4.15 assessment in the Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: Nil

A Starkey (on behalf of the applicant) addressed the meeting.

WLPP-1910.5

Promenade adjacent to North Bondi Surf Life Saving Club, Campbell Parade, Bondi Beach – Enlargement of storage area under promenade and creation of two additional doors within the sea wall (DA-83/2019)

Report dated 10 October 2019 from the Development and Building Unit.

*P Brennan declared a less than significant non-pecuniary interest in Item WLPP-1910.5
as he has a grand-daughter who is a member of this surf club.*

DECISION: The Panel approves the development application subject to the conditions in the officer's report.

ADDED CONDITION:

3. MATERIALS AND COLOURS

The new doors are to be finished in a dark and recessive colour and to be similar to the colour of the adjacent concrete sea wall.

REASONS: The Panel has visited the site and considered the Clause 4.15 assessment in the Officer's report. For the reasons in the report, the Panel was satisfied the proposal is acceptable and warrants approval.

The Panel notes the Heritage Council of NSW general terms of approval requires only one new door be approved. The Panel considered that subject to the colour of the doors being dark and recessive, that both openings would be appropriate in the heritage context of the beach and its surroundings.

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: Nil

No speakers addressed the meeting.

WLPP-1910.6

3 Lancaster Road, Dover Heights – Demolition of dwelling and construction of an attached dual occupancy with basement garage, new swimming pool, associated landscaping and strata subdivision (DA-35/2019)

Report dated 11 October 2019 from the Development and Building Unit.

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

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: Nil

*B Plit, L Plit, T Moody (on behalf of T Gilerman) (objectors) and (on behalf of the applicant) addressed the
meeting.*

WLPP-1910.7

87–99 Oxford Street and 16–22 Spring Street, Bondi Junction – Modification to wording of consent conditions 9, 10 and 111 (DA-498/2017/C)

Report dated 14 October 2019 from the Development and Building Unit.

DECISION: The Section 4.55 modification to development application is approved subject to the conditions contained in the officer’s report as amended by the Panel, as follows:

Amended condition:

MODIFICATION: 10 (a)

- (ii) ~~Pay a monetary contribution amount of \$5,164,236.85 prior to the issue of any Occupation certificate for the Development~~ ***Dedicate by way of transfer and deliver land which incorporates floor space as identified in approved level 1 plan being all commercial tenancies except Commercial 3 and associated common space on level 1 totalling 505sqm and fit out in accordance with Council’s specifications (“Development Contribution”). The land is to be dedicated at no cost to Council and free of any encumbrances:***
- ***within (fourteen) 14 days of the later of registration of the Strata Plan and delivery of the Occupation Certificate; and***
 - ***prior to the first settlement of any other lot(s) within the Development.***

111. MARKING OF CAR SPACES

The following allocation of car parking spaces shall clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) ~~115~~ **118** resident spaces;
- (b) 18 resident visitor spaces;
- (c) ~~5~~ **2** commercial spaces;
- (d) 10 retail spaces; and
- (e) 2 car share spaces.

Of which there are 15 adaptable spaces. In total there are 150 spaces. It is noted that the 2 car wash areas are not permanent parking spaces.

REASONS: The Panel generally agrees with the Planning Officer’s report. Having considered submissions on behalf of the applicant, the Panel has amended condition 111 to change 3 commercial spaces to 3 residential car spaces. The Panel considered this to be not inconsistent with the carparking objectives in the Waverley DCP 2012 and the floor space ratio requirement in The Waverley Planning Agreement Policy 2014. The carparking amendment facilitates and maximises the use of commercial space for public benefits and is in accordance with the requirements of the draft voluntary planning agreement.

For the Decision: Tuor, Brennan, Small and Thorp

Against the Decision: Nil

L Manser (on behalf of the applicant), T Sneesby (on behalf of Council) addressed the meeting.

Meeting closed 3.50pm.