

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD AT THE  
WAVERLEY COUNCIL CHAMBER ON  
WEDNESDAY, 11 DECEMBER 2019**

**Panel members present:**

The Hon R.N (Angus) Talbot (Chair)  
Graham Brown  
Jocelyn Jackson  
Sandra Robinson (Community Representative)

**Also present:**

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

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

*At 2.00 pm, the meeting was closed to the public.*

*At 2.45 pm, the Panel reconvened in closed session.*

*At 4.45 pm, the meeting closed.*

**WLPP-1912.A**

**Apologies**

There were no apologies.

**WLPP-1912.DI**

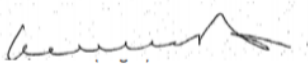
**Declarations of Interest**

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

**WLPP-1912.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



The Hon R.N (Angus) Talbot  
**Chairperson**

**22 Kimberley Street, Vaucluse - Section 8.2 review of refusal for alterations and additions to a dwelling house, including an upper level addition (DA-17/2019/1)**

Report dated 27 November 2019 from the Development and Building Unit.

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

**DECISION:** The Panel approves the development application as a deferred commencement consent but otherwise in accordance with the summary and conclusions and recommendations in the officer's report as subject to the recommended conditions as amended by the Panel.

**APPENDIX A – DEFERRED COMMENCEMENT CONDITION**

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) DESIGN CHANGES AND AMENDED PLANS

The pitched roof is not approved and shall be deleted from the plan and replaced with a flat roof. The height of the building shall not extend above RL 54.5.

This development consent does not operate until the applicant has lodged amended plans and they are approved by Waverley Council Development Assessment Executive Manager (or delegate), in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

This condition must be satisfied within 1 year of the date of this consent.

**REASONS:** To facilitate equitable view sharing.

**For the Decision:** Talbot, Brown, Jackson and Robinson

**Against the Decision:** NIL

*L Silver, M Silver, H Czeiger, M Forbath and L Faulkner(objectors) G Shiels, and J Prats (on behalf of the applicant) addressed the meeting.*

**21 Curlewis Street BONDI BEACH - Review of refusal for demolition of existing single storey commercial building and construction of a four-storey commercial building (DA-320/2018/1)**

Report dated 2 December 2019 from the Development and Building Unit.

Council Recommendation: That the application be granted deferred commencement consent 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 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 generally in accordance with the summary and conclusions and recommendations in the officer's report subject to the recommended conditions as amended by the Panel:

**APPENDIX A – DEFERRED COMMENCEMENT CONDITIONS**

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:

**2) DESIGN CHANGES AND AMENDED PLANS**

- (a) The upper most level, Level 3 is not approved and shall be deleted from the plan. The building height including the lift overrun shall not extend above RL 26.220.
- (b) The rear setback of Levels 1 and 2 are to be increased so that the rear wall extends no further south than the proposed rear wall of the lift. In this regard, the fire stairs are to be relocated to the north of the fire stairs shown on the plans and the toilets are to be relocated to the north of the stairs.
- (c) A window to provide natural light and ventilation is to be provided to the lobby on level 2. A pedestrian access door is to be provided on the first floor (level 1) providing access directly from the lobby to the landscaped area.
- (d) Two skylights are to be provided within the landscaped area at the rear to provide natural light into the ground floor lobby area and the storage area below.

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.

**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, Brown, Jackson and Robinson

**Against the Decision:** NIL

*C Pitharoulis, C Dwyer (objectors) J Askin, B Meyerson and V Blank (on behalf of the applicant) addressed the meeting.*

**28-30 Bourke Street, QUEENS PARK - Alterations and additions to childcare facility including construction of a cot room and new signage (DA-232/2019)**

Report dated 28 November 2019 from the Development and Building Unit.

Council 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 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, Brown, Jackson and Robinson

**Against the Decision:** NIL

*S Mansour (on behalf of the applicant) addressed the meeting.*

**18 Carlton Street, Waverley - Section 8.3 review of refusal for alterations to verandah and front fence and the construction of a hardstand (DA-199/2019/1)**

Report dated 16 November 2019 from the Development and Building Unit.

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

**DECISION:** That the application be refused for the reasons contained in the report. The Panel recognises that the proposal is contrary to the provisions of Waverley DCP 2012 and will impact on the fabric of the building and is non-compliant with the relevant Australian Standard.

**For the Decision:** Talbot, Brown, Jackson and Robinson

**Against the Decision:** NIL

*M Pusey and B Adams de Jutzuy (on behalf of the applicant) addressed the meeting.*

**113 MacPherson Street, Bronte - Change of use to a supermarket including consolidation of retail tenancies to a single tenancy and associated fit out (DA-231/2019)**

Report dated 29 November 2019 from the Development and Building Unit.

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

**DECISION:** That the determination of the application be deferred to enable the Panel to assess the economic and social impact of the proposed development on the viability of the Bronte (MacPherson Street) Neighbourhood Centre.

**DIRECTION:** The applicant is directed to provide an assessment report to Council by appropriate independent experts to enable the Panel to determine the economic and social impact of the development on the Bronte (MacPherson Street) Neighbourhood Centre. The assessment report shall be provided to Council within 42 days of the date of this Panel meeting. The Council shall notify the documentation in accordance with the Waverley DCP 2012. The Council shall commission an expert to independently peer review the report at the applicant's expense.

The application will be referred to the Panel for final determination electronically or by such other means that the Panel Chair may decide.

**REASONS:** The Panel defers the application due to the number of public submissions in relation to the impact on the Bronte (MacPherson Street) Neighbourhood Centre.

**For the Decision:** Talbot, Brown, Jackson and Robinson

**Against the Decision:** NIL

*J Buchanan, N Buchanan, J Savill, J Grieve (local resident and declared an interest as a Woolworths shareholder), V Milson (on behalf of Bronte Beach Precinct), K Spooner, S Assad, R Rajaratnam, (on behalf of Bronte Community Group), B Han and G Vaughn (on behalf of Bronte Beach Precinct), (objectors) J Colling (on behalf of the applicant) addressed the meeting.*

**Meeting closed** 4.45pm.