

**MINUTES OF THE WAVERLEY LOCAL PLANNING
PANEL MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 3 FEBRUARY 2021**

Panel members present:

Hon RN Talbot (Angus) (Chair)
Graham Brown
Peter Brennan
Penelope Mora (Community Rep)

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 Siasosi	Administration Officer

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

At 1.00pm, the meeting was closed to the public.

At 1.30pm, the Panel reconvened in closed session.

At 2.30pm, the meeting closed.

WLPP-2102.A

Apologies

There were no apologies

WLPP-2102.DI


Declarations of Interest

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

WLPP-2102.R

Determinations

The Panel resolved to make the following determinations overleaf.



Hon RN Talbot (Angus)
Chairperson

48 Brown Street, BRONTE – Alterations and additions to existing dwelling house, including internal reconfiguration, extension to the existing front deck, entry portico and a first floor addition with front balcony. (DA-366/2020)

Report dated 20 January 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 height development standard. 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: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: NIL

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

M Yang (objector), J Ezer (on behalf of the applicant)

79 Oceanview Avenue, DOVER HEIGHTS – Alterations and additions to dual occupancy development including internal reconfiguration for an additional bedroom, two balconies and extension to the deck at ground level (DA-373/2020)

Report dated 20 January 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. 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: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: NIL

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

A Pollak (written submission- objector), D Epstein (on behalf of the applicant)

131 Military Road, DOVER HEIGHTS - Demolition of existing dwelling and construction of a two-storey attached dual occupancy with basement parking, swimming pools, landscape works, roof terraces and associated Strata subdivision (DA-259/2020)

Report dated 20 January 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. 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: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: NIL

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

T Moody (written submission), N Ziade (on behalf of the applicant)

59 Lamrock Avenue, BONDI BEACH - Two (2) lot Torrens title subdivision of approved dual occupancy (DA-414/2020)

Report dated 22 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 development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.1(1)(a) and (b) and (3) as the lots do not meet the minimum subdivision lot size requirement and will enable future development that will impact upon the amenity of neighbouring properties.
 - b. Clause 4.4(1) as the development results in significant increase in development potential on the resulting lots that was not envisaged with the assessment of the previous application for an attached dual occupancy development.
 - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the minimum subdivision lot size development standard and the objectives of R2: Low Density Residential Zone.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B13 – Subdivision
 - i. Objective (i), as the application allows for further significant development on both lots that was not envisaged with the assessment of the previous application for a dual occupancy development.
 - ii. Control (a), as the application does not comply with the minimum lot size requirement as specified in Clause 4.1 of WLEP 2012.
3. The proposal is not considered to be in the public interest *for the reasons outlined above*, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the RESOLUTION: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: Nil

P Lim (written submission on behalf of the applicant)

144 Warners Avenue, BONDI BEACH - Review of refusal of alterations and additions to a residential flat building including attic addition (DA-409/2019/1)

Report dated 22 January 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. 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: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: NIL

REASON: The Panel notes that the original development application bears a written consent of owner and the Plans supporting the application for review satisfy the original reasons for refusal. The Panel concurs with the recommendations in the Officer's report.

K Boskovitz – on behalf of O Danziger (objector), A Smith (on behalf of the applicant)

30 Yanko Avenue, BRONTE - Alterations and additions to dwelling including internal reconfiguration, demolish and replace and extend existing first floor and extend lower ground floor level containing parking, cellar and laundry (DA-328/2020)

Report dated 25 January 2021 from the Development and Building Unit.

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

RESOLUTION: The application is refused for the reasons in the Officer's 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 development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3 *Height of buildings* (1)(a) and (d), and (2) as the proposal significantly breaches the height development standard which will diminish the environmental amenity of neighbouring properties and the locality.
 - b. Clause 4.4 *Floor space ratio* (1)(c) and (d) as the proposal breaches the floor space ratio development standard and has not adequately demonstrated that unreasonable amenity impacts to adjoining dwellings, including the appearance of visual bulk and visual privacy, have been minimised.
 - c. Clause 4.6 *Exceptions to development standards* (1)(b), 3(a) and (b) and (4)(a). The applicant's written request fails to justify that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variation to the floor space ratio development standard. The proposed development is not in the public interest as it is inconsistent with the objects of the floor space ratio development standard and height of buildings development standard.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B12 – *Design Excellence – 12.1 Design*, specifically objectives (a) and (c) and controls (a) and (b), as further resolution of the proposed first-floor addition is required to ensure cohesion with the existing dwelling.
 - b. Part C2 – Low Density Residential Development
 - (i) Section 2.1 *Height*, in particular objectives (a) and (b), as the height of the development does not appropriately to the topography of the site.

- (ii) Section 2.3 *Streetscape and Visual Impact*, in particular objective (b), with regard to the proposed first-floor addition which is not cohesive or complement the retained ground floor inter-war bungalow.
 - (iii) Section 2.5 *Visual and acoustic privacy*, in particular objective (a) and controls (d) and (e) in that the proposal has not adequately demonstrated that the proposed extension of the deck and the balcony will not result in unreasonable visual impacts to and from adjoining dwellings.
4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 2 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to an adequate Statement of Environmental Effects prepared in accordance with Schedule 1, Part 2, clause (4) and clear, consistent plans.
 5. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will adversely impact upon the amenity of the locality and surrounding built environment.
 6. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

For the RESOLUTION: Talbot, Brennan, Brown and Mora

Against the RESOLUTION: NIL

ME Hudson(objector), R Deverell (on behalf of the applicant)

The meeting closed at 2.30pm