

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD BY
VIDEO CONFERENCE ON
WEDNESDAY, 29 JULY 2020**

Panel members present:

Angus Talbot (Chair)
Peter Brenan
Jocelyn Jackson
Penelope Mora (Community Rep)

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Mrs B McNamara	Manager, Development Assessment (North/South)
Ms E Finnegan	acting Manager, Development Assessment
Ms R Siaoisi	Administration Officer

At the commencement of the public proceedings at 12 noon those panel members present were as listed above.

At 1.14pm, the meeting was closed to the public.

At 2pm, the Panel reconvened in closed session.

At 3.50pm, the meeting closed.

WLPP-2007.A

Apologies

There were no apologies

WLPP-2007.DI

Declarations of Interest

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

WLPP-2007.AR

Annual Returns Disclosing Interests of Panel Members

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

WLPP-2007.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in dark ink, appearing to read 'Angus Talbot', with a stylized flourish at the end.

Hon RN Talbot (Angus)
Chairperson

WLPP-2007.1

96 Glenayr Avenue, BONDI BEACH - Alterations to existing building to create balconies to units 3 and 6 facing Warners Ave (DA-115/2020)

Report dated 17 July 2020 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 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 Officer's report and recommended conditions.

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

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

WLPP-2007.2

77 Fletcher Street, TAMARAMA - Review of decision to refuse alterations and additions to existing dwelling (DA-322/2019)

Report dated 17 July 2020 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 reasons recommended in the Officer's report amended as follows:

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 4.6(4)(a)(i) and (ii) as the Clause 4.6 Statements submitted to vary the maximum building height and floor space ratio development standards are invalid and the proposal would be inconsistent with the objectives of the height of building and FSR development standards and the objectives of R3 zone and does not satisfy the public interest.
 - b. Clause 4.3(1)(a) and (d) and (2) as the proposal will further exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.
 - c. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.
2. 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 on amenity in the built environment.
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 C2 – Low Density Residential;
 - i. Clause 2.5 Visual and Acoustic Privacy, specifically objectives (a)-(d) and controls(e) as the proposed balconies cause adverse visual and acoustic privacy impacts.
 - ii. Clause 2.6 Solar Access, specifically controls (a), (b) and (c) as the proposal adversely impacts upon neighbouring properties through overshadowing.
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 streetscape, and

would adversely impact upon the amenity of the locality and surrounding built environment.

5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above/ 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, Jackson and Mora

Against the RESOLUTION: Nil

S Harwood, M Doyle (objectors) J Dowse (on behalf of the applicant) addressed the meeting.

WLPP-2007.3

Units 1 and 2, 19 Wonderland Avenue, TAMARAMA - Alterations and additions to existing dual occupancy to consolidate into one dwelling house (DA-97/2020)

Report dated 9 July 2020 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 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 Officer's report and recommended conditions.

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

No speakers addressed the meeting

WLPP-2007.4

41 O'Donnell Street NOTH BONDI - Demolition of existing dwelling and construction of two x two-storey semi-detached dwellings with integrated parking and swimming pool at rear and Torrens title subdivision into two lots (DA-119/2020)

Report dated 15 July 2020 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 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 Officer's report and recommended conditions.

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

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

WLPP-2007.5

1 Mitchell Street, North Bondi - Alterations and additions to existing mixed-use building including an additional storey (DA-47/2020)

Report dated 19 July 2020 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 reasons recommended in the Officer's report.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

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

WLPP-2007.6

16 Military Road, NORTH BONDI - Lift extension to the roof of the existing Residential Flat Building to provide access to proposed rooftop communal open space (DA-154/2020)

Report dated 15 July 2020 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.

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 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 as a deferred commencement consent in accordance with the recommendations in the Officer's report and in accordance with the conditions recommended in the report.

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

B Larsson (on behalf of the applicant) addressed the meeting

WLPP-2007.7

10 Denison Street BONDI JUNCTION - Demolition of all existing buildings, construction of an 11 storey mixed use building with basement (DA-412/2019)

Report dated 15 July 2020 from the Development and Building Unit.

COUNCIL RECOMMENDATION: That the application be refused for the reasons contained in the report and as amended by the below resolution.

RESOLUTION: This development application is refused in accordance with the following reasons:

1. The proposed development 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. 55 – Remediation of Land* as the development application has not adequately investigated whether the site can be made suitable for the proposed redevelopment given the absence of required documentation, such as a Detailed Environmental Site Assessment, a Site Audit Statement or Interim Advice from an accredited NSW EPA Site Auditor.
 - b. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* as the development fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:
 - i. *Principle 1 – Context and neighbourhood* given the dimensions of the site are unsuitable for the proposed development to achieve the desired urban form and built form quality envisaged for the Bondi Junction Centre.
 - ii. *Principle 2 – Built form and scale* as the tower form of the development is not well distinguished and articulated, particularly across its Spring Street elevation.
 - iii. *Principle 3 – Density* as the development has been designed to have limited calculable gross floor area on ground and first floor levels and will consequently fail to successfully activate the street frontages of the development.
 - iv. *Principle 6 – Amenity* as the development application does not sufficiently demonstrate whether the development will achieve adequate resident amenity relating to solar access, natural cross ventilation, ceiling height, and internal and external areas of each apartment.
 - v. *Principle 7 – Safety* as the forecourt/plaza and colonnade on street level of the development are deemed unsafe and would provide opportunities for concealment and entrapment.
 - vi. *Principle 9 – Aesthetics* as the development comprises a significant glazing over solid constitution across its street facades and will result in expansive blank walls across its northern and eastern elevations.
 - c. *Waverley Local Environmental Plan 2012 (WLEP)* as the development fails the following provisions:
 - i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clauses 1.2(2)(a), (b) and (d), as the development provides limited and inflexible commercial and retail floor plates and the siting of its tower form does not provide an appropriate transition in building scale between the edge of the commercial centre and surrounding residential development.
 - ii. *Clause 6.5 Active street frontages in the Bondi Junction Centre* as the development does not successfully provide active street frontages due to the colonnade, forecourt/plaza and expansive occupation of building services on the ground floor level of the development.

2. 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* (WDCP), in respect to the following provisions:

Part B16 Public Domain

- a. *Section 16.1 Improving the Public Domain*, specifically controls (f), (g), (i) and objectives (c), (e) and (g), as the street frontages of the development are poor and inactive.
- b. *Section 16.2 Active Street Frontages*, specifically controls (a), (m), (p) and (q) and objectives (a)-(c), (g), (h), (j) and (k).
- c. *Section 16.4 Awnings and Colonnades*, specifically control (a) and objective (b), as colonnades are discouraged.

Part C4 High Density Residential Development

- d. *Section 4.1 Site, Scale and Frontage*, specifically objectives (a)-(e), as the site dimensions are deemed unsuitable for the overall building height and scale of the development and its isolation impact on the adjoining property to the north of the site at 6-8 Denison Street, Bondi Junction.
- e. *Section 4.8 Pedestrian Access and Entry*, specifically control (f) and objective (a), as the colonnade across Spring Street obscures the legibility of the residential entry foyer of the development when viewed from the street.
- f. *Section 4.13 Building Services*, specifically control (d) and objectives (a) and (b), given the expansive occupation of building services on the ground floor level of the development, which discourages active street frontages.

Part D1 Commercial and Retail Development

- g. *Section 1.1.1 Frontages*, specifically control (b) and objectives (b) and (c), given the forecourt/plaza and colonnade on street level of the development hinder sightlines and casual surveillance of Denison Street and Spring Street from the retail premises of the development.

Part E1 Bondi Junction

- h. *Section 1.2 Urban Form*, specifically control (c) and objectives (b), (e)-(h), as the tower element of the development is not well distinguished from the podium given the absence of a tower setback from Spring Street.
- i. *Section 1.3 Building Use*, specifically control (c) and objectives (a)-(f), as the development provides just one retail premises over two floor levels and does not include a specific commercial first floor use.
- j. as the development will affect the significance of the 'Mill Hill Conservation Area'.
- k. *Section 1.8 Building Orientation*, specifically control (c) and objectives (a) and (b), given the Spring Street frontage of the development is blank and inactive.
- l. *Section 1.9 Street Alignment*, specifically objectives (d)-(f), given the absence of a setback of the tower element of the development from Spring Street.
- m. *Section 1.15 Open Spaces at Street Front*, specifically control (a) and objectives (a)-(d), as the forecourt/plaza and colonnade on street level of the development are deemed open space, which is discourages in front of private buildings in Bondi Junction Centre.
- n. *Section 1.16 Building Elevations*, specifically objective (a), as the development is not well articulated across its street elevations.
- o. *Section 1.17 Designing Buildings for Flexibility*, specifically objectives (b) and (c), as a significant proportion of the ground and first floor plates of the development is occupied by building plant, equipment and services.

3. 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. Anomalies and discrepancies of details shown on architectural plans relating to dimensions, labelling of units and respective internal and external areas, gross floor area measurements, and conflicts with design recommendations made in the Wind Tunnel Study.
 - b. Lack of details on architectural plans and diagrams to demonstrate consistency with design criteria relating to solar access, private open space size, natural cross-ventilation, ceiling heights, storage and apartment size outlined in the Apartment Design Guide.
 - c. Shadow diagrams are deemed insufficient as they do not include a north point and show limited context of surrounds of the site to demonstrate full compliance with clause 6.7 of WLEP in relation to protection of solar access to public spaces in Bondi Junction.
 - d. Insufficient Waste Management Plan as it underestimates the waste and recycling bins required for the development and relies on private collection of residential waste and recycling, using a small rigid vehicle, which is contrary to Council Policy.
4. The proposed development does not satisfy section 4.15 (1)(b) of the Act as it is excessive in terms of building height, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable streetscape impacts upon the locality and surrounding built environment. The development will also affect future orderly and economic use and development of the adjoining site to the north at 6-8 Denison Street, Bondi Junction.
 5. 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 development will consequently isolate and sterilise the development potential of the adjoining property to the north of the site at 6-8 Denison Street, Bondi Junction.
 6. 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.
 7. 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 Bondi Junction Centre and the broader Waverley local government area.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

M Tully (on behalf of the applicant) addressed the meeting

WLPP-2007.8

106 Hewlett Street, BRONTE - Demolition of existing semi-detached dwelling and construction of new two storey semi-detached dwelling with integrated garage and swimming pool at rear (DA-105/2020)

Report dated 17 July 2020 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 building height 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 Officer's report and recommended conditions subject to the deletion of the following condition:

Delete Condition 3.

3. VISUAL PRIVACY

*Windows labelled W11, W12, W13 and W14 as shown on the western elevation plan and located at the first floor level of the building are to be amended to have a minimum sill height of 1.6m as measured from the finished floor level **OR** be fitted with obscured glazing to a minimum height of 1.6m as measured from the finished floor level to maintain visual privacy and minimise overlooking to the adjoining property at 104 Hewlett Street. The plans are to be amended and approved by the **Principal Certifying Authority**, prior to the issue of any Construction Certificate.*

REASONS: The Panel considered the clause 4.15 assessment in the assessment officer's report and was satisfied that the proposal is acceptable and warrants approval.

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

J Askin (on behalf of the applicant) addressed the meeting

WLPP-2007.9

75 Newland Street, BONDI JUNCTION - Partial demolition of the side fence and construction of a hardstand carspace, driveway and sliding timber gate to the rear of the property accessed from Keiran Street (DA-167/2020)

Report dated 17 July 2020 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 reasons recommended in the Officer's report

For the RESOLUTION: Talbot, Brennan, Jackson and Mora

Against the RESOLUTION: Nil

L Russell, F Graham, J Egan, S Stewart(objectors) M O'Donnell (on behalf of the applicant) addressed the meeting

THE MEETING CLOSED AT 3.50PM.