

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 27 APRIL 2022**

Panel members present:

The Hon Paul Stein (Chair)
Graham Brown
Gabrielle Morrish
Penelope Mora (community representative)

Also present:

Ms B McNamara	Manager, Development Assessment (North/South)
Mr B Magistrale	Acting Manager, Development Assessment
Ms K Lucas	Senior Development Assessment Officer
Ms R Siaosi	Administration Officer

At the commencement of the public proceedings at 12.00 pm, those panel members present were as listed above.

*At, 12.55PM the meeting was closed to the public.
At 1.20pm, the Panel reconvened in closed session.
At 2.15pm, the meeting closed.*

WLPP-2204.A

Apologies

There were no apologies

WLPP-2204.DI

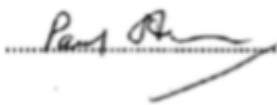
Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-2204.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

14 Glen Street, BONDI NSW 2026 - Amended: Substantial alterations and additions to dwelling house, including first and second floor additions, a front hardstand car space* and a swimming pool in the rear yard. (DA-389/2021)

*The amended DA replaces the front hardstand car space with an integrated two car garage.

Report dated 6 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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 Planning Officer's report.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

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

M O'Donnell (on behalf of the applicant) addressed the meeting.

1 Hewlett Street, BRONTE NSW 2024 - Alterations and additions to dwelling house including first floor addition and carport (DA-459/2021)

Report dated 12 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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 Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend condition 2 - General Modifications

- (b) The ground floor level of the development must be set back 0.9m from the western side site boundary to the commencement of the carport screen on the western boundary and this area must be landscaped. The eastern side wall of the carport is to be removed and the western side wall of the carport is to be no higher than the boundary fence at 1.8m.

Add condition 2 – General Modifications

- (f) The 1.6m privacy screen on the southern terrace edge to the ground floor is not approved as it provides unacceptable amenity for the occupants of this area. The applicant is to provide amended plans which details a solution that achieves better amenity impacts to the terrace but maintains privacy for the south adjoining property through the provision of additional landscaping and more appropriate screening.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Planning Officer's report but has added conditions relating to the terrace screen.

F Taaffe and T Moody on behalf L Aboud (Objectors), A Betros (on behalf of the applicant) addressed the meeting.

12 Princess Street, ROSE BAY NSW 2029 – Amended: Demolition of existing structures; and construction of a new attached dual occupancy development with basement parking and two swimming pools at rear. (DA-462/2021)

Report dated 12 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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 Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend Condition 13 – Details of Excavation, Shoring or Pile Construction:

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

The recommendations contained in the Geotechnical Site Investigation Report referred to in Condition 1(d) must be complied with.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Planning Officer's report and has added a specific condition relating to compliance of the Geotechnical Report.

J Hochberg on behalf of himself and J Tuch and J Holzman (Objectors), R Meyerson and L Kosnetter (on behalf of the applicant) addressed the meeting.

5 Castlefield Street, BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including first floor addition , plunge pool and conversion of rear shed to studio (DA-520/2021)

Report dated 13 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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 Planning Officer's report and recommended conditions as amended by the Panel:

Amend Condition 2 – General Modifications

- (a) The first floor rear building line to be reduced to not extend beyond the rear alignment of the No. 3 Castlefield Street, Bondi to the south at the first floor level (including the projecting bay window). In this regard, the proposed first floor level should be set back a further 1.2m. This includes the timber margin around the rear façade referred to as 'box feature' on the approved plans.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

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

B Daintry on behalf of S Andrews, N Pellow (Objectors), G Ng, M Zenia and B Zhu (on behalf of the applicant) addressed the meeting.

7 Park Parade, BONDI NSW 2026 - Partial demolition of existing dwelling and construction of two semi-detached dwellings each with swimming pools to the rear and Torrens title subdivision into two lots – (DA-35/2022)

Report dated 13 April 2022 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 for the reasons set out in the Planning Officer's report.

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 and amenity of 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(1)(a) and (d) and (2) as the proposal will exceed the maximum building height which will result in unreasonable amenity impacts and would not meet the desired future character of the area.
 - b. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site which will result in unreasonable amenity impacts and would not meet the desired future character of the area.
 - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height and FSR development standards and the objectives of the R3 zone.
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 B3 – Landscaping and Biodiversity
 - i. Clause 3.1.1 *General Controls*, specifically control (b) as the development proposes to remove three significant trees.
 - b. Part B5 – Vegetation Preservation
 - i. Clause 5.1 *General Provisions*, specifically objectives (b) and (d) as the development proposes to remove three significant trees.
 - c. Part B8 – Transport
 - i. Clause 8.1 *Streetscape* specifically objective (d) and Clause 8.2.1 *Vehicle Access* specifically control (d) as the proposed driveway crossovers will result in the removal of an established street tree and reduce the supply of on-street parking.

- d. Part B12 – Design Excellence
 - i. Clause 12.1 *Design*, specifically controls (e)(v), (vii) as the development has been designed as a low density dwelling with the controls that are meant for a medium density development resulting in an excessive bulk and scale that create shadowing impacts to 3/8 Park Parade.
 - e. Part B13 – Subdivision
 - i. Specifically, control (f) as tree removal to permit vehicle access for new subdivision is not supported.
 - f. Part C2 – Low Density Residential Development
 - i. Clause 2.0 *General Objectives*, specifically objectives (b) and (d) as the development does not meet the desired future character of the area. That is low density residential development being of an appropriate scale within an R3 zone. The proposal currently exceeds height and FSR controls, which result in shadowing impacts to 3/8 Park Parade.
 - ii. Clause 2.1 *Height*, specifically control (a) as the development exceeds a continuous wall height of 7m.
 - iii. Clause 2.2.2 *Side Setbacks*, specifically control (a) as the proposal does not provide a side setback of 1.5m.
 - iv. Clause 2.3 *Streetscape and Visual Impact*, specifically control (e) as a significant street tree is proposed to be removed.
 - v. Clause 2.4 *Fences*, specifically control (b) as the front fence exceeds 1.2m.
 - vi. Clause 2.6 *Solar Access*, specifically objective (d) as the proposed development will impact solar access to 3/8 Park Parade.
 - vii. Clause 2.8.1, control (d); Clause 2.8.4 *Design*, control (f); and Clause 2.8.6, control (a) as the dual driveway crossover will reduce on-street parking and an established street tree will be removed.
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 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
 - a. Clearer details of the building outline of 6 Park Parade (i.e. as per the survey) are required to adequately assess front and rear building lines.
 - b. Side and rear boundary fence details are not shown.
 - c. Location of adjoining window details are not shown.
 - d. Additional stormwater details are required.
 5. 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, has an undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
 6. 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.
 7. 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: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

No speakers addressed the meeting.

9A Wonderland Avenue, TAMARAMA NSW 2026 - Alterations and additions to dwelling house including part demolition , excavation , internal reconfiguration and relocation of swimming pool (DA-486/2021)

Report dated 13 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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. 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 and conditions in the Planning Officer's report.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

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

No speakers addressed the meeting.

51 Mitchell Street, BONDI BEACH NSW 2026 - Alterations and additions to residential flat building, including an upper floor addition comprising two units and internal reconfiguration of existing levels to create a further additional unit, providing a total of seven units (DA-540/2021)

Report dated 14 April 2022 from the Development and Building Unit.

Council Recommendation: That the development 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 Planning Officer's report and recommended conditions.

For the RESOLUTION: STEIN, BROWN, MORRISH AND MORA

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Planning Officer's report and congratulates the applicant's architect for a quality outcome.

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

THE MEETING CLOSED AT 2.15PM