

**MINUTES OF THE WAVERLEY LOCAL
PLANNING PANEL MEETING HELD AT THE
WAVERLEY COUNCIL CHAMBERS ON
WEDNESDAY, 29 AUGUST 2018**

Panel members present:

The Hon Angus Talbot (Chair)
Peter Brennan
Penelope Mora
Annelise Tuor

Also present:

Mr A Faruqi	Manager, Development Assessment (North/South)
Ms K Lucas	Acting Manager, Development Assessment (Central)
Ms R Siasosi	Administration Officer

At the commencement of the public proceedings at 12.25pm, those panel members present were as listed above.

At 2.20pm, the meeting was closed to the public.

At 3.15pm, the Panel reconvened in closed session.

At 5.40pm, the meeting closed.

WLPP-1808.A

Apologies

There were no apologies

WLPP-1808.DI

Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-1808.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Angus Talbot
Chairperson

WLPP-1808.1

3 Cuthbert Street, Queens Park – Alterations and additions including first floor addition and new garage with attic above (DA-496/2017)

Report dated 16 August 2018 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 standard in Clause 4.3 and the FSR standard in Clause 4.4, of the LEP. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

The application is approved in accordance with the conclusions and recommendation of the Planning Officer's report, as amended by the Panel:

CONDITION 2A

GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The glazing to Windows W3, W5 and W7 and the Gambriel window to the front elevation to the out building to be obscure;

The amendments are to be approved by Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

REASONS: The Panel adopts the reasons in support of the application in the Officer's report and is satisfied that the approval is in the public interest.

For the Decision: Talbot, Brennan, Mora and Tuor

Against the Decision: Nil

M Toll, H Windsor (objectors) and C Gordon (owner) addressed the meeting.

WLPP-1808.2

7 Gardyne Street, Bronte – Demolition and construction of new dwelling-house with integrated double garage and swimming pool at frontage (DA-424/2017)

Report dated 7 August 2018 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 floor space ratio standard in Clause 4.4 of the Waverley LEP. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

That the application be approved in accordance with the conditions contained in the Planning Officer's report.

REASONS: The Panel adopts the reasons in support of the application in the Officer's report and is satisfied that the approval is in the public interest.

For the Decision: Talbot, Brennan, Mora and Tuor

Against the Decision: Nil

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

WLPP-1808.3

1/19 Wonderland Avenue, Tamarama – Alterations to existing dwelling including window changes, and BBQ area (DA-35/2018)

Report dated 14 August 2018 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 floor space ratio standard in Clause 4.4 of the Waverley LEP. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

That the application be approved in accordance with the conditions contained in the Planning Officer's report.

REASONS: The Panel adopts the reasons in support of the application in the Officer's report and is satisfied that the approval is in the public interest.

For the Decision: Talbot, Brennan, Mora and Tuor

Against the Decision: Nil

WLPP-1808.4

37 Edwards Street, Bondi Beach – Demolition of existing dwelling and erection of part two- and three-storey dwelling and carport (DA-385/2017)

Report dated 15 August 2018 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 standard in Clause 4.3, of the LEP. The Panel concurs on behalf of and as the delegate of the Secretary Department of Planning and Environment.

The application is approved in accordance with the conclusions and recommendation of the Planning Officer's report, as amended by the Panel as follows:

CONDITION 2

GENERAL MODIFICATIONS

- a) The building in the south east corner comprising games room, courtyard and permeable rock garden be set back from the south eastern side boundary a minimum distance of 1.5m.
- b) Any boundary fence along the south eastern side boundary adjoining the games room, courtyard and permeable rock garden should not exceed 1.5m in height as measured above the existing deck level (RL 46.67) at property number 35 Edwards Street.
- c) The ground floor level is to be set back at the rear in line with the floor level below. A lightweight awning may extend beyond the revised rear external wall by no more than 500mm.
- d) The proposed driveway is to be angled further towards the north-west boundary away from the street tree (Paperbark) and sited closer to the boundary with No. 39 to ensure no impacts on the existing street tree.

The amendments are to be approved by the Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

REASONS: The Panel does not support the variation to the FSR and has reduced the FSR by increasing the setbacks in condition 2. Accordingly the proposal as amended will comply with the FSR standard. The Panel has increased the setback so that the proposal will generally comply with the DCP 2012 setback controls and respects the amenity of the neighbouring properties.

The Panel otherwise adopts the reasons in support of the application in the Officer's report subject to the changes made to condition 2 to satisfy the provisions of the Waverley LEP and Waverley DCP and to respect the amenity of the neighbouring properties. The Panel is satisfied that the approval is in the public interest.

For the Decision: Talbot, Brennan, Mora and Tuor.

Against the Decision: Nil

A King, B Chambers (on behalf of J King), D Johnstone (objectors), and H Genaus (applicant), M Conrade (Owner) addressed the meeting.

WLPP-1808.5

59 Brighton Boulevard, Bondi Beach – Demolition of existing building and construction of a three-storey residential flat building with basement car parking, plus strata subdivision (DA-402/2017)

Report dated 17 August 2018 from the Development and Building Unit.

DECISION: That the application be refused for the following reasons:

REASONS: The Panel having considered the Planning Officer's report and inspected the site adopts the Officer's reasons for refusal except reason 1(b) 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 comply with State Environmental Planning Policy (SEPP) 65 Design Quality of Residential Flat Development as the proposal is not consistent with the following provisions of the Apartment Design Guide (ADG):*
 - (a) *Separation distances to satisfy the requirements of Part 3F. This non-compliance will result in visual and acoustic privacy impacts upon adjoining properties.*
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 C2 – Multi Unit and Multi Dwelling Housing;*
 - i. *Clause 2.2 Site, Scale and Frontage, specifically objectives (a), (b) and (c) and controls (b) and (d) as the proposal does not provide the minimum site frontage to enable the development to be sited to meet the site and building controls resulting in unacceptable impacts.*
 - ii. *Clause 2.3 Height, specifically objectives (a) and (b) and controls (b) and (c) as the proposal exceeds the maximum wall height control of 9.5m and does not respond to the scale and character of the street.*
 - iii. *Clause 2.4 Excavation, specifically objective (a) and controls (a), (b), (c), (d) as the proposal will result in an above ground car park level and subsequent raised ground floor level which impacts upon the visual bulk and scale of the building when viewed from adjoining properties, results in high boundary walls and provides little remaining site area for meaningful landscaping and separation from adjoining properties.*
 - iv. *Clause 2.5.2 Side and Rear Setback, specifically objectives (a), (b) and (d) and controls (a), (c) and (f) in that the proposal does not provide sufficient side and rear setbacks to provide visual relief between buildings, appropriate separation distances, and sufficient area for meaningful landscaping resulting in amenity impacts upon surrounding properties.*
 - v. *Clause 2.8 Streetscape, specifically objective (a) and control (a) as the proposal includes ground fill and retaining walls to allow for the partial basement level parking which results in unacceptable streetscape impacts.*
 - vi. *Clause 2.10 Fences and Walls, specifically control (e) as the proposed side boundary fencing exceeds 1.8m in height due to the level of excavation and fill on the site resulting in amenity impacts upon surrounding properties.*
 - vii. *Clause 2.13 Landscaping, specifically controls (a), (b) and (d) and controls (a), (b) and (c) in that the proposal provides insufficient landscaping and deep soil zones to assist the ease of drainage and to allow for effective deep soil planting to provide screening between building and improve the amenity of the development and the neighbouring properties.*

- viii. *Clause 2.14 Communal Open Space, specifically objectives (a), (c) and (d) and controls (a), (c), (g) in that the proposal does not provide sufficient and adequate communal open space for the use of residents and to provide a pleasant outlook for the development.*
 - ix. *Clause 2.16 Solar Access and Overshadowing, specifically control (c) in that the proposal will result in unacceptable additional overshadowing of adjoining properties.*
3. *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) Shadow diagrams which indicate the solar access provided to the proposed units and communal open space taking into account surrounding existing and approved buildings.*
 - (b) Shadow diagrams which adequately demonstrate the impact upon adjoining properties from a setback compliant built form and the subject proposal.*
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, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient side boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.*
5. *The proposal is contrary to Section 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 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 Decision: Talbot, Brennan, Mora and Tuor.

Against the Decision: Nil

M Smith, W Harding, A Boskovitz (on behalf of R & D Taitz), D Taitz (Objectors) and P Bull (on behalf of applicant) addressed the meeting.

WLPP-1808.6

101 Hastings Parade, North Bondi – Demolition of existing dwelling and construction of a part two-part three-storey semi-detached dwelling development with integrated garages and Torrens title subdivision (DA-314/2017)

Report dated 10 August 2018 from the Development and Building Unit.

DECISION: That the application be refused for the following reasons:

REASONS: The Panel agrees with the determination and recommendation in the Planning Officer's report and generally the reasons for refusal in Appendix A. In particular the applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breaches to the minimum subdivision lot size and floor space ratio development standard. The proposed development is contrary to the objectives of the development standards and the proposal is not in the public interest.

For the Decision: Talbot, Brennan, Mora and Tuor.

L Goodstone (Objector) and A Betros (on behalf of the applicant) addressed the meeting.

WLPP-1808.PP
Planning Proposals

The Panel deferred the planning proposal to a later date.

THE MEETING CLOSED AT 5.40PM.