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| <b>DATE OF DETERMINATION</b>    | 4 September 2020   |
| <b>PANEL MEMBERS</b>            | Carl Scully (Chair), Jan Murrell, Roberta Ryan, Lee Kosnetter, Jeremy Swan |
| <b>APOLOGIES</b>                | None   |
| <b>DECLARATIONS OF INTEREST</b> | None   |

Public meeting held via Microsoft Teams on 4 September 2020, opened at 3.35pm and closed at 5pm.

#### **MATTER DETERMINED**

PPSSEC-36 – Waverley – DA-125/2012/c - 20 Illawong Avenue, Tamarama - Section 4.55(2) modification to roof design, ground floor entry, façade stairwell, and increase in height, extension of basement parking and penthouse reconfiguration. (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

#### **Development application Determination**

The Panel's decision pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, is to approve that part of the modification application as it relates to the roof design, ground floor entry, façade stairwell and penthouse reconfiguration subject to conditions including the submission of amended plans and; refuse that part of the modification application seeking additional carparking.,

The decision was unanimous.

#### **REASONS FOR THE DECISION**

- The Panel has considered the submissions, both written and oral and has decided that the architectural design of the wave roof form will be an improvement when viewed from the public domain.
- At the same time, the Panel recognises that the building should preserve solar access and as such imposes the condition to reduce the floor area of the upper level penthouses internally by 0.5m to allow the whole of the Eastern façade, including the balustrade to the terrace and roof form to be setback an additional 0.5m. This increase in setback is to preserve the environmental amenity of neighbouring properties and public spaces. In addition, the floor to ceiling height of the penthouses is to be reduced by 100mm with a consequential overall height reduction of 100mm.
- The Panel, as previously advised, is not persuaded that the additional carparking spaces are in the public interest and therefore for the reasons stated in the original assessment report these spaces are to be deleted in the amended plans submitted for Council's approval. The development as approved already exceeds Council's guidelines for carparking and the Panel notes the area is well served by public transport.

The above plan amendments for an additional setback to the upper level were raised with the Applicant's Architect who advised this could be achieved.

## CONDITIONS

The modification application is approved in part subject to the conditions in the Council Officer's report with the following amendment:

- Amend Condition 62 – insert the words 'prior to the occupation of any penthouse';
- Amend Condition 1 to remove the reference to Plan 3106(DA306);
- Add to Condition 2 – The design of the building must be amended as follows:
  - a) reduce the internal width of the penthouses by 500mm to provide a 500mm increase in the setback of the entire upper level from the east including the roof overhang, terraces and balustrade.
  - b) The floor to ceiling height of the penthouses is also to be reduced by 100mm and a consequential reduction in overall height of 100mm.
  - c) That part of the modification seeking approval for additional carparking is deleted.

The above amendments to Condition 2 are to be submitted to, and approved by Council's Executive Manager, Development Assessments, prior to the issue of a Construction Certificate.






(Panel reason: to preserve the environmental amenity of neighbouring properties.)

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Height;
- Parking;
- Floor Space Ratio; and
- Overshadowing.

The Panel considers that concerns raised by the community have been appropriately addressed by the imposition of the conditions for design changes.

| PANEL MEMBERS  |   |
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| <br>Carl Scully (Chair) | <br>Jan Murrell |
| <br>Roberta Ryan        | <br>Jeremy Swan |
| <br>Lee Kosnetter       |   |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSSEC-36 – Waverley – DA-125/2012/c  |
| 2          | PROPOSED DEVELOPMENT                                  | Section 4.55(2) modification to roof design, ground floor entry, façade stairwell, and increase in height, extension of basement parking and penthouse reconfiguration.   |
| 3          | STREET ADDRESS  | 20 Illawong Avenue, Tamarama  |
| 4          | APPLICANT/OWNER                                       | Proprietors of Strata Plan 1731   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Section 4.55(2) Modification Application  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy 55 - Remediation of Land</li> <li>○ State Environmental Planning Policy 65 - Design Quality of Residential Flat Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ Waverley Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Waverley Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council assessment report: 25 August 2020</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Rachel Wheeler</li> <li>○ Council assessment officer - Mitchell Reid</li> <li>○ On behalf of the applicant – Brendon Clendenning, Brian Graham, Aaron Stevens, Peter Blair, Christine Smetsers</li> </ul> </li> </ul>   |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 21 May 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Lee Kosnetter, Jeremy Swan</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 21 May 2020, 9.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Jeremy Sawn, Lee Kosnetter</li> </ul> </li> </ul>  |

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|           |                               | <ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Angela Rossi</li> </ul> <p><i><u>Decision deferred at the 21 May meeting</u></i></p> <ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation, 4 September 2020, 2.15pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Jeremy Swan, Lee Kosnetter</li> <li>○ <u>Council assessment staff</u>: Mitchell Reid</li> </ul> </li> </ul> |
| <b>9</b>  | <b>COUNCIL RECOMMENDATION</b> | Refusal   |
| <b>10</b> | <b>DRAFT CONDITIONS</b>       | Attached to the council assessment report   |