

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 11 DECEMBER 2024**

Panel members present:

Jacqueline Townsend (Chair)
Mary Lynne Taylor
Kerry Kyriacou
Claire Edwards (Community Representative)

Also present:

A Rossi, Executive Manager Development Assessment
B McNamara, Manager Development Assessment
B Magistrale, Manager Development Assessment
J Zancanaro, Manager Development Assessment
N Calvisi, Administration Officer

At the commencement of the public proceedings at 11.02 am, those panel members present were as listed above.

*At 11.44am, the meeting was closed to the public.
At 12.32pm, the Panel reconvened in closed session.
At 13.12pm, the meeting closed.*

WLPP-2412.A

Apologies

There were no apologies.

WLPP-2412.DI

Declarations of Interest

The Chair called for declarations of interest and one was received.
Mary Lynne Taylor advised a conflict of interest in Item WLPP-2412.1 and did not participate in the public meeting or determination for this item.

WLPP-2412.R

Determinations

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend
Chairperson

WLPP-2412.1

**100-102 Ramsgate Avenue BONDI BEACH NSW 2026 - Demolition of buildings and construction of a four storey residential flat building with integrated basement parking, swimming pool, lot amalgamation, strata subdivision and associated landscaping works.
(DA-87/2024)**

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Kyriacou, Edwards.

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report. The Panel considered the view loss to all affected apartments and found that the design has managed the loss in an acceptable manner in compliance with the development standards.

M Butler, J McQuillen and M Hughes (objectors) and G Karavanas (on behalf of the applicant) addressed the meeting.

Mary Lynne Taylor advised a conflict of interest and did not participate in the public meeting or determination for this item WLPP-2412.1.

WLPP-2412.2

**Beach Road Hotel - 99-111 Glenayr Avenue BONDI BEACH NSW 2026 - Modification to Conditions 2 - 2A, 12, 13, 58, 59, 60, 62 and delete Conditions 14 (a) and 16 which relate to the existing security arrangements, acoustic provisions, pick up-drop off arrangements, trial periods and hours of operation.
(DA-626/2002/I)**

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

RESOLUTION: Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of Waverley Local Environmental Plan 2012 (Waverley LEP 2012):

a. Clause 1.2 Aims of Plan

The proposal would not satisfy aim (m) as the application fails to detail and demonstrate how the proposed management and operations of the commercial premises will not unreasonably affect the amenity of surrounding residential properties and the community.

b. Development in Zone E1

The proposal would not satisfy objectives (a), (b) and controls (3)(a)(i) and (ii) as it has not been demonstrated that the proposal would not result in any adverse impacts on the amenity of the surrounding residential areas, or that it would be in keeping with the desired future character of the area.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2022 (Waverley DCP 2022), in respect to the following provisions:

B9 Safety

- a. Objectives (a) and (b) under section 9B Safety are not satisfied as insufficient information has been provided to demonstrate that the proposal would maintain a safe environment or that it would reduce the opportunities for crime.

D1 Commercial and Retail Development

- b. Section 1.2.4 General Amenity - Objectives (e) and (f) and control (a) are not satisfied as insufficient information has been provided to demonstrate that the changes sought would not unreasonably affect the amenity of surrounding residential properties and the community.

c. Section 1.2.5 Noise - Controls (a) and (c) are not satisfied as insufficient information has been provided to demonstrate that the proposal would not result in additional adverse acoustic impacts on nearby residents, that the premises would adequately insulate noise and attenuate noise between building.

d. Section 1.3 Hours of Operation – Objective (a) is not satisfied as insufficient information has been provided to demonstrate that the proposed amendments would not impact on the amenity the area or disrupt nearby residential properties.

e. Section 1.3.2 Extended Trading Hours – Insufficient information has been provided in relation to what is proposed with regard to extending trading hours in order to enable detailed assessment in accordance with controls (a) and (b).

C3 Local Village Centres

f. Section 3.1.17 Seven Ways – Objective (h) is not satisfied as insufficient information has been provided to demonstrate that the operations of the site promote a clean environment.

3. Insufficient information has been provided to enable a detailed assessment and the information which has been submitted is misleading and unclear, and includes inaccuracies, conflicting statements, inadequate justification and explanation.

4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development would result in unacceptable impacts on amenity.

5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable for the proposed development.

6. The application 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 proposed development.

7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it has not been demonstrated that the proposal would not result in adverse amenity impacts or that it would be compatible with the desired future character of the locality.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

K Edelstein (objector) addressed the meeting.

WLPP-2412.3

Bronte Surf Club – Bronte Marine Drive BRONTE NSW 2024 - Section 4.55(1A) to modify conditions 1,2,4,10A, 25, internal reconfiguration, amendments to access arrangements, sea wall, landscaping, new fire tank and pump room and various other external modifications. (DA-455/2022/A)

Report dated 2 December 2024 from MoDA

Council Recommendation: That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

RESOLUTION: The Panel approves the modification in accordance with the recommendations in the Planning Officer's report and recommended conditions.

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the *Environmental Planning and Assessment Act 1979*.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

WLPP-2412.4

154 Curlewis Street BONDI BEACH NSW 2026 – Amending DA to DA-413/2015 to modify conditions including deletion of conditions relating to the lock-out after 12am and trial period relating to live entertainment. (DA-441/2024)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

Cr Evenhuis, D Redelman and J Utting (objectors) and K Simic (on behalf of the applicant) addressed the meeting.

WLPP-2412.5

12 Clarke Street VAUCLUSE NSW 2030 - The use of the existing unauthorised works (kitchen) and change of use from studio to secondary dwelling. (DA-520/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

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 **minimum site area for secondary dwellings development standard under State Environmental Planning Policy (Housing) 2021**. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

WLPP-2412.6

25 Victory Street ROSE BAY NSW 2029 - Alterations and additions to the existing dwelling including reconfiguration of the existing internal layout at each level, external facade works and replacement balustrading at each level, and a new proposed swimming pool at the rear. (DA-376/2024)

Report 28 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

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 of buildings and floor space ratio development standards**. In the opinion of the Panel the objectives of both the zone and the development standards are satisfied.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions subject to the following amendment to Condition 2(b):

Condition 2(b) is to be amended as follows:

Amended plans are to be provided which detail the following:

- (i) The existing fixed planter boxes on either side of the lower rear terrace ('proposed second floor plan') are to be retained and shown on the architectural plans. They are to be landscaped with plant species that provide screening, and a growth height of 1.5-3m at maturity.
- (ii) Privacy screening to a height of 1.6m, measured from the finished floor level of the rear terrace at 'proposed second floor plan' (RL 48.54) is to be provided along the entire southern and northern side of the rear terrace.

The privacy screening is to be a lightweight material (e.g. timber battens or translucent glazing), is to prevent overlooking of the neighbouring properties, and is to be positioned on the **outer** side of the existing planters to be retained, as per subclause (i) above.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

WLPP-2412.7

3 Military Road NORTH BONDI NSW 2026 - Section 4.55(2) Modification to DA-203/2021 for alterations and additions to approved boarding house, including provision of a gym at the basement level and a neighbourhood shop at the garage level. (DA-203/2021/D)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

RESOLUTION: The Panel approves the modification in accordance with the recommendations in the Planning Officer's report and recommended conditions.

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the *Environmental Planning and Assessment Act 1979*.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

WLPP-2412.8

53 Glasgow Avenue BONDI BEACH NSW 2026 - Alterations and additions of existing mixed-use building and change of use and associated internal fit-out to ground floor level premises to create three new retail tenancies with kitchenettes. (DA-420/2024)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

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**. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

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

WLPP-2412.9

27 Hough Street BONDI JUNCTION NSW 2022 - Alterations and additions to the existing dwelling house with the addition of a swimming pool and related landscaping. (DA-332/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

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 of buildings and floor space ratio development standard**. In the opinion of the Panel the objectives of both the zone and the development standards are satisfied.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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

WLPP-2412.10

162 Macpherson Street BRONTE NSW 2024 – Alterations and additions to residential flat building including internal layout reconfiguration and associated structural works. (DA-572/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

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 of buildings and floor space ratio development standards**. In the opinion of the Panel the objectives of both the zone and the development standards are satisfied.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Taylor, Kyriacou, Edwards

Against the RESOLUTION: Nil

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