

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 24 JULY 2024

Panel members present:

Professor Helen Lochhead (Chair)
Megan Jones
Elizabeth Kinkade
Jesse Lockhart-Krause (Community Representative)

Also present:

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

At the commencement of the public proceedings at 11.15am, those panel members present were as listed above.

*At 12.01pm, the meeting was closed to the public.
At 12.35pm, the Panel reconvened in closed session.
At 1.25pm, the meeting closed.*

WLPP-2407.A

Apologies

There were no apologies.

WLPP-2407.DI

Declarations of Interest

The Chair called for declarations of interest and none were received.



Professor Helen Lochhead (AO)
Chairperson

WLPP-2407.1

27 and 29 Kimberley Street VAUCLUSE NSW 2030 - Modification to alter internal layout, communal open space, relocation of rear balconies, landscaping, associated façade changes and various other changes. (DA-291/2022/A)

Report 11 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED for the reasons contained in the report.

RESOLUTION: The Panel approves the modification application 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 EPA Act.

REASON: The Panel concurs with the Planning Officer's report noting that Condition 96 addresses the light spill to ensure the protection of neighbours' amenity.

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

C Lazarus(objector) and H Henshaw Hill (on behalf of the applicant) addressed the meeting.

WLPP-2407.2

93 Hardy Street DOVER HEIGHTS NSW 2030 - Retrospective approval for the use of the unauthorised enlarged roof terrace. (DA-240/2024)

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be REFUSED in accordance with the conditions contained in the report.

This item was withdrawn by the applicant.

WLPP-2407.3

205 Military Road DOVER HEIGHTS NSW 2030 - Modification to alter internal layout, inclusion of a roof top terrace, reduction in the ground level floor, extension of the first and second floor, updates to façade and various other changes. (DA-27/2023/A)

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Panel approves the modification application 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 taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EPA Act.

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

K Bauer (on behalf of the applicant) addressed the meeting.

WLPP-2407.4

25 Lamrock Avenue BONDI BEACH NSW 2026 - Alterations and additions to dwelling to accommodate an integrated garage with car stacker, front gate and fencing. (DA-42/2024)

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED for the reasons 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 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

L Strain(objector) and W Fleming (on behalf of the applicant) addressed the meeting.

WLPP-2407.5

109 Henrietta Street WAVERLEY NSW 2024 - Alterations and additions to a semi-detached dwelling house including partial demolition, new first-floor addition, ground floor extension, double garage, and associated landscaping. (DA-16/2024)

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

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 floor space ratio 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

L B Esposito and H Goodwin (on behalf of the applicant) addressed the meeting.

WLPP-2407.6

5 Kenneth Street TAMARAMA NSW 2026 - Change of use from a residential flat building to a dual occupancy, Strata Title subdivision and internal alterations. (DA-127/2024)

Report 11 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED for the reasons 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 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

S Gordon and D Mitchell (on behalf of the applicant) addressed the meeting.

WLPP-2407.7

122-128 Hewlett Street BRONTE NSW 2024 - Modification to alter internal layout, balconies, landscaping, additional excavation, increase in building height and floor space and various other changes. **(DA-304/2022/C)**

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Panel approves the modification application 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 EPA Act.

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

L Christie(objector) and G Karavanas (on behalf of the applicant) addressed the meeting.

WLPP-2407.8

3 Bay Street NORTH BONDI NSW 2026 – Alterations and additions to dwelling including new air conditioning enclosure on the roof. (DA-116/2024)

Report 12 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED for the reasons 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 of buildings 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

WLPP-2407.9

1/500 Bronte Road BRONTE NSW 2024 - Alterations and additions to unit 1. (DA-35/2024)

Report 11 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification 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 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

WLPP-2407.10

1 Pacific Avenue TAMARAMA NSW 2026 - Remedial works to residential flat building including removal and replacement of glass balustrades and windows. (DA-27/2024)

Report 11 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the application be APPROVED for the reasons 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 of buildings 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

P Roberts (on behalf of the applicant) addressed the meeting.

**77 Fletcher Street TAMARAMA NSW 2026 - Review of modification application to existing dwelling.
(DA-404/2021/1/B)**

Report 15 July 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the review of the modification application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Panel refuses the review of the modification application and reaffirms the February 2024 Waverley Local Planning Panel refusal and supports the Land and Environment Court decision.

The reasons for refusal are as follows, noting there is an adjustment to Reason 2 of the decision notice due to a floor space ratio calculation error.

- 1. Pursuant to section 4.56 of the Environmental Planning and Assessment Act 1979 the Panel is not satisfied the development as modified would be substantially the same development for which the consent was originally granted.*
- 2. Pursuant to section 4.56 of the Environmental Planning and Assessment Act 1979, the development as modified will result in a net increase of gross floor area (GFA) of 65.62m², resulting in an overall FSR of 0.75:1. This culminates in an overall exceedance of the FSR development standard by 67m² or 24%.*
- 3. Pursuant to section 4.56 of the Environmental Planning and Assessment Act 1979, the Panel must also take into consideration the reasons for the grant of the consent given by the Land and Environment Court on 24 May 2022. The Panel has determined that the grant of consent was predicated on the basis that the development complies with the key development standards. The Panel determined the modification if granted would result in the original development now being non-compliant with the floor space ratio development standard in the Waverley LEP 2012.*

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

REASON: The Panel is of the view that the floor space exceedance is inconsistent with the previous decision by the Land and Environment Court and in contravention of the Waverley LEP 2012 and is not considered to be substantially the same as the approved application.

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

WLPP-2407.12

287 Birrell Street TAMARAMA NSW 2026 - Alterations and additions to dwelling including new-sub basement level, personal yoga studio, landscaping, new storage and cellar. (DA-70/2024)

Report 11 July 2024 from the Managers of Development Assessment (MoDA).

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 floor space ratio 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, Housing and Infrastructure*.

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

For the RESOLUTION: Lochhead, Jones, Kinkade, Lockhart-Krause

Against the RESOLUTION: Nil

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

J Wilkin (on behalf of the applicant) addressed the meeting.