

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 13 December 2023

Panel members present:

Jacqueline Townsend (Chair)
Graham Brown
Megan Jones
Sam Marshall (Community Representative)

Also present:

A Rossi, Executive Manager Development Assessment
B McNamara, Manager Development Assessment
B Magistrale, Manager Development Assessment
E Finnegan, Executive Planner Development Assessment
N Calvisi, Administration Officer

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

*At 1.10pm, the meeting was closed to the public.
At 2.00pm, the Panel reconvened in closed session.
At 3.20pm, the meeting closed.*

WLPP-2311.A

Apologies

There were no apologies.

WLPP-2311.DI

Declarations of Interest

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



Jacqueline Townsend
Chairperson

WLPP-2312.1

90 Ramsgate Avenue BONDI BEACH NSW 2026 – Demolition and construction of a new 4 storey residential flat building containing 6 units with integrated basement parking. **(DA-168/2023)**

Report 4 December 2023 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel:

Delete Condition 21 (q): The underground basement is to have a minimum 1500 mm offset from the property side boundaries.

Reason: The condition is unreasonable.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report. The Panel considered the view loss from Unit 9 and Unit 10 / 55-57 Brighton Boulevard BONDI BEACH and are satisfied that the Council Officer's report adequately addresses the concerns.

C Kottakis, J Taylor (objector) and H Valderrama (on behalf of the applicant) addressed the meeting.

WLPP-2312.2

146 Blair Street NORTH BONDI NSW 2030 - Construction of a louvre enclosure for air conditioning and waste bins. **(DA-268/2023)**

Report 1 December 2023 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

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

R De Luca and L Stewart (objector) addressed the meeting.

WLPP-2312.3

67 Knowles Avenue NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including new first floor addition. **(DA-258/2023)**

Report 1 December 2023 from the Managers of Development Assessment (MoDA).

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

RESOLUTION: Having regard to section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (the Act), the Panel refuses the development application for the following reasons:

1. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development has an unacceptable impact on the neighbouring properties (101, 103, 105 O'Donnell Street NORTH BONDI) in terms of solar access and visual and acoustic privacy.
2. The application is contrary to section 4.15 (1)(c) of the Act as the proposed development is unsuitable for this site. A more skilful design could minimise solar impacts, visual and acoustic privacy and reduce the bulk of the development when viewed from the public domain and properties to the south of the site.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to relevant controls in section 1.5 of Part C1 of Waverley Development Control Plan (WDCP) 2012 as it results in unacceptable visual and acoustic privacy impacts. The rear balcony should be removed and replaced with a Juliet style balcony.
4. Inadequate solar diagrams have been provided to accurately assess the overshadowing impact of the proposed development against control (b) of section 1.6 of Part C1 of WDCP. More accurate and detailed shadow diagrams for each of 101, 103, 105 O'Donnell Street NORTH BONDI should be prepared including the north elevations of these properties to show the impact.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

REASON: The proposed development is unacceptable as the shadow cast from the proposed additions unacceptably impact on the private open space and internal areas of the properties to the south. A more skilful design may allow additional sunlight in mid-winter despite the adjoining properties being directly to the south of the site of the proposed development.

The proposed development creates excessive bulk to the properties to the south and from the streetscape by the extension of the proposed additions to the south beyond the setback of the existing dwelling at ground level.

F Wegerer, J Palacios, A Hughes (objector) and A Tassneem (on behalf of the applicant) addressed the meeting.

WLPP-2312.4

28 Francis Street BONDI BEACH NSW 2026 - Alterations and additions to existing residential flat building. (DA-279/2023)

Report 1 December 2023 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 and floor space ratio development standards. In the opinion of the Panel the objectives of both the zone and the development standards 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 and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

New Condition 35: The Strata subdivision plans of the building are to be updated to reflect the approved scheme of this development consent.

A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the Strata Schemes Development Act 2015.

The allocated car parking and storage spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2022. No exclusive use of common property shall occur without the prior consent of Council.

Condition Reason: To ensure lot entitlements are accurately updated to reflect the approved development scheme.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

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

S Crawford (on behalf of the applicant) addressed the meeting.

WLPP-2312.5

88 Francis Street BONDI BEACH NSW 2026 – Alterations and additions to existing residential flat building, including a rooftop addition to create a double storey apartment, additional basement parking, and car stacker. **(DA-217/2023)**

Report 4 December 2023 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 and floor space ratio development standards. In the opinion of the Panel the objectives of the development standards 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 and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

Amend Condition 50: The following applies to Floor Space Ratio:

- (a) The Gross Floor Area of the building shall be limited to ~~305.78m²~~ **335.9m²**.
- (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Condition Reason: To ensure the constructed development complies with the approved floor space ratio.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

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

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

WLPP-2312.6

483 Old South Head Road ROSE BAY NSW 2029 – Demolition of buildings and ancillary structures and construction of a new three-storey commercial building. **(DA-101/2023)**

Report 4 December 2023 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

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

H Kronental, P Cirillo and D Barber (objector) addressed the meeting.

WLPP-2312.7

26-32 Hall Street BONDI BEACH NSW 2026 - Modification of approved construction of a four storey shop top housing development to increase number of ground floor retail tenancies to five commercial tenancies, increase number of apartments from 15 to 16 and change unit mix, reconfiguration of basement carparking and storage, amendment to building setbacks and facades including new balconies on the south elevation. **(DA-552/2021/A)**

Report 4 December 2023 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 considered 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: Townsend, Brown, Jones, Marshall

Against the RESOLUTION: Nil

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

M Merten, A Findlay, H Keenan (objector) and K Bartlett, W Meijer, V Blank (on behalf of the applicant) addressed the meeting.

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

MEETING HELD IN CLOSED SESSION, 13/12/2023

COURT APPEALS AND SECTION 4.56 DELEGATIONS

Panel members present:

Jacqueline Townsend (Chair)
Graham Brown
Sam Marshall (Community Representative)

It is noted that Megan Jones was also on the Panel held on 13 December 2023, however left the meeting prior to consideration of this Item.

Helen Lochhead (alternate Chair) was not present at this meeting, however provided her commentary via electronic submission.

Also present:

A Rossi, Executive Manager Development Assessment
B McNamara, Manager Development Assessment
E Finnegan, Executive Planner Development Assessment
N Calvisi, Administration Officer

WLPP Process and Delegations relating to Land and Environment Court matters.

Report dated 5 December 2023 from the Executive Managers, Development Assessment and Director, Planning, Sustainability and Compliance.

Council Recommendation: That the Waverley LPP resolve to confirm and adopt the following:

1. That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act 1979) revoke its current delegation in relation to the conduct of appeals and applications to modify a development consent under section 4.56 of the EP&A Act 1979.
2. That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the EP&A Act 1979 delegates to Council's General Manager, the Director, Planning, Sustainability and Compliance and the Executive Manager, Development Assessment the functions of the Panel subject to Section 8.15(4) of the EP&A Act 1979 with respect to the control and direction of Appeals and that of all applications to modify a development consent under section 4.56 of the EP&A Act 1979, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.
3. That the Waverley Local Planning Panel pursuant to Section 2.20(8) of the EP&A Act 1979 delegates to Council's General Manager, the Director, Planning, Sustainability and Compliance,

the Executive Manager, Development Assessment and the Manager, Development Assessment, the functions of the Panel subject to Section 8.15(4) of the EP&A Act 1979 with respect to the control and direction of s34AA Appeals (of the *Land and Environment Court Act 1979*) and that of all applications to modify a development consent under section 4.56 of the EP&A Act 1979, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.

RESOLUTION: The Minister appointed Chairs to the Waverley Local Planning Panel (Jacqueline Townsend and Helen Lochhead), along with the panel members at the 13 December 2023 meeting, are supportive of the Council Recommendation.

For the RESOLUTION: Townsend, Brown, Marshall and Lochhead (via email)

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations and agrees that for efficient and effective operation of the WLPP, it is necessary to set in place delegations and procedures for LEC related matters.



Jacqueline Townsend

Chairperson