

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 26 FEBRUARY 2025**

Panel members present:

David Ryan (Chair)
Elizabeth Kinkade
Sharon Veale
Sam Marshall (Community Representative)

Also present:

B McNamara, Manager Development Assessment
J Zancanaro, Manager Development Assessment
N Calvisi, Administration Officer

At the commencement of the public proceedings at 11.00 am, those panel members present were as listed above.

*At 11.56am, the meeting was closed to the public.
At 12.22pm, the Panel reconvened in closed session.
At 1.03pm, the meeting closed.*

WLPP-2502.A

Apologies

There were no apologies.

WLPP-2502.DI

Declarations of Interest

The Chair called for declarations of interest and none was declared.

WLPP-2502.R

Determinations

The Panel resolved to make the following determinations overleaf.



David Ryan
Chairperson

WLPP-2502.1

33 Hardy Street NORTH BONDI NSW 2026 - Demolition of the existing structures, removal of ten (10) trees and construction of an attached dual occupancy with basement and in-ground swimming pool followed by Strata Subdivision. (DA-483/2024)

Report 10 February 2025 from the Managers of Development Assessment (MoDA).

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

DA-483/2024 was withdrawn by applicant prior to meeting.

6 Aboukir Street DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling including minor rear extension, new rear patio, modification of pool, and addition of new bin area. (DA-510/2024)

Report 20 January 2025 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(3) 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 standards are satisfied.

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

Amend condition 2(c) as follows:

2(c) The proposed 'New Covered Patio' vergola structure over the rear patio is to have a maximum height of 2.7m above the FFL 82.53.

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report subject to the amendment to Condition 2(c) to avoid a conflict between the height of the proposed rear vergola structure and the existing height of the rear windows.

Anna Anoniades (on behalf of the applicant) addressed the meeting.

WLPP-2502.3

12 Ashley Street TAMARAMA NSW 2026 - Modification to amend Condition 1A(a) and increase the length of the swimming pool. (DA-261/2023/B)

Report 11 February 2025 from the Managers of Development Assessment (MoDA).

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

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

Condition 1B is to be inserted as follows:

1B. REPORT ON GEOTECHNICAL SITE INVESTIGATION

The Report on Geotechnical Site investigation prepared by Crozier Geotechnical Consultants dated July 2023 [Project No.: 2022-291] is to be updated prior to the issue of a Construction Certificate to include the amended scope of works approved under DA-261/2023/A.

The works are to be undertaken in accordance with the recommendations of the amended Report on Geotechnical Site Investigation.

Condition reason: To ensure the works are undertaken in accordance with an updated Geotechnical report.

(INSERTED by WLPP DA-261/2023/B)

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report and has included an additional condition regarding an updated Geotech report and notes that condition 21 requires the retention and protection of T14 in accordance with the Arborist Report.

J McFadden/T Neale (objectors) and C Marra (on behalf of the applicant) addressed the meeting.

WLPP-2502.4

14 Ashley Street TAMARAMA NSW 2026 - The addition of a waste storage area, relocation of windows, changes to the roof terrace, and various other amendments. (DA-281/2024/A)

Report 12 February 2025 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

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

WLPP-2502.5

5 Pacific Avenue TAMARAMA NSW 2026 - Modification including increase in height by 250mm, provisions for services, apartment reconfiguration, window changes, adjustment of building levels and other minor design refinement. (DA-44/2022/D)

Report 17 February 2025 from the Managers of Development Assessment (MoDA).

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

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

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

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

S Baldwin/K Kench (objectors) and M Shapiro (on behalf of the applicant) addressed the meeting.

WLPP-2502.6

Unit 10/232-234 Campbell Parade BONDI BEACH NSW 2024 - Modification to increase the size of one balcony and provide an additional balcony to Unit 10 on the eastern elevation. (DA-132/2023/E)

Report 12 February 2025 from the Managers of Development Assessment (MoDA).

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

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

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

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

2-4 Sandridge Street BONDI NSW 2026 - Alterations and additions to dwelling including a third floor addition. (DA-460/2024)

Report 11 February 2025 from the Managers of Development Assessment (MoDA).

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

RESOLUTION: The Panel refuses consent 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 contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:
 - a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 9.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality, does not preserve the environmental amenity of neighbouring properties by causing ~~view loss and~~ overshadowing, and does not maintain satisfactory solar access to neighbours contrary to clause 4.3 (1) (a), (c) and (d) of WLEP 2012.
 - b. *Clause 1.2 Aims of Plan*

Specifically, the aims expressed under clause 1.2(2)(m) as the proposal is detrimental to the amenity of nearby residents due to ~~view and~~ shadow impacts.
 - c. *Clause 5.21 Flood planning*

Specifically, objectives (a), (b), (c) and (d) and clauses (2) and (3) as stormwater is proposed to drain to a decommissioned stormwater pipe which may result in unintended and uncontrolled stormwater runoff within the flood risk area.
 - d. *Clause 6.15 Stormwater management*

Specifically, clause 6.15(3)(c) as stormwater is proposed to drain to a decommissioned stormwater pipe which may result in unintended and uncontrolled stormwater runoff.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2022, in respect to the following provisions:

Part B5.1 Stormwater management and WSUD

 - a. Objectives (f), (g) and (i) and control (i) under this the Part, as stormwater is proposed to drain to a decommissioned stormwater pipe which may result in unintended and uncontrolled stormwater runoff.

Part C1 Low Density Residential Development

- b. *Section 1.1 Height* objectives (a), (b), (c) and (d) and control (b) as the proposed development has a wall height of 10.4m which exceeds the 7.5m maximum wall height control, and as the exceedance results in unreasonable and unacceptable streetscape, ~~view loss~~ and overshadowing impacts.
 - c. *Section 1.2 Setbacks* objectives (a), (c) and (g) and control 1.2.2 *Side setbacks* (a) as the proposed southern side setback is inadequate, and as the proposed southern side setbacks results in unreasonable and unacceptable streetscape and overshadowing impacts.
 - d. *Section 1.3 Streetscape and visual impact* objectives (a), (b) and (c) and controls (a) and (d) as the proposed height, setbacks and bulk of the development is incompatible with the streetscape context of the site.
 - e. *Section 1.6 Solar access* objectives (a), (b), (c) and (d) and control (e) as the proposed exceedances of the height of buildings development standard and built-form controls results in unreasonable overshadowing of adjacent windows at 6-8 Sandridge Street.
3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 3 Division 1 of the Regulations, including but not limited to:
- a. The submitted shadow diagrams are insufficient, as they do not identify the impacts on individual dwellings at 6-8 Sandridge Street, and
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building height and bulk relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate 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 is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

REASON: The Panel generally concurs with the Planning Officer's report and reasons for refusal as amended by the Panel.

A Smith, B Henderson (on behalf of the applicant) addressed the meeting.

WLPP-2502.8

9/45 Ramsgate Avenue BONDI BEACH NSW 2026 - Alterations and additions to Unit 9 within a residential flat building. (DA-590/2024)

Report 10 February 2025 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(3) 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: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

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

B Allen (on behalf of the applicant) addressed the meeting.

WLPP-2502.9

**17 Wilga Street BONDI NSW 2026 - Modification for widening of approved balconies.
(DA-125/2018/D)**

Report 13 February 2025 from the Managers of Development Assessment (MoDA).

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

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

For the RESOLUTION: Ryan, Kinkade, Veale, Marshall

Against the RESOLUTION: Nil

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

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

The meeting closed at 1.03pm