

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 26 June 2024

Panel members present:

Jacqueline Townsend (Chair)
Helena Miller
Megan Jones
Geoffrey Lee Denman (Community Representative)

Also present:

A Rossi, Executive Manager Development Assessment
B Magistrale, Manager Development Assessment
B McNamara, Manager Development Assessment
K Johnstone, A/ Area Manager, Development Assessment
N Calvisi, Administration Officer

All panel members are familiar with the sites. At the commencement of the public proceedings at 11.00 am, those panel members present were as listed above.

*At 12.24pm, the meeting was closed to the public.
At 12.25pm, the Panel reconvened in closed session.
At 5.00pm, the meeting closed.*

WLPP-2406.A

Apologies

There were no apologies.

WLPP-2406.DI

Declarations of Interest

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



Jacqueline Townsend
Chairperson

WLPP-2406.1

49C Bondi Road BONDI JUNCTION NSW 2022 - To formalise the use of the community room at Margaret Whitlam Recreation Centre for functions. (DA-353/2023)

Report dated 14 June 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 development application in accordance with the recommendations in the Planning Officer's report and recommended conditions as amended by the Panel as follows:

Amend condition 2:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The Plan of Management is to be updated within 7 days from the date of determination of this development consent to correctly reflect the conditions relating to use, closure of doors, hours of operation and signage specified in this development consent.

Condition reason: To align the supported documents with the conditions.

The plan amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to use in accordance with this development consent. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

Delete condition 3.

3. ~~FINAL OCCUPATION CERTIFICATE~~

~~Prior to occupation or use of the development, an Occupation Certificate must be obtained.~~

~~The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act 1979 have been satisfied.~~

~~Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.~~

Amend condition 5:

5. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

INDOOR AREA

Monday to Saturday: 7.00am to 10.00pm

Sunday and Public Holidays: 8.00am to 10.00pm.

OUTDOOR AREA

Monday to Saturday: 7.00am to 10.00pm

Sunday and Public Holidays: 8.00am to 10.00pm.

All furniture shall be packed away and room cleaned within 60 minutes from the cease of the outdoor and indoor area (as specified in the hours of operations as contained above).

Condition reason: To protect the amenity of the local area.

Amend condition:

8. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:

Approved hours of operation - Indoor Area

Monday to Saturday: 7.00am to 12.00am

Sunday and Public Holidays: 8.00am to 12.00am

(Trial Period)

Approved hours of operation - Outdoor Area

Monday to Saturday: 7.00am to 10.00pm

Sunday: 8.00am to 10.00pm

Approved patron capacity

120 patrons

- (b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations and changed accordingly after the trial period.

Condition reason: To protect the amenity of the local area.

Amend condition 9:

9. FUNCTION ACTIVITY

- (l) The following function activity shall not occur on the premises without prior written approval by the Commander (or delegate), of the Eastern Suburbs Local Police Command;

- (a) Functions for 16 - 21 year old persons including 18th and 21st birthday celebrations.

In such circumstances that approval is sought for these types of functions to take place, management must provide such request a minimum of 14 days prior to the scheduled function.

Should approval be given, management must adhere to any conditions that accompany such written approval as issued by the Commander (or delegate), of the Eastern Suburbs Local Police Command.

- (i) Council reserves the right to further include (by way of written advice) types of other functions considered under this condition.
 - (ii) Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is made available at the function.
 - (iii) No use of the external areas adjacent to the Community Room is to occur after 10.00pm (other than for egress). In this regard, the doors of the Community Room shall remain closed after 10.00pm.
- (II) The following activities are prohibited on the premises:
- (a) 'Hens' and 'bucks' nights; and
 - (b) Dance parties, raves and DJ performance.

The PoM is to be updated to reflect these aspects of this condition.

Condition reason: To protect the amenity of the local area.

Amend condition 14:

14. CLOSURE OF DOORS

To minimise any transmission of noise from the premises to nearby residential buildings, all doors of the Community Room shall be closed by 10pm, each day an event is held involving foreground music.

The PoM is to be updated to reflect these aspects of this condition.

Condition reason: To protect the amenity of the local area.

Amend condition 15:

15. PATRON BEHAVIOUR

The hirer shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the hirer shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by council, the hirer is to employ private security staff to ensure that this condition is complied with.

Condition reason: To protect the amenity of the local area.

Delete condition 20.

20. NOISE LIMITER

~~All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management or their nominee.~~

~~The RMS noise limiter is to be set at LAeq(15 min) 85dB all other times, where inconsistencies with other conditions of this consent occur the latter shall take precedence.~~

~~Condition reason: To protect the amenity of the local area, to ensure compliance with the recommendations in Noise Impact Assessment [Ref:23159.1Revision2] prepared by VMS Australia Ptd Ltd dated 4 April 2024,~~

Amend the heading of condition 23:

23. NOISE – MECHANICAL PLANT

Amend condition 27:

27. LIQUOR SALE / SUPPLY / CONSUMPTION

- (a) No liquor may be sold on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The sale of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.
- (c) Liquor may only be sold on the premises by way of opened cans, opened bottles, or other opened containers.
- (d) There is to be no consumption, possession or movement of opened liquor beyond the external terrace of the venue (ie no liquor in parklands).
- (e) The hirer is to ensure that persons are not permitted to leave the facility in the possession of open liquor.

Condition reason: To protect the amenity of the local area.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report, subject to amendments to conditions to address matters raised by objectors and the applicant.

W Mouroukas, J Simpson(objectors) and A Graham, L B Esposito and S Demasi (on behalf of the applicant) addressed the meeting.

WLPP-2406.2

2 Harlowe Place BRONTE NSW 2024 - Demolition of existing dwelling and construction of a new three storey dwelling with integrated garage and swimming pool at the rear. **(DA-156/2023)**

Report dated 14 June 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 Panel determined to defer the matter for the applicant to provide to Council, clarity with respect to the measurement of the proposed height of the building measured above the existing ground level rather than the existing ground floor level. The applicant is to submit revised drawings and a clause 4.6 written request, if required.

On receipt of the information above, Council is to prepare in a timely manner, a supplementary memorandum to the Panel for consideration and final determination of the matter electronically.

The applicant has 14 days from the date of notice of this deferral to submit the necessary documents. In the absence of receipt, the Panel may determine the matter on the information before it electronically.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

T Moody and M Boon (objectors) and G Karavanas (on behalf of the applicant) addressed the meeting.

WLPP-2406.3

138 Hastings Parade NORTH BONDI NSW 2026 - Modifications for internal configuration of apartment to provide internal stair access to new roof terrace (private) and external alterations.
(DA-439/2021/G)

Report 14 June 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification 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.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

Luke Marquet (on behalf of the applicant) addressed the meeting.

WLPP-2406.4

36 Gilbert Street DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling house including new first-floor addition, balconies and ground floor extension. **(DA-14/2024)**

Report 14 June 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development 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.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

Scott Morrell (applicant) addressed the meeting.

WLPP-2406.5

6 Wallace Street WAVERLEY NSW 2024 - Alterations and additions to dwelling including new first-floor addition, rear addition and garage with secondary dwelling above. **(DA-383/2023)**

Report 17 June 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development 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 and the secondary dwelling development minimum site area and parking number standards under the SEPP (Housing) 2021.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

David Fleeting (on behalf of the applicant) addressed the meeting.

WLPP-2406.6

97 Ramsgate Avenue NORTH BONDI NSW 2026 – Modification to roof, colour scheme, new high light window at attic level and various other alterations. **(DA-349/2013/C)**

Report 17 June 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification 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.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

H Rubenstein (on behalf of the applicant) addressed the meeting.

WLPP-2406.7

92 Ramsgate Avenue BONDI BEACH NSW 2026 - Alterations and additions and change of use of approved dual occupancy development to a dwelling house and Planning Agreement.
(DA-387/2023)

Report 17 June 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.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

REASON: While the planning pathway is unfortunate, and the loss of dwelling goes against both the economic use of land and the objectives of the R3 zone, as this application maintains the previously approved bulk and scale and the additional FSR does not result in any additional impacts, the Panel approves the modification application.

The Panel also notes that Council is in the process of amending its LEP to ensure good economic use of land in the R3 zone to prevent development such as this occurring.

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

WLPP-2406.8

67 Avoca Street BONDI NSW 2026 - Alterations and additions to dwelling including new first floor addition. (DA-5/2024)

Report 14 June 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.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

WLPP-2406.9

1 & 3 Castlefield Street BONDI NSW 2026 - Alterations and additions to No. 3, including a new ground floor side window; demolition of existing garage on No. 1 and construction of a new double garage with studio above for No. 3, boundary adjustment and new driveway crossover to Castlefield Lane. **(DA-3/2024)**

Report 14 June 2024 from the Managers of Development Assessment (MoDA).

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

RESOLUTION: The Panel refuses the development application in accordance with the recommendations in the Planning Officer's report and recommended reasons for refusal.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report. The Panel could not consider the late submission by the applicant, but notes the Applicant does have the opportunity to progress to a s8.2 Review.

S Bassett (objector) and Barber (on behalf of the applicant) and N Pellow (applicant) addressed the meeting.

WLPP-2406.10

Unit 8, 55-57 Brighton Boulevard BONDI BEACH NSW 2026 - Alterations and additions to unit 8 and roof terrace. (DA-351/2023)

Report 14 June 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 height of buildings and floor space ratio development standards.

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.

Amend condition 6 as follows:

6. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

Condition reason: To ensure workers' safety during construction.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report and conditions as amended by the Panel.

T Freeman (applicant) addressed the meeting.

WLPP-2406.11

7 Park Parade BONDI NSW 2026 - Demolition and construction of a part two, part three storey, semi-detached dwelling development with integrated parking, inground swimming pools and Torrens Title subdivision. **(DA-369/2023)**

Report 17 June 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.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

D Waghorn (on behalf of the applicant) addressed the meeting.

WLPP-2406.12

287 Birrell Street TAMARAMA NSW 2026 - Alterations and additions to dwelling including garage extension and new solar panels. **(DA-37/2024)**

Report 14 June 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 height of buildings and floor space ratio development standards.

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

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

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

WLPP-2406.13

134 Hewlett Street BRONTE NSW 2024 - Modifications to the approved new dwelling house including internal reconfigurations, additional floor space, excavation and other amendments. **(DA-19/2023/A)**

Report dated 14 June 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.

For the RESOLUTION: Townsend, Miller, Jones, Denman

Against the RESOLUTION: Nil

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

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

The meeting closed at 5pm