

MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY, 24 April 2024

Panel members present:

Jacqueline Townsend (Chair)
Graham Brown
Megan Jones
Penelope Mora (Community Representative)

Also present:

B McNamara, Acting Executive Manager, Development Assessment
B Magistrale, Manager, Development Assessment
J Zancanaro, Acting Area Manager, Development Assessment
K Johnstone, Acting Area Manager, Development Assessment
N Calvisi, Administration Officer Development Assessment

All Panel members are familiar with the subject sites. At the commencement of the public proceedings at 11.10 am, those panel members present were as listed above.

At 12.23pm, the meeting was closed to the public.

At 1.00 pm, the Panel reconvened in closed session.

At 2:01pm the meeting closed.

WLPP-2404.A

Apologies

There were no apologies.

WLPP-2404.DI

Declarations of Interest

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



Jacqueline Townsend
Chairperson

WLPP-2404.1

161 MacPherson Street BRONTE NSW 2024 – Demolition of the existing dwelling, consolidation of lots, excavation and construction of an attached three storey dual occupancy development with integrated basement level car parking. (DA-462/2022)

Report dated **10 April 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(3)(a) and (b) 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, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

M Zions and R Bennett (objectors) and M McDonald and S Semann (on behalf of the applicant) addressed the meeting.

WLPP-2404.2

143 Ebley Street BONDI JUNCTION NSW 2022 – Demolition of dwelling and detached garage and construction of four x two-storey terraces with associated landscape works. (DA-365/2023)

Report dated **14 April 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 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:

3. NO BUILDING ~~OR DEMOLITION~~ WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, ~~or demolition work,~~ must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning and Assessment Act 1979;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

Condition reason: To ensure a Construction Certificate is obtained prior to building work commencing.

For the RESOLUTION: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report and has amended condition 3 as the current structural condition of the property warrants the demolition to take place as soon as practicable as requested by the applicant. The applicant also sought deletion of condition 2(d) requiring the removing of the solar panels from the northern street elevation. However, given the impact on the streetscape in the heritage conservation area, the Panel was of the view that the condition should remain.

J Ezer and D Cohn (objectors) and L Rosselli and O Payne (on behalf of the applicant) addressed the meeting.

WLPP-2404.3

82 Bondi Road, BONDI JUNCTION NSW 2022 - Alterations and additions to terrace dwelling including internal reconfiguration, new front and rear dormer windows and associated landscape works. (DA-388/2023)

Report dated **12 April 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 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)(a) and (b) 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.

The Panel approves the development application in accordance with the recommendations in the Planning Officer's report and recommended conditions with the deletion of condition 2(a) and (b) as follows :

~~2. GENERAL MODIFICATIONS~~

~~The application is approved subject to the following plan amendments;~~

~~(a) — The rear pergola must have a minimum 900mm setback from the eastern side boundary.~~

~~(b) — The proposed hood above the kitchen door (W01) and windows (W02 and W03) on the east elevation is not approved as part of this consent and is to be deleted from the plans. Individual hoods are permitted directly above the openings and are to be no greater than the width of each corresponding opening.~~

~~Condition reason: To minimise built structures within the eastern side setback and reduce visual bulk.~~

~~The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.~~

For the RESOLUTION: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

REASON: The Panel mostly concurs with the Planning Officer's report. The Panel does not agree with the assessment in relation to conditions 2(a) and 2(b) and agrees to remove these conditions as requested by the applicant given the minimal impact on adjoining properties.

N Nadine (on behalf of the applicant) addressed the meeting.

WLPP-2404.4

25 Gipps Street, BRONTE NSW 2024 - Alterations and additions to a semi-detached dwelling including a first floor addition. (DA-289/2023)

Report dated **12 April 2024** from the Managers of Development Assessment (MoDA).

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

RESOLUTION: This development application is refused for the reasons set out in the Planning Officer's report as amended by the Panel, as follows:

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 (WLEP) 2012*:

- a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 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.

Details: ~~The proposal is considered an overdevelopment of the site and~~ The proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

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

Part C1 Low Density Residential Development

- a. Section 1.0 General Objectives, specifically objective (b) as the proposed development unreasonably affects the amenity and views enjoyed by surrounding dwellings **given the non-compliance with the FSR development standard of 0.5:1.**
- b. Section 1.6 Solar Access, specifically control (c) as the proposed development does not comply with the FSR development standard and causes an unreasonable reduction of direct sunlight to adjoining properties.
- c. Section 1.7 Views, specifically objectives (a) and (b) and control (c) as the proposed development, which breaches the FSR development standard, results in unreasonable view loss upon 23 Gipps Street, Bronte.

For the RESOLUTION: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

REASON: The Panel notes the unfortunate position of the applicant now that Council is seeking an amendment to clause 4.4A to include 'semi-detached dwellings' in this clause and accepts the Planning Officer's report with its amendments to reasons above.

J Bulfin and F Kakish (on behalf of the applicant) addressed the meeting.

WLPP-2404.5

9-11 Chambers Avenue, BONDI BEACH NSW 2026 – Demolition of existing dwellings and construction of two x two-storey semi-detached dwellings with integrated garage parking and swimming pools at the rear. (DA-269/2023)

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

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

RESOLUTION This development application is refused for the reasons set out in the Planning Officer's report.

For the RESOLUTION: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

No speakers addressed the meeting

WLPP-2404.6

3 Ashley Street, TAMARAMA NSW 2026 - Alterations and additions to the dwelling including internal reconfiguration, amendment to the swimming pool at the rear and amendment to the existing roof terrace, including a new spa. (DA-313/2023)

Report **14 April 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(3)(a) and (b) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the height 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, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

Elliot Doumanis (on behalf of applicant) addressed the meeting.

WLPP-2404.7

3/52 Fletcher Street, BONDI NSW 2026 - Alterations and additions to Unit 3. (DA-375/2023)

Report **11 April 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 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)(a) and (b) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the height development standard.

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

For the RESOLUTION: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

No speakers addressed the meeting

WLPP-2404.8

268 Military Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to a dwelling including a first floor addition and front balcony. (DA-287/2023)

Report **15 April 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 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)(a) and (b) 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, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

S Wu & R Stiles (objectors) and M Baker (on behalf of the applicant) addressed the meeting.

WLPP-2404.9

60 Military Road, DOVER HEIGHTS NSW 2030 - Modification to windows, pool and planters, internal reconfiguration, increased footprint of the first floor, access to roof terrace and widening to garage door. (DA-404/2022/A)

Report **15 April 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 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: Townsend, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

L Kosnetter (on behalf of the applicant) addressed the meeting.

WLPP-2404.10

10 Queens Park Road, QUEENS PARK NSW 2022 - Alterations and additions to a semi-detached dwelling including partial demolition. (DA-330/2023)

Report **12 April 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 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)(a) and (b) 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, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

W Fleming (on behalf of the applicant) addressed the meeting.

WLPP-2404.11

57 Mill Hill Road, BONDI JUNCTION NSW 2022 – Alterations and additions to an attached dwelling including, new rear dormer window, attic level, solar panels and associated landscaping. (DA-378/2023)

Report dated **12 April 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 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)(a) and (b) 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, Brown, Jones and Mora

Against the RESOLUTION: Nil

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

No speakers addressed the meeting

The meeting closed at 2.01pm