

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

Panel members present:

David Ryan (Chair)
Susan Hobley
Megan Jones
Sam Marshall (Community Representative)

Also present:

Mr B Magistrale	Acting, Executive Manager, Development Assessment
Ms B McNamara	Manager, Development Assessment
Ms J Zancanaro	Manager, Development Assessment
Mr D Knight	Acting Manager, Development Assessment
Ms R Siasoi	Administration Officer

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

*At 12.07pm, the meeting was closed to the public.
At 12.30pm, the Panel reconvened in closed session.
At 1.55pm, the meeting closed.*

WLPP-2503.A

Apologies

There were no apologies

WLPP-2503.DI

Declarations of Interest

The Chair called for declarations of interest and no conflicts were declared

WLPP-2503.R

Determinations

The Panel resolved to make the following determinations overleaf.



David Ryan
Chairperson

107 Ramsgate Avenue NORTH BONDI NSW 2026 - Section 4.55(2) Modification of DA-403/2021 including internal and external design refinements. **(DA-403/2021/A)**

Report dated 12 March 2025 from MoDA.

Council Recommendation: That the modification application be APPROVED in accordance with the conditions contained in the assessment 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: Ryan, Hobley, Jones and Marshall

Against the RESOLUTION: Nil

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

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

57 Murray Street, BRONTE NSW 2024 - Alterations and additions to semi-detached dwelling, including a first-floor addition and single car space within the front setback. **(DA-554/2024)**

Report dated 12 March 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the assessment 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) 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 Planning Officer's report and as amended by the Panel:

Amend Condition 2 to read as follows

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The proposal is to be amended to include ceiling or wall-mounted fans in all new habitable rooms.

Condition reason: To comply with the Ecologically Sustainable Development controls of the Waverley DCP 2022.

(b) The proposal is to be amended to increase the overall landscape area at the subject site to comply with the minimum requirements for overall landscaped area of the Waverley DCP 2022. The landscaped plans are also to be amended to reflect the same.

(c) The front parking space and adjacent landscape area must be amended as follows:

- i. The hardstand must be deleted and replaced with wheel strips and low ground cover landscaping, and
- ii. The adjacent landscape area must be increased in size.

The above modifications must provide 50% of the front setback area as landscape area in compliance with Waverley DCP 2022 section C1.9.

(d) An outdoor clothes drying area is to be provided in the rear courtyard at the subject site.

Condition reason: To comply with the Landscaping and Open Space controls of the Waverley DCP 2022.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. 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.

For the RESOLUTION: Ryan and Jones - The motion was tied, and the Chairperson, exercising their casting vote, voted in favour of the resolution.

Against the RESOLUTION: Hopley and Marshall

REASON:

David Ryan and Megan Jones -
concur with the recommendations in the Planning Officer's report.

Dissenting Views

Susan Hobley and Sam Marshall -

are of the opinion that the proposed off-street parking to the front of the site will impact unacceptably on the safety, streetscape, presentation of the dwelling to the street and the amenity of the front landscape. The property is opposite a school and cars will be required to reverse into the busy street to exit. It requires the removal of an existing mature street tree and precludes the option of establishing a replacement tree on the street. It does not provide for at least 50% soft landscaping in the front setback or the establishment of vegetation for screening of the built form or amenity.

A Smith, S May-Roberts (on behalf of the applicant) addressed the meeting.

140-142 Curlewis Street BONDI BEACH NSW 2026 - Alterations and additions to DA-355/2021 including an additional level to the approved development, associated amendments at all levels and the provision of affordable housing. **(DA-326/2024)**

Report dated 17 March 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the assessment 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) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the height development standard and landscaped area under Clause 19 (b) of SEPP (Housing) 2021.

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

For the RESOLUTION: Ryan, Hobley, Jones and Marshall

Against the RESOLUTION: Nil

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

B Ryman (Objector) and L Kosnetter (on behalf of the applicant) addressed the meeting.

17 Seaview Street, WAVERLEY NSW 2024 - Alterations and additions to existing semi-detached dwelling. (DA-468/2024)

Report dated 11 March 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the assessment 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) 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 Planning Officer's report and recommended conditions as amended by the Panel:

Amend Condition 2(a) to read as follows:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The first floor rear spa pool must be deleted and replaced with a planter box that provides for a minimum soil depth of 1000mm. Plantings shall be in accordance with Annexure B3-1 of Part B of the Waverley Development Control Plan 2022 and/or for food production.

Condition reason: To retain acoustic and visual privacy and amenity for neighbours.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. 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.

For the RESOLUTION: Ryan, Hobley, Jones and Marshall

Against the RESOLUTION: Nil

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

B Hayes (Objectors), and A Betros (on behalf of the applicant) addressed the meeting.

362 Birrell Street TAMARAMA NSW 2026 - Section 4.55(2) Modification for the use of unauthorised works under Building Information Certificate BC-4/2023, encompassing design and detail changes, including internal reconfiguration, external changes to decking and modifications to conditions of consent. **(DA-726/2010/E)**

Report dated 12 March 2025 from MoDA.

Council Recommendation: That the modification application be REFUSED in accordance with the reasons for refusal in the assessment report.

RESOLUTION: This modification application is refused for the reasons set out in the Planning Officer's report and as amended by the Panel.

Reasons for refusal:

Having regard to section 4.55 (2) and section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the modification application (the application) is refused for the following reasons:

1. 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 Regulation)*, as insufficient documentation has been provided to properly assess the application with respect to section 115 of the Regulation, including but not limited to:
 - a. Difference between the built works and approved works under DA-726/2010/E while clearly identifying that the proposal is for the 'use' of the unauthorised works
 - b. What works and rectification efforts as per the BCA report are proposed.
 - c. Insufficient information for the Panel to determine that the development (as to be modified) will remain substantially the same as the development that was originally approved.
2. 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.
3. 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, Hopley, Jones and Marshall

Against the RESOLUTION: Nil

REASON: The Panel concurs with the reasons for refusal in the Planning Officer's report.

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

11/232-234 Campbell Parade BONDI BEACH NSW 2026 - Enclose existing balcony to become gross floor area for Unit 11. **(DA-527/2024)**

Report dated 18 March 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the assessment 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) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the floor space ratio and height development standards.

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

For the RESOLUTION: Ryan, Hobley, Jones and Marshall

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

17/232-234 Campbell Parade BONDI BEACH NSW 2026 - Increase the size of an existing balcony to Unit 17. (DA-609/2024)

Report dated 11 March 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the assessment 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) 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 Planning Officer's report.

For the RESOLUTION: Ryan, Hobley, Jones and Marshall

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

THE MEETING CLOSED AT 1.55PM