

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 24 AUGUST 2022**

Panel members present:

The Hon Paul Stein (Chair)
Helena Miller
Jan Murrell
Sandra Robinson (community representative)

Also present:

Ms A Rossi	Manager, Development Assessment (Area 1)
Ms B McNamara	Manager, Development Assessment (Area 3)
Mr B Magistrale	Manager, Development Assessment (Area 2)
Ms R Siaoosi	Administration Officer

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

*At 1.35PM, the meeting was closed to the public.
At 1.00PM, the Panel reconvened in closed session.
At 2.00PM, the meeting closed.*

WLPP-2208.A

Apologies

There were no apologies

WLPP-2208.DI

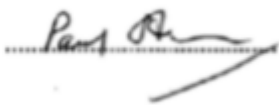
Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-2208.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

671 – 683 Old South Head Road, VAUCLUSE NSW 2030 - Demolition of dwellings and construction of a four-storey seniors living building with 37 units including basement parking and associated landscaping works (DA-455/2021)

Report dated 12 August 2022 from the Development and Building Unit.

Council Recommendation: That the application be granted Deferred Commencement Consent for the reasons contained in the report.

RESOLUTION: This application be deferred to permit the applicant to submit documentation to the satisfaction of the Council in accordance with Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 as follows:

4.6 Contamination and remediation to be considered in determining development application

1. *A consent authority must not consent to the carrying out of any development on land unless—*
 - a. *it has considered whether the land is contaminated, and*
 - b. *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - c. *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
2. *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
3. *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
4. *The land concerned is—*
 - a. *land that is within an investigation area,*
 - b. *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - c. *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - i. *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - ii. *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

In addition the applicant is to submit amended area plans and calculations relating to the floor space ratio development standard.

For the RESOLUTION: Stein, Miller, Murrell and Robinson

Against the RESOLUTION: NIL

REASON: The Panel advised the applicant during the meeting that satisfaction of the above SEPP is required prior to determination, and this cannot be dealt with by deferred commencement condition. Once the information is available the Council is to prepare an addendum report for the Panel who may determine the application electronically.

C Surany (Objectors), J Bryden and G Lake (on behalf of the applicant) addressed the meeting.

11A Fletcher Street, TAMARAMA NSW 2026 - Alterations and additions to Residential Flat Building including conversion of sub floor area into a studio unit and attic addition. (DA-492/2021)

Report dated 15 August 2022 from the Development and Building Unit.

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

RESOLUTION: The Panel notes the assessment report is not complete as it does not provide an assessment against the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) and this is a prerequisite to the Panel making a determination.

Therefore the Panel defers this application to allow the Council and applicant to consider the provisions of the SEPP ARH and the contribution required under the Clauses 45 – 48.

At this time, the Panel is not persuaded by the Applicant's late correspondence which requested changes to draft conditions 2(a) and 2(c).

Once the information is available, the Council is to prepare an addendum report in a timely manner for the Panel who may determine the application electronically.

For the RESOLUTION: Stein, Miller, Murrell and Robinson

Against the RESOLUTION: NIL

E Gescheit and N Port (on behalf of the applicant) addressed the meeting.

81 Francis St, BONDI BEACH NSW 2026- Alterations and additions to the existing residential flat building including replacement and extension of existing balconies to units 6, 7, 8, 9, 10 and 11 at the rear of the site. (DA-264/2022)

Report dated 8 August 2022 from the Development and Building Unit.

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 development standard**. In the opinion of the Panel the objectives of both the zone and the development standard 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 Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Miller, Murrell and Robinson

Against the RESOLUTION: NIL

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

P Bull (on behalf of the applicant) addressed the meeting.

78 Denison Street, BONDI JUNCTION NSW 2022 - Alterations and additions to attached terrace dwelling including extension to ground floor, new attic & rear courtyard landscaping works (DA-163/2022)

Report dated 3 August 2022 from the Development and Building Unit.

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 **floor space ratio development standard**. In the opinion of the Panel the objectives of both the zone and the development standard 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 Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Miller, Murrell and Robinson

Against the RESOLUTION: NIL

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

V D'Alisa (on behalf of the applicant) addressed the meeting.

**U 3/16 Consett Avenue, BONDI BEACH NSW 2026 - Alterations and additions to Unit 3.
(DA-225/2022)**

Report dated 10 August 2022 from the Development and Building Unit.

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 **floor space ratio development standard**. In the opinion of the Panel the objectives of both the zone and the development standard 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 Planning Officer's report and recommended conditions.

For the RESOLUTION: Stein, Miller, Murrell and Robinson

Against the RESOLUTION: NIL

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

C Thorpe (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 2.00PM