

# MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL

## MEETING HELD BY VIDEO CONFERENCE ON WEDNESDAY 28 February 2024

### Panel members present:

Jacqueline Townsend (Chair)  
Jan Murrell  
Sandra Robinson  
Allyson Small (Community Representative)

### Also present:

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

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

*At 1.10pm, the meeting was closed to the public.  
At 2.00pm, the Panel reconvened in closed session.  
At 3.20pm, the meeting closed.*

### **WLPP-2402.A**

#### **Apologies**

There were no apologies.

### **WLPP-2402.DI**

#### **Declarations of Interest**

The Chair called for declarations of interest – Allyson Small for DA-251/2023, Sandra Robinson for DA-404/2021/B and Jan Murrell for DA-273/2023



Jacqueline Townsend  
**Chairperson**

**WLPP-2402.1**

- 1. 9 Wallangra Road DOVER HEIGHTS NSW 2030 - Demolition and construction of a new part two and part three storey dwelling house with integrated garage and new swimming pool at rear. (DA-308/2023)**

Report 12 February 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(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**. 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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

*Tanya Wallis, Bruce Stafford, Harriet Kensell (on behalf of the applicant) addressed the meeting.*

2. **UNIT 2/2 The Avenue ROSE BAY NSW 2029 - Alterations and additions to Unit 2 of existing residential flat building. (DA-251/2023)**

Report 19 February 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(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:** Townsend, Murrell, Robinson

**Against the RESOLUTION:** Nil

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

*Mark and Jo Gluckman(applicant) addressed the meeting.*

*A Small did not participate due to a non-pecuniary and non-significant conflict of interest.*

**WLPP-2402.3**

**3. 19 Napier Street DOVER HEIGHTS NSW 2030 - Alterations and additions to the CDC approved dual occupancy development including extension to the basement floor. (DA-296/2023)**

Report 19 February 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(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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

*Uri Turgeman, Craig Schulman (on behalf of the applicant) addressed the meeting.*

4. **Unit 9 and 10/49-51 Roscoe Street BONDI BEACH NSW 2026 - External remedial works to the existing residential flat building to replace the existing balustrade, balcony columns and balcony ceiling of units 9 & 10. (DA-332/2023)**

Report 12 February 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 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**. 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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

*George Lloyd (on behalf of applicant) addressed the meeting.*

5. **232-234 Campbell Parade BONDI BEACH NSW 2026** Extending south-east wall on Level 4 to enlarge bedrooms by 8.9m<sup>2</sup> of Unit 14 and an associated Planning Agreement. **(DA-373/2023)**

Report 19 February 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 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 and height of buildings development standards**. In the opinion of the Panel the objectives of both the zone and the development standards 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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

**6. 12 Ashley Street TAMARAMA NSW 2026 – Construction of a new tandem garage accessed from Ashley Street, new swimming pool and removal of nine trees. (DA-261/2023)**

Report 16 February 2024 from the Managers of Development Assessment (MoDA).

**Council Recommendation:** That the application be APPROVED for the reasons 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.

***New Condition 1A GENERAL MODIFICATION***

***(a) The setback of the pool from Ashley Street to be increased to a minimum of 4m. This will reduce the length of the swimming pool to a maximum length of 16.5m. The setback area between the swimming pool and the front boundary is to be landscaped.***

***Condition reason: To minimise the visual impact from Ashley Street and to respect the topography of the site so that the water line is not above the fence line.***

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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

**REASON:** The Panel concurs with the recommendations of the Planning Officer's report with the addition of the New Condition 1A.

*John McFadden, Mark O'Reilly(objector) and C Marra (architect on behalf of the applicant) addressed the meeting.*

## **WLPP-2402.7**

- 7. 77 Fletcher Street TAMARAMA NSW 2026** - Modification to conditions, basement level, internal reconfiguration and delete conditions. **(DA-404/2021/B)**

Report 16 February 2024 from the Managers of Development Assessment (MoDA).

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

**RESOLUTION:** The application is refused for the following reasons:

1. Pursuant to section 4.56(1)(a) of the *Environmental Planning and Assessment Act 1979* the Panel is not satisfied the development as modified would be substantially the same development for which the consent was originally granted.
2. Pursuant to section 4.56(1A) of the *Environmental Planning and Assessment Act 1979*, the development as modified will result in a net increase of gross floor area (GFA) of 60.4m<sup>2</sup>, resulting in an overall FSR of 0.75:1. This culminates in an overall exceedance of the FSR development standard by 67m<sup>2</sup> or 34.45%. The net increase of FSR due to the proposed modifications represents 32% of the overall exceedance of the standard.
3. Pursuant to section 4.56(1A) of the *Environmental Planning and Assessment Act 1979*, the Panel must also take into consideration the reasons for the grant of the consent given by the Land and Environment Court on 24 May 2022. The Panel has determined that the grant of consent was predicated on the basis that the development complies with the key development standards. The Panel determined the modification if granted would result in the original development now being non-compliant with the floor space ratio development standard in the Waverley LEP 2012.

**For the RESOLUTION:** Townsend, Murrell, Small

**Against the RESOLUTION:** Nil

### **REASON:**

The Panel does not concur with the recommendations of the Planning Officer's report. The Panel after considering the reasons given by the Land and Environment Court concludes, the application if granted would go against the intent and the basis for the original grant of consent (see Annexure B to the Agreement between the Parties dated 17 May 2022).

*Matthew O'Donnell (on behalf of the applicant) addressed the meeting.*

*S Robinson did not participate due to a non-pecuniary and non-significant conflict of interest.*



**WLPP-2402.8**

**8. Shop 5, 87 Oxford Street BONDI JUNCTION NSW 2026 - Use of ground floor tenancy 5 as a restaurant, construction of a mezzanine level and Planning Agreement for additional floor space. (DA-276/2023)**

Report 16 February 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(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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

*Anthony Betros (on behalf of the applicant) addressed the meeting.*

**9. 6 Arnold Street QUEENS PARK NSW 2022 – Alterations and additions to the existing dwelling house and secondary dwelling. (DA-272/2023)**

Report 16 February 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(4) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the non-discretionary development standard under section 53(2)(b) of State Environmental Planning Policy (Housing) 2021, which requires the number of parking spaces provided on the site to be the same as the number of parking spaces provided on the site immediately before the development is carried out. In the opinion of the Panel the principles of the development standard and the zone objectives 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:** Townsend, Murrell, Robinson, Small

**Against the RESOLUTION:** Nil

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

*Greg James(objector) and Jennie Askin (on behalf of applicant) addressed the meeting.*

**10. 453 Bronte Road BRONTE NSW 2024 - Alterations and additions to dwelling including new swimming pool at rear. (DA-273/2023)**

Report 16 February 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(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 as amended (shown in **bold** text) and deleted (shown in ~~strikethrough~~ text) by the Panel as follows:

**13. STRUCTURAL DOCUMENTATION**

(a) *A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:*

- i. *The Geotechnical Report **referred to in condition 1(e) of this development consent.***
- ii. ***The Structural Report referred to in condition 1(f) of this development consent.***

*Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.*

(b) *The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:*

- i. *Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and*
- ii. *Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.*

*Condition reason: To ensure structural stability of work on site.*

**17. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

~~(a) A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum~~

~~of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.~~

~~(b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.~~

~~Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.~~

**DELETED BY WLPP (28/02/2024)**

**For the RESOLUTION:** Townsend, Robinson and Small.

**Against the RESOLUTION:** Nil

**REASON:** The Panel concurs with the Planning Officer's report subject to amending condition 13 so that it refers to the geotechnical and structural engineering reports identified in conditions 1(e) and 1(f) of the development consent and deleting condition 17(a) and (b) in relation to the landscaping works in habitat corridors. Condition 17(a) and (b) are deleted as the submitted landscape plan complies with relevant habitat corridor controls in Waverley Development Control Plan 2022 and does not require to be resubmitted for approval prior to the issue of a construction certificate.

*Lee Kosnetter, Gabrielle Suhr (on behalf of applicant) addressed the meeting.*

*J Murrell did not participate due to a non-pecuniary and non-significant conflict of interest.*