

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 22 FEBRUARY 2023**

Panel members present:

Jacqueline Townsend (Chair)
Annelise Tuor
Graham Brown
Sandra Robinson (community representative)

Also present:

B McNamara	A/ Executive Manager, Development Assessment
K Lucas	A/ Manager, Development Assessment
D Knight	A/ Manager, Development Assessment
E Finnegan	A/ Executive Planner, Development Assessment
O Quinn-Kumar	Administration Officer

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 1.45pm, the Panel reconvened in closed session.
At 3.20pm, the meeting closed.*

WLPP-2302.A

Apologies

There were no apologies

WLPP-2302.DI

Declarations of Interest

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

WLPP-2302.R

Determinations

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend
Chairperson

WLPP-2302.1

50 Gilbert Street DOVER HEIGHTS NSW 2030- Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation, and various other alterations (DA-289/2021/A)

Report dated 7 February 2023.

Council Recommendation: That the modification be Refused for the reasons contained in the report.

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

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

1. It does not satisfy the objectives of the Act, as stipulated in section 1.3 (g), because it does not promote good design and amenity of the built environment.
2. It does not satisfy section 4.15 (1)(a)(i) of the Act, as the modification does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) of WLEP as the modification will exceed the maximum height of buildings development standard permitted for the site and will consequently result in unacceptable impacts on neighbouring properties and the streetscape and public spaces. The modification fails to consider and address the implications of the non-compliance of the height of buildings development standard in terms of its associated environmental impact and consistency or performance with the objectives of the development standard.
 - b. Clause 4.4(1)(b) to (d) and (2) of WLEP as the modification will exceed the maximum floor space ratio (FSR) development standard permitted for the site, which represents an overdevelopment of the site. The modification performs poorly against the relevant objectives of the FSR development standard and will consequently result in unacceptable impacts on neighbouring properties and the streetscape and public spaces.
3. It does not satisfy section 4.15 (1)(a)(iii) of the Act, as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B14 – Excavation

- a. It is contrary to control (d) as objectives (a), (b) and (c) under Part B14 of WDCP as its net increase of volume of excavation is excessive and does not respect the natural and physical environment by failing to minimise site disturbance.

Part C2 – Low Density Residential Development

- a. It is contrary to all the general objectives expressed under section 2.0.
- b. It exceeds the maximum external wall height limit of 7m, which will result in unreasonable visual bulk, overshadowing and streetscape impacts. Therefore, it is contrary to control (a) and objectives (b) and (c) under section 2.1.

- c. The reduced rear setback of the ground floor level of the modification does not comply with the predominant rear building line specified in control (a) under section 2.2.2 and is contrary to objectives (a), (b) and (c) under section 2.2.
 - d. The amended windows to the northern and southern elevations continue to directly overlook existing neighbouring windows and does not comply with control (b) and objective (a) under section 2.5.
 - e. The increased floor space, overall building height and reduced southern side setback of the first floor level of the modification is expected to result in unreasonable overshadowing impacts upon southern adjoining properties, contrary to control (c) and objectives (a) and (b) under section 2.6.
4. It does not satisfy section 4.15 (1)(a)(iv) of the Act, as it does not satisfy the *Environmental Planning and Assessment Regulation 2021*, as insufficient documentation has been provided to properly assess the modification, including but not limited to:
 - a. No proper justification on the further breach of the height of buildings and FSR development standards is provided in the written documentation, specifically no assessment is made against objectives of the height of buildings and FSR development standards.
 5. It does not satisfy section 4.15 (1)(b) of the Act, as it will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
 6. It is contrary to 4.15 (1)(c) of the Act, as it is excessive in building height, bulk and scale and is therefore considered unsuitable for the site.
 7. It is not considered to be in the public interest for the reasons outlined above, contrary to section 4.15 (1)(e) of the Act.

For the RESOLUTION: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

WLPP-2302.2

16 Rawson Avenue, QUEENS PARK NSW 2022 - Alterations and additions to dwelling including new garage with roof terrace at the rear (DA-296/2022)

Report dated 8 February 2023.

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, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

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

WLPP-2302.3

11 Pembroke Street BRONTE NSW 2024 - Alterations to extend existing attic space to unit 1 (DA-417/2022)

Report dated 9 February 2023.

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.

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m 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 proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality contrary to clause 4.3 (1) (a) and (d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.63:1 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 Waverley LEP

Details: The proposal is considered an overdevelopment of the site and does not preserve the surrounding locality as required under clause 4.4 (1) (d) of WLEP. Furthermore, the applicant's FSR calculations contained within the written request to vary the development standard under Clause 4.6 are incorrect.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDPC) 2012, in respect to the following provisions:

Part B12 Design Excellence

- a. Controls (e) (iv) and (v) under this Part, as the proposal increases the bulk of the building in relation to other developments on adjoining neighbouring sites. Further increasing the overdeveloped nature of the site compared to adjacent sites.

Part C2 Low Density Residential Development

- a. *Section 2.0 General Objectives*, specifically objectives (a), (d) and (e) as the proposed development increases the scale and bulk of the already overly developed site beyond other dwellings in the vicinity and is inconsistent with the desired future character of the area.

- b. *Section 2.3 Streetscape and Visual Impacts*, specifically objective (a) and (b) and control (a) as the increase in bulk is incompatible with the streetscape. At the same time, it introduces a new and incompatible dormer style to the existing development.
 - c. *Section 2.11 Dormer Windows*, specifically objective (a) and (b) and control (c) and (d) as the proposed dormer window roof abutment is within 300mm of the existing roof ridge and the style of the proposed dormer window does not match the existing development and is greater than 25% of the width of the roof.
 - d. *Section 2.13 Semi-detached dwellings & Terrace Style Dwellings*, specifically objective (a) and (c) as the proposed dormer extension does not match the style of the existing development.
 - e. *Section 2.13.1 Built Form*, specifically control (d) as the style of the existing dormer window is not maintained across the proposed development.
 - f. *Section 2.13.1 First Floor Additions to Semi-detached Dwellings*, specifically control (j) as the proposed development does not limit the rise of the wall along the adjoining semi-detached dwelling to be within 600mm.
 - g. *Section 2.13.3 Material Finishes and Detail for Semi-Detached Dwellings*, specifically control (a) and (d) as the proposed addition style does not cohesively integrate with the existing building as the proposed dormer window does not match the characteristic of the original style of the subject dwelling.
3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1, including but not limited to:
 - a. The written request to vary the FSR development standard includes incorrect calculations and as such the document is inaccurate. The applicant has incorrectly excluded the gross floor area of lot 2 of the approved Strata scheme for the subject site in FSR calculations.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
6. 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

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

WLPP-2302.4

446 Bronte Road BRONTE NSW 2024 - Alterations and additions to dwelling including an extension to the carport (DA-288/2022)

Report dated 14 February 2023.

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, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

No speakers addressed the meeting.

WLPP-2302.5

32 Gardyne Street BRONTE NSW 2024 – Alterations and additions to dwelling house including second floor addition and balconies (DA-375/2022)

Report dated 9 February 2023.

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.

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m 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 (d) of WLEP.

Details: The proposed height is not compatible with the height, bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties contrary to clause 4.3 (1)(a) and (d) of WLEP.

- b. *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)(b), (c) and (d) of Waverley LEP

Details: The proposal is an overdevelopment of the site, is not compatible with the bulk and scale of the desired future character of the locality, does not preserve the environmental amenity of neighbouring properties and the proposed density does not appropriately correlate with the height of buildings 8.5m development standard, contrary to subclauses 4.4 (1) (c) and (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 (WDPC) 2012, in respect to the following provisions

Part B12 Design excellence

- a. Objective (a) and controls (a) and (e) (iv), (v), and (vii), as the proposal does not achieve a high standard of architectural design appropriate to the building type and location and does not sufficiently consider the bulk and massing of the building, the relationship with neighbouring sites in terms of amenity, overshadowing and overlooking.

Part C2 Low Density Residential Development

- b. *General Objectives* (a), (b), (d) and (e) as the scale of development is not appropriate for the site and desired character of the area, as it detracts from neighbouring amenity, and as the proposal contravenes controls within section C2 as set out below.

- c. Section 2.5 *Visual and acoustic privacy* objectives (a) and controls (b) and (e) as the proposal unreasonably impacts on neighbouring residential properties due to an unacceptable loss of privacy, as the proposal includes windows which directly face neighbouring private open space, and as the proposed second floor balcony exceeds the maximum area and dimensions.
 - d. Section 2.12 *Battle axe blocks* objective (b) and control (a) as the proposal is not of a size and scale which minimises adverse amenity impacts, and as the proposal further increases the height, bulk and scale of a building which already exceeds the single storey height control.
3. 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 Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to
 - a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning overlooking from the second floor balcony and does not adequately document solar access impacts on 34 Gardyne Street.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and visual impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
6. 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

A Wolfenden (objector) addressed the meeting.

WLPP-2302.6

301 Bondi Road BONDI NSW 2026 – Installation of 3 x car stackers to existing residential flat building (DA-392/2022)

Report dated 30 January 2023.

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.

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

1. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B8 Transport

- a. Objectives (a), (c), (d), (g), (h), (i), (j) and (k) under this the Part, as per the following:
 - i. Does not prioritise other forms of transport.
 - ii. Adequate modes of public or active transport are available.
 - iii. The proposed car stackers will adversely impact the character of the streetscape and landscape.
 - iv. Installation of the pits for the car stackers will limit the future transition or alternate use of the site in the future.
 - v. The plan of management and hours of operation proposed will likely result in tenants using on street parking and as such is unreasonable.
 - vi. No accessible parking has been provided.
 - vii. Will adversely impact the amenity of the streetscape and adjacent dwellings.
- b. Section 8.2.2 *Car Parking Provision rates*, specifically objectives (a)-(c) and Table 3 Car Parking Rates, as the proposed development provides insufficient off-street for accessible and visitor car parking spaces, bicycle parking and motorbike parking.

Part B12 Design Excellence

- c. Objectives (a), (b), (c), (d) and controls (a), (b) and (e), as the proposed development provides insufficient information of the aesthetics of the proposed car stackers and the development will have a detrimental effect upon neighbouring sites in terms of acoustic amenity.

Part C3 Other Residential Development

- d. *Section 3.9 Landscaping*, as the proposed development further reduces the existing landscaping by 13.4m² from an existing 158.2m² to a proposed 144.8m², which falls short of the minimum landscaping requirement of 191.3m².
2. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1, including but not limited to:
 - a. Statement of Environmental Effects is considered insufficient, as it does not accurately identify the correct number of units based on the approved strata of the site.
 - b. Insufficient information has been provided on the materiality or model of the proposed car stacker.
 - c. Missing Site Waste Recycling Management Plan.
3. 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.
4. 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

R Parchi, J Fulseach and L Petevitch (Objectors) addressed the meeting.

WLPP-2302.7

6/88 Beach Road, BOND BEACH NSW 2026 - Alterations and additions to Unit 6 (DA-366/2022)

Report dated 8 February 2023.

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.

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (LEP) 2012*:

- a. *Clause 4.3 Height*

The application exceeds the maximum allowable height of 12.5m and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposed development does not preserve the environmental amenity of neighbouring properties as required under clause 4.3 (1) (a) of Waverley LEP 2012.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.9:1 and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: 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 Waverley LEP 2012.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDPC) 2012, in respect to the following provisions:

Part B12 – Design Excellence

- a. 12.1 *Design*, specifically objectives (a) and (d) controls (a) and (e), and 12.2 *Context Analysis*, specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of amenity and urban form, the overall bulk and massing of the development and environmental impacts such as overshadowing. The development does not demonstrate an understanding of an appropriate response

to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

Part C3 – Other Residential Development

- b. Section 3.13 *Solar Access and Overshadowing*, specifically objective (d) and control (c) as the proposed development results in unreasonable overshadowing to the neighbouring properties.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity impacts upon the locality and surrounding built environment.
4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
5. 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.
6. 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

S O'Toole and E Gescheit (on behalf of the applicant) addressed the meeting.

WLPP-2302.8

12 Princess Street ROSE BAY NSW 2029 - Modifications to approved dual occupancy including extension of basement, ground and first floor levels (DA-462/2021/A)

Report dated 9 February 2023.

Council Recommendation: That the modification be Refused for the reasons contained in the report.

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

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

1. It would not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the *Waverley Local Environmental Plan 2012* (WLEP) as it is contrary to the following provision:

a. *Clause 1.2 Aim of the Plan*

It would not enhance or preserve the natural environment and would not enhance residential amenity.

b. *Clause 4.4 Floor Space Ratio*

It exceeds the 0.5:1 Floor Space Ratio (FSR) development standard by 57m² or 19.59%, and it fails to satisfy objectives (b), (c) and (d) under Clause 4.4 of WLEP.

The modification is considered an overdevelopment of the site and would not preserve the environmental amenity of neighbouring properties and the surrounding locality.

2. It does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

B3 Landscaping and Biodiversity

a. Objective (a) is not satisfied as the modification would not enhance the amenity and visual setting of the locality.

b. Objective (b) and general controls (b) and (c) under Section 3.1 are not satisfied as the modification would not contribute to the provision of urban canopy, and would not maintain or enhance vegetation.

Part B5 Vegetation Preservation

c. Objective (d) is not satisfied as the modification would not increase the level of canopy cover or minimise the loss of vegetation and trees.

Part B12 Design Excellence

d. General controls (e)(iv), (v) and (vii) under section 12.1 are not satisfied as the modification has not demonstrated that adequate consideration has been given to the amenity of the

neighbouring properties, environmental impacts including overshadowing, and the bulk and scale of the modification.

Part B14 Excavation

- e. General control (d) is not satisfied as the modification would not minimise excavation.

Part C2 Low Density Residential Development

- f. *Section 2.0 General Objectives* - Objectives (a), (b), (d), and (e) are not satisfied as the scale of the modification would not be appropriate to the size of the allotment, and would detract from the amenity of the neighbouring properties. The bulk and scale of the modification would not be compatible with the desired future character of the locality and the modification would not be in accordance with the objectives and controls of this Part.
 - g. *Section 2.2 Setbacks* – Objective (c) is not satisfied as the modification would not provide sufficient separation in order to maintain adequate privacy and amenity.
 - h. *Section 2.5 Visual and Acoustic Privacy* – Objectives (a) and (c), and control (b) are not satisfied as the modification would result in additional impacts on the amenity of the neighbouring properties with regard to visual privacy and acoustic amenity.
 - i. *Section 2.6 Solar Access* – Objectives (a), (b), (c) and (d), and control (e) are not satisfied as the modification would not minimise overshadowing of the neighbouring properties.
 - j. *Section 2.10 Swimming Pools and Spa Pools* – Objectives (a), (b), and (c), and control (d) are not satisfied as the modification would result in the removal of landscaping and result in additional impacts on the amenity of the neighbouring properties.
- 3. The modification is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
 - 4. The modification 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.
 - 5. The modification 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

J Hochberg (Objector) addressed the meeting.

WLPP-2302.9

100 Francis Street BONDI BEACH 2026 – Alterations and additions to dwelling including new first floor addition (DA-334/2022)

Report dated 9 February 2023.

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.

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

a. Clause 4.3 Height

The application exceeds the maximum allowable height of 8.5m 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 Waverley LEP 2012.

Details: The proposed development does not preserve the environmental amenity of neighbouring properties as required under clause 4.3 (1) (a) of Waverley LEP 2012.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B9 Heritage

- a. General Objectives (e) and (f), as the proposal will not enhance the significance of landscape conservation area of Francis Street with the proposed additional bulk and scale.*

Part B12 Design Excellence

- b. General objectives (a), (c) and (d) and controls (a) and (e), as the proposal will have an environmental impact such as overshadowing and will not contribute to the architectural and overall urban design quality of Waverley.*

Part C2 Low Density Residential Development

- c. 2.0 General Objectives, specifically (b) and (d) as the proposal would result in impacts on the amenity of the neighbouring properties. The proposal would not be in keeping with the desired future character of the locality.*
- d. 2.1 Height, specifically objective (d) and control (a) as the proposal comprises a wall height of 6.87m (at southeast elevation) and 8.9m (at north-west elevation) which exceeds the 7m wall height control by 1.9m (12.7%) (at north-west elevation).*
- e. 2.2 Setbacks, specifically objectives (a) and (f) and 2.2.1 Front and Rear Building lines (a) as the proposal would not maintain the predominant front building line.*

- f. 2.3 *Streetscape and Visual Impact*, specifically control (d) as the proposed first floor would not minimise the visual bulk and scale or dominance from a streetscape perspective.
 - g. 2.5 *Visual and Acoustic Privacy*, specifically control (e) as the proposal comprises of first floor balcony of 13.3sqm.
 - h. 2.6 *Solar Access*, specifically objectives (a), (b), and (d), and control (c) as the development exceeds the building height development standards and would result in overshadowing of the neighbouring property at 98 Francis Street.
- 3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
 - 4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
 - 5. 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.
 - 6. 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: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

M Bland (Applicant) addressed the meeting.

WLPP-2302.10

124-126 Campbell Parade BONDI BEACH NSW 2026 - Modification to basement levels, unit layouts, unit amalgamation and change of roof, including increase to overall building height (DA-323/2019/B)

Report dated 9 February 2023.

Council Recommendation: That the modification 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.

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 EP&A Act.

For the RESOLUTION: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

P Wilson (Objectors) and E Doumanis, (on behalf of the applicant) addressed the meeting.

WLPP-2302.11

15-17 O'Brien Street & 156 Glenayr Avenue BONDI BEACH NSW 2026 - Demolition of existing buildings and construction of a new four storey mixed use shop top housing development comprising basement parking, ground floor retail tenancies and 14 residential units (DA-83/2022)

Report dated 9 February 2023.

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 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 area approved as deep soil landscaped area must be for planting purposes only. No structures, including permeable paving are permitted over the deep soil landscaped area at ground floor level.
- (b) DA210 Rev E 'Roof Plan' prepared by BANG Architecture is to be amended to include:
 - (i) A minimum of 80m² of non-trafficable landscaped area, planted with groundcover species that do not exceed 400mm with a minimum soil depth of 300mm, and be designed and constructed in accordance with the requirements of condition 36 (Green Roof Landscaping Details)
 - (ii) Details of the services including materials, setback and height of the screening to demonstrate that roof services/screening are not visible from the public domain and are contained within the envelope shown on the Plan.
- (c) Planting in lightwells and balcony planters are to have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely and suitable for the selected plant species. The lightwell and balcony planters are to be designed as non-trafficable areas and must be irrigated without requiring frequent maintenance access. Any access to the planters is to be for servicing purposes only. The Landscape Plan shall be updated to incorporate these amendments.
- (d) Ceiling fans must be provided in every habitable room.

- (e) The Architectural Plans are to be amended to include the following:
- i. The star rating of the gas instantaneous hot water system.
 - ii. The rainwater tank location, size of tank and roof area draining to tank.
 - iii. BASIX energy efficiency lighting commitments.
 - iv. Solar panel area to reflect the actual size as outlined in the BASIX commitments.

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.

Insert Condition 2A to read as follows:

2A. MECHANICAL PLANT

The mechanical plant area on the roof, as approved by Condition 2(b), is not to increase in size.

For the RESOLUTION: Townsend, Tuor, Brown and Robinson

Against the RESOLUTION: Nil

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

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

THE MEETING CLOSED AT 3.20PM