

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 24 MAY 2023**

Panel members present:

Stuart McDonald (Chair)
Jan Murrell
Philippa Frecklington
Sandra Robinson (community representative)

Also present:

A Rossi	Manager, Development Assessment
J Zancanaro	A/Manager, Development Assessment
B Magistrale	A/Manager, Development Assessment
E Finnegan	A/Executive Planner, Development Assessment
A Novak	Community Planning Advocate
E Rogerson	Strategic Town Planner

At the commencement of the public proceedings at 12.03 pm, those panel members present were as listed above.

*At 12.47pm, the meeting was closed to the public.
At 1.15pm, the Panel reconvened in closed session.
At 2.05pm, the meeting closed.*

WLPP-2305.A

Apologies

There were no apologies

WLPP-2305.DI

Declarations of Interest

The Chair called for declarations of interest and three were received.

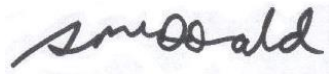
S McDonald (Chair) advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2305.2 – 122 Brighton Boulevard NORTH BONDI NSW 2026. J Murrell assumed the position of Chair for this item.

S Robinson advised a reasonably perceived conflict of interest and did not participate in the public meeting or the determination for item WLPP-2305.6 – 7 Gaerloch Avenue TAMARAMA NSW 2026.

J Murrell advised a reasonably perceived conflict of interest and did not participate in the deliberations or determinations for item WLPP-2305.7 – Planning Proposal at 34-36 and 34A Flood Street BONDI NSW 2026.

WLPP-2305.R
Determinations

The Panel resolved to make the following determinations overleaf.

A handwritten signature in black ink, appearing to read "Stuart McDonald", is written over a light blue rectangular background.

Stuart McDonald
Chairperson

WLPP-2305.1

21 Princess Street, ROSE BAY NSW 2029 Alterations and additions to dwelling including new swimming pool, spa and cabana at rear. (DA-85/2023)

Report dated 10 May 2023 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 and 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 Planning Officer's report and recommended conditions, subject to the following changes to Condition 2:

- 2 (c) To minimise any view impacts, the landscape plan and proposed planting is to be amended to include tree and plant species that have a maximum mature height of 6m located in the rear backyard of the site.

- 2 (d) The first floor east facing window labelled 'W9' is to have fixed obscure glazing to avoid any overlooking into the neighbouring property at No. 23 Princess Street.

For the RESOLUTION: McDonald, Murrell, Frecklington, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report, subject to the amended conditions 2(c) and 2(d) which provide more certainty in the design modification conditions to address the concerns of the neighbours.

No speakers addressed the meeting.

WLPP-2305.2

122 Brighton Boulevard, NORTH BONDI NSW 2026 - Alterations and additions to convert residential flat building to dwelling house, including new basement level and substantial internal reconfiguration. (DA-18/2023)

Report dated 12 May 2023 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 and 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 subject to the recommended conditions.

For the RESOLUTION: Murrell, Frecklington, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel notes that the roof and eaves are to be the same proportions as the existing. The Panel also notes the development retains the original form of the inter-war residential flat building that provides character to the area.

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

Chair person S McDonald advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2305.2 – 122 Brighton Boulevard NORTH BONDI NSW 2026. J Murrell assumed the position of Chair for this item.

WLPP-2305.3

12 Burge Street, VAUCLUSE NSW 2030 - Modification to alter internal layout, increase in GFA, additional VPA offer and various other modifications. (DA-325/2020/B)

Report dated 11 May 2023 from the Development and Building Unit.

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

RESOLUTION: The Panel approves the modification 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.

At the public meeting, the applicant requested changes to Condition 2(e) and Condition 29 in addition to matters included in this modification application before the Panel. The Panel is of the opinion that the applicant would be required to submit a separate application for modification to address Conditions 2(e) and 29.

For the RESOLUTION: McDonald, Murrell, Frecklington, Robinson

Against the RESOLUTION: Nil

REASON: The Panel is of the opinion that the modification application in the form proposed is substantially the same development for which consent was originally granted. The Panel concurs with the recommendations in the Planning Officer's report.

D Desson and A Martin (on behalf of the applicant) addressed the meeting.

WLPP-2305.4

28 Yanko Avenue, BRONTE NSW 2024 - Alterations and additions to dwelling including new front balcony and spa pool at rear. (DA-519/2022)

Report dated 10 May 2023 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: McDonald, Murrell, Frecklington, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report and acknowledges that the application was amended during the assessment process to respond to objections raised by the neighbouring property.

M Nasiry (on behalf of the applicant) addressed the meeting.

WLPP-2305.5

62 St Thomas Street & 1 Fig Tree Lane BRONTE NSW 2024 - Boundary adjustment to transfer rear section of 62 St Thomas Street to 1 Fig Tree Lane. (DA-55/2023)

Report dated 12 May 2023 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 minimum lot size 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: McDonald, Murrell, Frecklington, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel notes the significant change in level at the rear and the proposed subdivision reflects this physical division between the two properties. The resultant lot size and shape of the non-compliant allotment will align with the semi-detached dwelling adjoining 62 St Thomas Street and is appropriate in this context.

No speakers addressed the meeting.

WLPP-2305.6

7 Gaerloch Avenue, TAMARAMA NSW 2026 - Demolition and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear. (DA-493/2022)

Report dated 10 May 2023 from the Development and Building Unit.

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

RESOLUTION: The Waverley Local Planning Panel resolved to defer the application to allow the applicant to submit amended plans and documentation in accordance with the following requirements:

1. The built form, particularly the south-western and south eastern portions of the dwelling that result in a variation to the maximum height of buildings development standard, must be amended to demonstrate that the proposed development will not result in any additional view loss impacts of the ocean compared to any view impacts resulting from a fully compliant building envelope, from the surrounding properties at Nos. 20, 22 and 24 Dellview Street immediately to the north of the site.
2. The mesh bridge at the rear of Level 3 adjacent to the living room and laundry on the north elevation is to be reduced in width to be no greater than 2.7m to match the width of one section of the sliding glass door openings on the north elevation. The location of the mesh bridge is to be positioned centrally on the south elevation to ensure the bridge does not cover the habitable openings on level 2 immediately below. In addition;
 - (a) The 1m high planter with 800mm high privacy screen above built to the western side boundary is to be deleted.
 - (b) The height of any new fencing along the west boundary, behind the front building line, must not be greater than 1.8m high measured from the finished level of the proposed external stairs. The design of the side boundary fence should respond to the topography of the site and taper from north to south.
 - (c) The height of the rear boundary fence must not be greater than 1.8m, measured from the finished ground level of the adjoining property.
 - (d) The height of any new fencing along the east boundary must not be greater than 1.8m high measured from the adjacent ground level.
 - (e) Amended landscape plans are to be prepared incorporating the design amendments required.

The applicant is to submit the necessary documentation with respect to the above design requirements including a new Clause 4.6 written submission to vary the height of buildings development standard.

The applicant must submit the above information within 14 days from 24 May 2023. In the event no further information is submitted, the Panel will proceed to determine the matter with the information at hand.

Council is to prepare a supplementary assessment report and refer it back to the Panel in a timely manner. The Panel will then determine the application electronically having regard to submissions that have already been made.

For the RESOLUTION: McDonald, Murrell, Frecklington

Against the RESOLUTION: Nil

REASON: The Panel defers the matter for further information before it makes an electronic determination.

G Karavanas and R Peters (on behalf of the applicant) and H Chadwick (objector) addressed the meeting.

Panel member S Robinson advised a reasonably perceived conflict of interest and did not participate in the public meeting or determination for item WLPP-2305.6 - 7 Gaerloch Avenue, TAMARAMA NSW 2026.

THE MEETING CLOSED AT 2.05PM