

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL  
MEETING HELD BY VIDEO CONFERENCE ON  
WEDNESDAY, 28 JUNE 2023**

**Panel members present:**

Helen Lochhead (Chair)  
Stuart McDonald  
Peter Brennan  
Penelope Mora (Community representative)

**Also present:**

B McNamara	Manager, Development Assessment
J Zancanaro	A/Manager, Development Assessment
B Magistrale	Manager, Development Assessment
E Finnegan	A/Executive Planner, Development Assessment

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

*At 1.00pm, the meeting was closed to the public.  
At 1.30pm, the Panel reconvened in closed session.  
At 2.25pm, 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 one was received.

*P Mora advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2306.1 – 27 Thompson Street TAMARAMA NSW 2026.*

**WLPP-2305.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



Helen Lochhead  
**Chairperson**

## **WLPP-2306.01**

**27 Thompson Street, TAMARAMA NSW 2026** Demolition, and construction of a new dwelling house with integrated double garage, and swimming pool at rear. (DA-3/2023)

Development Assessment Report dated 8 June 2023.

**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 and floor space ratio 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 subject to the recommended conditions and the following amendments to Condition 20:

### **20. DILAPIDATION REPORT - GENERAL**

*A Dilapidation report is to be prepared for any adjoining or nearby property, including any outbuildings on these sites that may be subject to potential damage as a determined by a practicing geotechnical engineer as a result of any works being undertaken, including (but not necessarily limited to):*

- 18 Thompson Street, TAMARAMA
- 23 Thompson Street, TAMARAMA
- 25 Thompson Street, TAMARAMA
- 29 Thompson Street, TAMARAMA
- 31 Thompson Street, TAMARAMA

*The dilapidation report is to be made available to affected property owners.*

*The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.*

*Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.*

**For the RESOLUTION: Lochhead, McDonald, Brennan, Mora**

**Against the RESOLUTION: Nil**

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

*M Blanchfield (on behalf of the applicant) and A Knox and W Maynard (objectors) addressed the meeting.*

*P Mora advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2306.1 – 27 Thompson Street TAMARAMA NSW 2026.*

**91 Fletcher Street, TAMARAMA NSW 2026** Alterations and additions to a residential flat building. (DA-98/2023)

Report dated 14 June 2023 from the Development and Building Unit.

**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 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, and the following amendments:

**Additional condition:**

**14. ESSENTIAL SERVICES - EXISTING BUILDING**

Details of the currently implemented and proposed essential fire safety measures shall be included in the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

**Amended Condition:**

**13. FIRE SAFETY UPGRADING WORKS**

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations, of the NCC BCA Building Audit Report prepared by Nicolas Hurtado of NEST Consulting dated 20 December 2022 Ref: 22005.2-BAR and the following additional requirements;
  - i. The internal walls at the topmost level separating the sole occupancy units and the public stairway and corridors are to be upgraded so that they extend to the underside of the non-combustible roof covering above in construction having a FRL OF 60/60/60 and, except for roof battens with dimensions of 75 mm x 50 mm or less or sarking-type material, must not be crossed by timber or other combustible building elements; OR

Provide a ceiling that is immediately below the roof having a resistance to the incipient spread of fire to the roof space between the ceiling and the roof of not less than 60 minutes.

Contractor's certification of compliance with the above requirements must be provided at completion of the required works.

- ii. The balustrades and handrails to all stairways, landings and balconies are to be upgraded to comply with the requirements of clauses D2.16 & D2.17 of the NCC Building Code of Australia, being not less than 865mm above the nosing of the stair treads and balustrades shall be not less than 1000mm above any landing or floor level. Openings within balustrades are not to exceed 125mm (sphere). Contractor's certification of compliance with the above requirements must be provided at completion of the works.
- iii. Provide a non-combustible enclosure (i.e. a metal cabinet) or alternatively, material not less fire protective with seals to prevent the passage of smoke to any electricity meters, communication boards and switchboards. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
- iv. The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following;
  - a. A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
  - b. An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory;
  - c. Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007.
- v. Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
- vi. Provide protection of openable windows in accordance with Clause D2.24 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
- vii. An audit of the construction joints between building elements required to be fire resisting is to be undertaken by a suitably qualified passive fire specialist to verify these elements have been protected with respect to integrity and insulation in accordance with C3.16 of the BCA.
- viii. Certification is to be provided by a suitably qualified passive fire specialist confirming the construction joints between building elements required to be fire resisting with respect to integrity and insulation have been protected in accordance with Clause C3.16 of the BCA..
- ix. Upon completion of all fire safety upgrading works, and prior to issue of an Occupation Certificate, a Final Fire Safety Certificate must be submitted to the accredited PCA and Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: -

- a. has been assessed by a properly qualified person; and
  - b. has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.
- b) Prior to the commencement of the required upgrade works a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

**For the RESOLUTION: Lochhead, McDonald, Brennan, Mora**

**Against the RESOLUTION: Nil**

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

*L Durack (on behalf of the applicant) addressed the meeting.*

**5 Pacific Avenue, TAMARAMA NSW 2026** Modification including design refinement, provisions for services, apartment reconfiguration, window changes, top level balcony changes and a reduction from 5 units to 4 units. (DA-44/2022A)

Development Assessment Report dated 16 June 2023.

**Council Recommendation:** That the modification application be approved in accordance with the conditions contained in the report.

**RESOLUTION:** The Panel approves the modification in accordance with the recommendations in the Planning Officer's report and recommended conditions, subject to the following amendments to Condition 21.

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.

#### **21. CAR PARKING**

*A maximum of 6 car vehicle parking spaces are to be provided within the development, allocated in the following manner:*

- (a) A maximum of 6 residential parking spaces*
- (b) DELETED DA-44/2022/A*
- (c) DELETED DA-44/2022/A*
- (d) At least 1 'Level 2' AC fast electric vehicle charging points for cars to be installed*
- (e) 1 electric charging point and parking space for bicycles and motor scooters.*

*Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.*

*(AMENDED DA-44/2022/A)*

**For the RESOLUTION: Lochhead, McDonald, Brennan, Mora**

**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. The Panel notes that the current residential parking requirements would be maintained by the addition of one residential car parking space.

*L Kosnetter, M Shapiro and V Blank (on behalf of the applicant) addressed the meeting.*

**WLPP-2306.04**

**22 Wiley Street, WAVERLEY NSW 2024** Substantial alterations and additions to semi-detached dwelling including a first floor addition and new front garage and driveway. (DA-516/2022)

Development Assessment Report dated 16 June 2023.

**Council Recommendation:** That the application be approved in accordance with the conditions contained in the report.

**RESOLUTION:** The Panel approves the development application in accordance with the recommendations in the Planning Officer's report.

**For the RESOLUTION:** Lochhead, McDonald, Brennan, Mora

**Against the RESOLUTION:** Nil

**REASON:** The Panel concurs with the recommendations in the Planning Officer's report. It should be noted that the Panel has reservations about the inclusion of the garage in this location, however, notes the unique circumstances of this building configuration. They do not see this as a precedent for other semi-detached dwellings within the street.

*J Askin (on behalf of the applicant) and L Stevanov (objector) addressed the meeting.*



## **WLPP-2306.05**

**25 Princess Street, ROSE BAY NSW 2029** Alterations and additions to a dwelling including skylights, roof top terrace with a glass balustrade and relocation of solar panels (DA-16/2023)

Development Assessment Report dated 7 June 2023.

**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 and floor space ratio 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 subject to the recommended conditions.

NOTE: additional information was provided prior to the meeting which amended an error in the Clause 4.6 Variation for Height, which was noted and accepted by the Panel.

**For the RESOLUTION: Lochhead, McDonald, Brennan, Mora**

**Against the RESOLUTION: Nil**

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

*E Gescheit and W Mckee (on behalf of the applicant) addressed the meeting.*

**53-55 & 57-59 Hall Street, BONDI BEACH NSW 2026** Demolition of structures and construction of a four-storey shop-top housing development including basement parking, ground floor retail/commercial premises and 17 residential units (DA-501/2022)

Development Assessment Report dated 14 June 2023.

**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 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, subject to the modification of Condition 69 as follows:

**69. CAR PARKING**

*A total of **35 car vehicle** parking spaces are to be provided within the development, allocated in the following manner:*

- (a) 16 standard residential parking spaces*
- (b) 4 accessible residential parking spaces*
- (c) 3 residential visitor parking spaces*
- (d) **12** commercial parking spaces*

*Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities. Shared areas are to contain a bollard as per AS2890.6.*

*Car parking spaces are to be allocated with the rates specified in the DCP. All car spaces are to be appropriately signposted and marked.*

*The residential and retail car parking spaces shall not be independent lots, but rather part lots attached to units or retail commercial floorspace.*

**For the RESOLUTION: Lochhead, McDonald, Brennan, Mora**

**Against the RESOLUTION: Nil**

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

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

THE MEETING CLOSED AT 2.25PM