

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL  
MEETING HELD BY VIDEO CONFERENCE ON  
WEDNESDAY, 27 SEPTEMBER 2023**

**Panel members present:**

Professor Helen Lochhead (Chair)  
Peter Brennan  
Sandra Robinson  
Claire Edwards (Community Representative)

**Also present:**

Ms B McNamara A/Executive Manager, Development Assessment  
Ms A Rossi Manager, Development Assessment (Area 1)  
Mr B Magistrale Manager, Development Assessment (Area 2)  
Ms J Zancanaro A/Manager, Development Assessment (Area 3)  
Ms E Finnegan Executive Planner, Development Assessment  
Ms R Siaso Administration Officer  
Ms N Calvisi Administration Officer

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

*At 1.31pm, the meeting was closed to the public.  
At 2.30pm, the Panel reconvened in closed session.  
At 4.15pm, the meeting closed.*

**WLPP-2309A.A**

**Apologies**

There were no apologies.

**WLPP-2309A.DI**

**Declarations of Interest**

The Chair called for declarations of interest and the below were received:

*S Robinson advised a conflict of interest and did not participate in the public meeting or determination for items WLPP-2309A.1 - Units 1 & 2, 12 Ramsgate Avenue, BONDI BEACH NSW 2026 and WLPP-2309A.8 - 241 Bondi Road, BONDI NSW 2026*



Professor Helen Lochhead  
**Chairperson**

Units 1 & 2, 12 Ramsgate Avenue, BONDI BEACH NSW 2026 – Alterations and additions to ground floor Units 1 and 2 (DA-56/2023)

Report dated 14 September 2023 from the Development Assessment Leadership Team.

**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:** LOCHHEAD, BRENNAN AND EDWARDS

**Against the RESOLUTION:** NIL

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

*A Yago (on behalf of the applicant) addressed the meeting.*

*Panel Member: S Robinson advised a conflict of interest and did not participate in the public meeting or determination of this item (WLPP-2309A.1).*

**60 Gilbert Street, DOVER HEIGHTS NSW 2030 - Demolition of existing dwelling and ancillary structures for construction of a new three storey dwelling, garage and swimming pool within the front setback. (DA-123/2023)**

Report dated 14 September 2023 from the Development Assessment Leadership Team.

**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:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

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

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

**7 Wallangra Road, DOVER HEIGHTS NSW 2030 – Alterations and additions to dwelling house.  
(DA-67/2023)**

Report dated 14 September 2023 from the Development Assessment Leadership Team.

**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:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

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

*No speakers addressed the meeting.*

**10 Carlisle Street TAMARAMA NSW 2026 - Substantial alterations and additions to residential flat building including two basement levels with basement carparking (DA-461/2022)**

Report dated 16 September 2023 from the Development Assessment Leadership Team.

**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 standards. 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 21(a) to read as follows:

**21. 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. Geotechnical Site Investigation Report and documentation prepared by Soilsrock Engineering Pty Ltd dated 14/04/2022, and received by Council on 20/10/2022; and
  - ii. Construction Methodology and Structural Report dated 25/08/2022 and Structural Plans (project number 21-358) dated 30/04/2022 prepared by Portes Project and Service P/L and received by Council on 20/10/2022.

The independent third-party engineer is also to review and verify the adequacy of noise and vibration monitoring measures set out in Construction Methodology and Structural Report dated 25/08/2022 and Structural Plans (project number 21-358) dated 30/04/2022 prepared by Portes Project and Service P/L and received by Council on 20/10/2022.

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.

**REASON:** To provide assurance as to the construction methodology including noise and vibration measures.

Relocate Advisory Note AD6 into the body of the conditions, and insert new Condition 2A to read as follows:

**2A. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only. Should a significant amount of the remaining fabric of the building be required to be removed during the course of construction, works must cease immediately and a new development application will be required to be submitted for assessment.

**REASON:** The condition is imposed is to provide certainty that the development comprises alterations and additions only.

Insert additional subclause (g) into Condition 2 to read as follows:

**2. GENERAL MODIFICATIONS**

(g) The fixed louvre screen to the northern elevation of the building is to be modified to provide a degree of modulation and operability.

**REASON:** To provide articulation to the northern elevation to Carlisle Street and to provide greater flexibility for the occupants to adjust the degree of privacy to their dwellings.

**For the RESOLUTION:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

*B Daintry, K Kench and P McGivern (Objectors), A Boskovitz, E Doumanis, S Hanson (on behalf of the applicant) addressed the meeting.*

Report dated 11 September 2023 from the Development Assessment Leadership Team.

**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 swimming pool boundary fence to the northern and southern side boundaries and the eastern front boundary must be constructed of transparent glazing to reduce its visual impact and the height is to be reduced to the minimum required by the relevant Swimming Pool Regulation.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

**REASON:** To minimise the visual impact of the boundary walls on Flood St and Bon Accord Ave.

**For the RESOLUTION:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

*M Scalabrino (Objector), B Phillips (on behalf of the applicant) addressed the meeting.*

12 Imperial Avenue, BONDI NSW 2026- Alterations and additions to a dwelling house.  
(DA-82/2023)

Report dated 12 September 2023 from the Development Assessment Leadership Team.

**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.

Amend Conditions 2 to read as follows:

## 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The roof of the proposed master bedroom addition to the rear is to be replaced with a hip roof consistent with the design and detailing of the new Southern addition and existing Northern wing. The amended roof is not to be higher than the new southern addition with ridge height of RL64.1. The eave height is to be consistent with the southern and northern wings.
- (b) The proposed multi-paned windows are to be replaced with windows consistent with the design, materials and finishes of the existing windows.
- (c) The Ficus hillii (Ficus Flash) trees adjacent to the southern boundary are not approved, and must be deleted from the landscape plan. The landscape plan must be amended to replace the proposed Ficus Flash plantings adjacent to the southern boundary (with 14 Imperial Avenue) with plant species that have mature growth heights of no more than 3m.

The above amendments are to be approved by the **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.

**REASON:** To respect the heritage significance of the existing dwelling.

**For the RESOLUTION:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

*A Meredith (read submission from T Matthews), B Daintry, A Meredith, J Gesouras (Objectors), N Matthews (on behalf of the applicant) addressed the meeting.*



**Units 9 & 10, 481-485 Bronte Road, BRONTE NSW 2024 - Construction of pergola to existing roof-top balcony for units 9 and 10. (DA-110/2023)**

Report dated 14 September 2023 from the Development Assessment Leadership Team.

**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:** LOCHHEAD, BRENNAN, ROBINSON AND EDWARDS

**Against the RESOLUTION:** NIL

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

*M Pizzica (Objector), and P Holmes (on behalf of the applicant) addressed the meeting.*

**241 Bondi Road, BONDI NSW 2026 - Alterations and additions to a Residential Flat Building (rear portion) including internal reconfiguration, infill of the existing balconies and the construction of new balconies to the rear. (DA-80/2023)**

Report dated 18 September 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 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 10 to read as follows:

**10. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 48(2) of State Environmental Planning Policy (Housing) 2021, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$435,000** payable for the provision of affordable rental housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of any Construction Certificate.

**REASON:** Unit 11 should be excluded from being considered an 'affordable housing unit' and the contribution rate reduced accordingly as the rent was only reduced to the 'affordable' housing range because of a temporary reduction during the Covid period and a delayed readjustment to the market rate post-Covid.

**For the RESOLUTION:** LOCHHEAD, BRENNAN AND EDWARDS

**Against the RESOLUTION:** NIL

**REASON:** The Panel generally concurs with the Planning Officer's report and amended as above.

*C Haughton and D Barber (on behalf of the applicant) addressed the meeting.*

*Panel member: S Robinson advised a conflict of interest and did not participate in the public meeting or determination of this item (WLPP-0927A.8).*

THE MEETING CLOSED AT 4.15pm.