

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 23 AUGUST 2023**

Panel members present:

Jacqueline Townsend (Chair)
Jan Murrell
Peter Brennan
Sandra Robinson (Community Representative)

Also present:

Angela Rossi	A/Executive Manager, Development Assessment
B McNamara	Area Manager, Development Assessment
J Zancanaro	A/Area Manager, Development Assessment
David Knight	A/Area Manager, Development Assessment
E Finnegan	A/Executive Planner, Development Assessment
Nina Calvisi	DA Administration Officer

At the commencement of the public proceedings at 11.00am, those panel members present are listed as above.

At 1.30pm, the meeting was closed to the public.

At 2.20pm, the Panel reconvened in closed session.

At 5.00pm, the meeting closed.

WLPP-2308.A

Apologies

WLPP-2308.DI

Declarations of Interest

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

Sandra Robinson advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2308.5 – 60 Mitchell Street, BONDI BEACH

Jan Murrell advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2308.8 – 449 Bronte Road, BRONTE

WLPP-2308.R

Determinations

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend

Chairperson

WLPP-2308.01

16 Clarke Street, VAUCLUSE NSW 2030 - Demolition of existing structures, and construction of a new residential flat building, integrated basement parking and strata subdivision. (DA-42/2023)

Report dated 4 August 2023 from the Development Assessment team.

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

RESOLUTION: The Panel approves the application in accordance with the recommendations in the Planning Officer's report and recommended conditions, subject to the following amendments to Condition (2):

(g) The proposed motorbike parking must be deleted to protect neighbouring residential amenity. The motorbike parking must be replaced with landscaped deep soil area.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the report and recommendations in the Planning Officer's report. The Panel notes the development complies with the FSR and height development standards. Due to the site constraints the Panel resolved to delete the external motorcycle parking and replace it with deep soil landscaping departing from the DCP guidelines. This is to provide better amenity to adjoining properties.

E v Aalst, J Murphy, J Muldowney, D Cebokli (objectors) and H Hill, M Hay (Applicant) addressed the Panel.

WLPP-2308.02

181 Blair Street, NORTH BONDI NSW 2026 - Demolition and construction of a new four storey residential flat building containing infill affordable housing and integrated basement parking.
(DA-15/2023)

Report dated 4 August 2023 from the Development Assessment team.

Council Recommendation: That the development 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 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. Subject to the following additional condition 2(c):

- Condition 2 (c): Approved drawing DA201 Rev 05 must be amended to correctly reflect the window operability and translucent glazing detailed in the approved window schedules DA600, 601 and 602 Rev 04. All translucent glazed window frames must be non-operable.

The Panel notes the Executive Summary of the Planner's assessment report incorrectly notes the zoning as R4 High Density Residential Zone under Waverley LEP 2012 rather than R3 Medium Density Residential Zone.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel took into account the written submissions received and speakers at the meeting in making its determination.

G Job, R Johnson (objectors) and H Hill, M Hay (applicant) addressed the Panel.

WLPP-2308.03

205 Military Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling including new double garage and swimming pool at rear (DA-27/2023)

Report dated 3 August 2023 from the Development Assessment team.

Council Recommendation: That the development 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 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.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel notes the plans have been amended to delete the rooftop terrace and height to mitigate adverse impacts.

K Samuel, Q Huang (applicant) addressed the Panel.

WLPP-2308.04

51 Llandaff Street, BONDI JUNCTION NSW 2022 - Modification to alter internal layout, decrease to rear and front setbacks, swimming pool, new front fence and gate (DA-66/2022/A)

Report dated 2 August 2023 from the Development Assessment team.

Council Recommendation: That the modification 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.

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, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel considered the objections raised by the speakers at the meeting during its deliberation.

J Tooch, A & J Lakeman (objectors) and D Waghorn (applicant) addressed the Panel.

WLPP-2308.05

60 Mitchell Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to residential flat building including internal reconfiguration to provide one additional unit on the first floor and an additional level to accommodate two additional units for a total of 7 units, demolition of garage to provide communal open space and landscape works (DA-40/2023)

Report dated 3 August 2023 from the Development Assessment team.

Council Recommendation: That the development 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 and SEPP Housing 2021 have been demonstrated and that consent may be granted to the development application that contravenes the parking, site area and solar access 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.

For the RESOLUTION: Townsend, Murrell, Brennan

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations and conditions in the Planning Officer's report including the Affordable Housing Contribution requirement.

M Pearce (objectors) and L Kosnetter, B Meyerson, R Meyerson (applicant) addressed the Panel.

Sandra Robinson advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2308.5 – 60 Mitchell Street, BONDI BEACH

WLPP-2308.06

5 Chesterfield Parade, BRONTE NSW 2024 - Demolition and construction of a new two-storey dwelling house including single car parking space and swimming pool at rear (DA-508/2022)

Report dated 27 July 2023 from the Development Assessment team.

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

RESOLUTION: The Panel approves the application in accordance with the recommendations in the Planning Officer's report and recommended conditions, subject to the following amendments to Condition 2 (a) [in bold and italicised] and the addition of Condition 40:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) The landscape plan is to be amended to show the replanting of at least four (4) trees on the subject site with a minimum species growth maturity height of 5m. The replacement trees must be a local native species selected from the list of ***canopy trees in Annexure B2-1*** of the Waverley Development Control Plan 2012 and have a minimum 45 Litre pot size. To assist in promoting visual privacy between properties, the trees are to be positioned towards the rear boundary of the subject site.

40. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed and Certified by an Arborist with AQF level 5 qualification or above, prior to the issue of the Occupation Certificate. An arborist report is also to be submitted 12 months following the issue of the Occupation Certificate to report on the condition of the replacement canopy trees. If found to be in poor health, equivalent replacement trees are to be planted.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel resolved to amend Condition 2 and add Condition 40 to assist in promoting visual privacy between properties and maintain biodiversity in the area.

R Sponneck, J Morris, J Anderson (objectors) and M Swain, M Grimshaw (applicant) addressed the Panel.

WLPP-2308.07

15 Busby Parade, BRONTE NSW 2024 - Alterations and additions to semi-detached dwelling including demolition and construction of a garage with a studio above to Clifton Lane (DA-528/2022)

Report dated 7 August 2023 from the Development Assessment team.

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

RESOLUTION: The Panel approves the application in accordance with the recommendations in the Planning Officer's report and recommended conditions.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

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

B Barnes (objectors) and L Kosnetter, H Catterns (applicant) addressed the Panel.

WLPP-2308.08

449 Bronte Road, BRONTE NSW 2024 - Demolition and construction of a new part two and part three storey dwelling with integrated basement garage and swimming pool (DA-534/2022)

Report dated 3 August from the Development Assessment team.

Council Recommendation: That the application be refused for the reasons in the Planning Officer's report.

RESOLUTION: The application is refused for the reasons in the Planning Officer's report.

For the RESOLUTION: Townsend, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the reasons for refusal in the Planning Officer's report. The Panel notes the error in the agenda contents page which states the incorrect recommendation and the error within the report which lists the incorrect tree numbers located on the neighbouring property.

C Bereny (objector) addressed the Panel.

Jan Murrell advised a conflict of interest and did not participate in the public meeting or the determination for item WLPP-2308.8 – 449 Bronte Road, BRONTE

WLPP-2308.09

492 Bronte Road, BRONTE NSW 2024 - Demolition and construction of a new three storey dwelling house with balconies, double garage, swimming pool at rear and consolidation of lots (DA-495/2022)

Report dated 4 August 2023 from the Development Assessment team.

Council Recommendation: That the development application be refused in accordance with the reasons contained in the report.

RESOLUTION: The Panel refuses the application for the reasons in the Officer's report.

For the RESOLUTION: Townsend, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the reasons for refusal in the Planning Officer's report. The Panel recognises that there were amended plans not accepted by Council as they did not adequately address all issues raised. The Panel notes the applicant has the opportunity to request a Section 8.2 Review of Determination.

P Haleblian (objector) and M Hudson, L Ozog, A Da Cunha (applicant) addressed the Panel.

WLPP-2308.10

Unit 29/14 Edward Street, BONDI NSW 2026 - Modification to extend the wall by 400mm and reinstate planter boxes (DA-24/2021/C)

Report dated 23 June 2023 from the Development Assessment team.

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.

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered any 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, Murrell, Brennan, Robinson

Against the RESOLUTION: Nil

REASON: The Panel concurs with the recommendations in the Planning Officer's report. The Panel noted the assessment report references the now repealed DCP 2012 in lieu of the more applicable DCP 2022 for its assessment. In this regard, consideration was given by the Panel to the relevant parts of DCP 2022 applicable to the application, and the Panel considers the proposal notwithstanding these, to be acceptable in this respect.

A Yago (applicant) addressed the Panel.