

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL  
MEETING HELD BY VIDEO CONFERENCE ON  
WEDNESDAY, 22 JUNE 2022**

**Panel members present:**

Professor Helen Lochhead (Chair)  
Helen Miller  
Sharon Veale  
Sandra Robinson (community representative)

**Also present:**

Mr T Sneesby	Acting Manager, Development Assessment (Area 1)
Mr B Magistrale	Manager, Development Assessment (Area 2)
Mr D Knight	Acting Manager, Development Assessment (Area 3)
Ms R Siasosi	Administration Officer

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*At the commencement of the public proceedings at 12.00 pm, those panel members present were as listed above.*

*At 12.36pm, the meeting was closed to the public.  
At 1.00pm, the Panel reconvened in closed session.  
At 1.32PM, the meeting closed.*

**WLPP-2206.A**

**Apologies**

There were no apologies

**WLPP-2206.DI**


**Declarations of Interest**

The Chair called for declarations of interest and none were received

**WLPP-2206.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



Prof. Helen Lochhead  
**Chairperson**

607/109 Oxford Street, BONDI JUNCTION NSW 2022 - Alterations and additions to Unit 607 of shop top housing development, including extension of living room and reduction of balcony size. (DA-2/2022)

Report dated 1 June 2022 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:** Lochhead, Miller, Veale and Robinson.

**Against the RESOLUTION:** NIL

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

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

21 Castlefield Street, BONDI NSW 2026 - Review of decision seeking construction of a hardstand carparking space and driveway to the front of dwelling (DA-327/2021/1)

Report dated 26 May 2022 from the Development and Building Unit.

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

**RESOLUTION:** The Review application is refused and the original decision to refuse the development application DA-327/2021 is affirmed.

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B8 – Transport
    - i. Part B8 Transport, specifically objectives (d), (j) and (k) as the application does not achieve a high standard of urban design or positively contribute to the amenity of the streetscape.
    - ii. Clause 8.1 Streetscape, specifically objectives (a) and (b) and control (c) as the car parking adversely impacts upon the streetscape.
    - iii. Clause 8.2 On-site Parking, specifically objective (a) and controls (a) and (b) as the proposed hardstand area does not provide for adequate car space dimensions and is inconsistent with relevant Australian Standards.
    - iv. Clause 8.2.1 Vehicle Access, specifically objectives (b), (d) and (f) and controls (c), (d), and (m) as the proposal does not provide for the minimum dimensions required under the Australian Standards and does not adequately accommodate a car space wholly within the property.
  - b. Part C2 – Low Density Residential Development;
    - i. Clause 2.0 General Objectives, specifically objectives (d) and (e) as associated works are inconsistent with Council’s objectives and controls for car parking, streetscape and safety.
    - ii. Clause 2.3 Streetscape and Visual Impact, specifically objectives (b) and controls (a), (d) and (e) as the works erode the character of the streetscape.
    - iii. Clause 2.8 Car Parking, specifically objectives (a)-(e) as the site does not adequately accommodate minimum dimensions for an off-street car parking space for a standard vehicle and the works do not achieve a high standard of urban design outcome for the site or streetscape.

- iv. Clause 2.8.1 Design Approach, specifically controls (a)-(c) as the site does not achieve the minimum space required for a standard vehicle. The proposed location of the car parking space within the front building line and insufficient area result in the site being unsuitable for on site parking.
  - v. Clause 2.8.2 Parking Rates, specifically controls (b)(i) as the car parking space occupying the front setback will detract from the character of the dwelling and streetscape, and insufficient car parking dimensions may result in a vehicle not being wholly contained within the subject site and impacting pedestrian safety and amenity.
  - vi. Clause 2.8.3 Location, specifically controls (d)(iv) and (d)(vi) as the existing distance between the side boundary and the existing dwelling is only 2.3m and there is not a predominance of off-street car parking with non-compliant dimensions in the vicinity of the site within the immediate streetscape of Castlefield Street.
  - vii. Clause 2.8.4 Design, specifically controls (a) and (b) as the car parking space does not achieve the minimum dimensions for a standard vehicle and would not adequately accommodate a vehicle wholly within the property. The parking of a car within the front setback and partially in front of the dwelling is not sympathetic to the style of the dwelling or the streetscape.
  - viii. Clause 2.8.5 Dimensions, specifically controls (a) and (b) as the hardstand car space does not achieve the minimum dimensions and a standard car is likely to overhang the public domain.
3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it has an undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.

**For the RESOLUTION:** Lochhead, Miller, Veale and Robinson.

**Against the RESOLUTION:**

**REASON:** The Panel concurs with the reasons for refusal in the Officer's report. This section 8.2 review of the original determination is confirmed. The Panel notes that the drawing DA.03 submitted did not accurately illustrate the space needed for the sliding gate and gate post which reduces the available space further. The car parking length is therefore also non-compliant with the DCP clause 2.8.5. The Panel sees no reason to change the decision.

*C Morris and M Hoggett (on behalf of the applicant) addressed the meeting.*

15 Portland Street, DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling including first floor rear extension and construction of a carport (DA-577/2021)

Report dated 8 June 2022 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 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 conditions 2(a) and 2(b) to read as follows:**

## **2 GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) In order to protect the privacy of the adjoining property to the south of the site, the trafficable area of the rear first floor terrace shall be reduced so as to not extend past the southern internal wall of the Master Bedroom. A planter box shall be provided for part of the rear first floor terrace that extends past the southern internal wall of the Master Bedroom. The planter box is to be no higher than the adjoining balustrading of the terrace;
- (b) Privacy screens are to be fixed on the side elevations of the rear ground and first floor terraces (where there is no existing privacy screen or solid wall proposed) and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.8m high when measured from the finished floor level of the balconies. A privacy screen is not required for the southern side of the rear first floor terrace provided condition 2(a) of this development consent is satisfied.

**For the RESOLUTION:** Lochhead, Miller, Veale and Robinson.

**Against the RESOLUTION:** NIL

**REASON:** The Panel was of the view that a non-trafficable terrace and planter on level 1 would provide better amenity and prevent overlooking of the neighbouring property.

*No speakers addressed the meeting.*

31 Albion Street, WAVERLEY NSW 2024 - Alterations and additions to shop top housing development including construction of a third storey comprising a dwelling on the first and second floors and a commercial tenancy on the ground floor (DA-288/2021)

Report dated 9 June 2022 from the Development and Building Unit.

**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 proposal does not satisfy the objectives of the Act, as stipulated in section 1.3 (g) as it does not promote good design or amenity of the built environment.
2. The proposal does not satisfy section 4.15(1)(a)(i) of the Act, as it does not satisfy the Waverley Local Environmental Plan 2012 (WLEP), in particular the following provisions:
  - a. Clause 4.4 *Floor Space Ratio* as the proposal is considered an overdevelopment of the subject site and the proposed bulk and scale are inconsistent with surrounding developments does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clauses 4.4 (1)(c) and (d) of WLEP.
  - b. Clause 4.6 *Exceptions to development standards* (1) and (3) as the applicant has failed to demonstrate that the proposed development will result in a better outcome for the site and a compliant development is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the breach to the floor space ratio development standard. The proposal is not considered to be in the public interest.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B12 – *Design Excellence*
    - i. Section 12.1 *Design* specifically objectives (a), (c) and (d), controls (a) and (e) and section 12.2 *Context Analysis* objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development on neighbouring sites and the result of additional amenity impacts particularly additional visual bulk and overshadowing of adjoining properties.
  - b. Part C3 – *Other Residential Development*
    - i. Section 3.3.2 *Side and rear setbacks*, specifically objectives (a) and (b) and control (a), as the southern side and rear setbacks of the first and second floor levels of the proposal result in poor visual relief and adverse bulk and scale and overshadowing impacts of the neighbouring building and property to the south of the site.
    - ii. Section 3.13 *Solar access and overshadowing*, specifically objectives (c) and (d), and control (c) as insufficient details have been provided on the shadow diagrams to clearly distinguish existing and proposed shadow impacts on adjoining private open space and

the full extent of the proposed shadows to adjoining properties and surrounding area. The proposal will result in additional overshadowing to adjoining properties where less than three hours of direct sunlight is currently provided and will result in further reduction to the amenity of adjoining properties.

- iii. Section 3.126 *Dwelling size and layout*, specifically (c) and control (c) as the first floor home office area is a habitable room without a window for natural light and ventilation.
  - iv. Section 3.17 *Ceiling heights*, specifically objectives (a) to (d) and control (a), as the habitable rooms do not achieve a minimum floor to ceiling height of 2.7m and will not provide adequate internal amenity for future occupants.
- c. Part E3 – Local Village Centres
- i. Section 3.2.3 *Generic Controls – Built form*, specifically objectives (a), (d), (e) and controls (a) as the proposed floor to ceiling heights are less than the minimum floor to ceiling height of 2.7 metres and the built form is inconsistent with the scale of surrounding developments within the village centre.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development in terms of the additional building bulk results in unacceptable amenity impacts on adjoining properties.
  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. The scope of the development exceeds the floor space ratio development standard, is not consistent with the predominant built form of surrounding developments and will result in additional amenity impacts on adjoining properties. The application is an over development of the site.
  6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as the variation sought to the floor space ratio development standard has not been adequately justified by a Clause 4.6 written request demonstrating that compliance with the development standards is unnecessary or unreasonable and that there are sufficient environmental planning grounds to contravene the standards.

**For the RESOLUTION:** Lochhead, Miller, Veale and Robinson.

**Against the RESOLUTION:** NIL

**REASON:** The Panel concurs with the reasons for refusal for the reasons set out in the Planning Officer's report.

*No speakers addressed the meeting.*

138 Hastings Parade, NORTH BONDI NSW 2026 - Alterations and additions to reduce the number of units, realignment of the top level, increased set back height, facade upgrade, reinstatement of swimming pool and various internal and external changes (DA-439/2021)

Report dated 10 June 2022 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 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.

**For the RESOLUTION:** Lochhead, Miller, Veale and Robinson.

**Against the RESOLUTION:** NIL

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

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

THE MEETING CLOSED AT 1.32PM