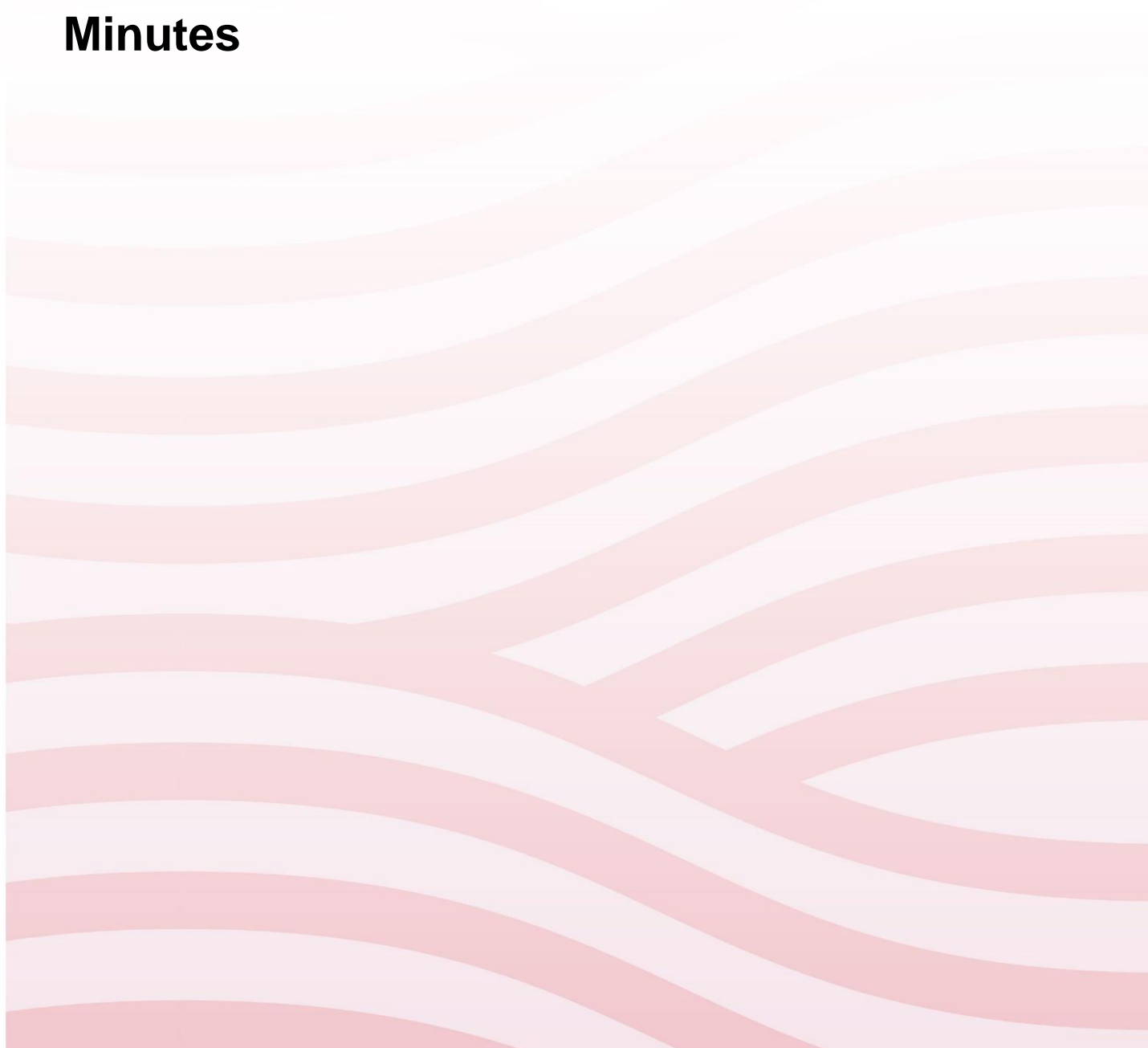




# Woollahra Local Planning Panel (Public Meeting)

Thursday 19 September 2024  
1.00pm

## Minutes





# Woollahra Local Planning Panel (Public Meeting) Minutes

Thursday 19 September 2024  
Held under clause 25 of Schedule 2  
of the Environmental Planning and Assessment Act 1979

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## Woollahra Local Planning Panel (Public)

Minutes of the Meeting held on  
19 September 2024 at 1.00pm.

Present:	Penny Holloway	(Chair)
	Graham Brown	(Expert)
	Sharon Veale	(Expert)
	Kenneth Raphael	(Community Representative)
Staff:	Eleanor Banaag	(Senior Strategic Heritage Officer)
	Nick Economou	(Manager Development Assessment)
	George Fotis	(Team Leader)
	Carolyn Nurmi	(Governance Officer)
	Max Moratelli	(Team Leader)
	Kristy Wellfare	(Team Leader Heritage)
	Anne White	(Manager Strategic Planning & Place)
	Thomas Wong	(Team Leader)

Also in Attendance: Rebecca Hawcroft, Council's Consultant Planner

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**Note:** The Panel was briefed by council staff on each Item prior to the meeting.

The Panel heard members of the public who registered to address at the commencement of the public meeting. The public meeting was closed at 1.19pm.

The Panel then deliberated and voted on each Item in a confidential meeting.

The decisions are recorded in these Minutes.

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**Leave of Absence and Apologies**

Nil

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**Late Correspondence**

Nil

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**Declarations of Interest**

Sharon Veale declared a Significant Non-Pecuniary interest in Item D1 (Planning Proposal Heritage Listing – 83 Fitzwilliam Road, Vaucluse) as she is the CEO at GML Heritage which was engaged by Woollahra Council to prepare a heritage assessment. GML have also been engaged to act for Council in the LEC regarding the matter. Sharon Veale did not take part in debate or vote on this matter.

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**Item No:** D1  
**Subject:** **PLANNING PROPOSAL - AMENDMENT TO THE HERITAGE LISTING FOR 83 FITZWILLIAM ROAD, VAUCLUSE**

**Authors:** Eleanor Banaag, Senior Strategic Heritage Officer  
Kristy Welfare, Team Leader Heritage

**Approver:** Anne White, Manager Strategic Planning & Place

**File No:** 24/154962

**Purpose of the Report:** To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the local heritage listing for item I357 "Remains of Vaucluse Point ferry wharf" at 83 Fitzwilliam Road, Vaucluse to include the dwelling on the site.

**Alignment to Delivery Program:** Strategy 4.2: Conserving our rich and diverse heritage.

**Note:** Sharon Veale declared a Significant Non-Pecuniary interest in Item D1 (Planning Proposal Heritage Listing – 83 Fitzwilliam Road, Vaucluse) as she is the CEO at GML Heritage which was engaged by Woollahra Council to prepare a heritage assessment. GML have also been engaged to act for Council in the LEC regarding the matter. Sharon Veale did not take part in debate or vote on this matter.

**Note:** Fiona Binns, Consultant addressed the Panel.

**Resolved:**

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to include the dwelling in its entirety, both internal and external, and landscape elements at 83 Fitzwilliam Road, Vaucluse (LOT: 100 DP: 1304245) on the existing listing for I357 "Remains of Vaucluse Point ferry wharf", in Schedule 5 of the Woollahra Environmental Plan 2014.

**Reason:**

The GML heritage assessment has demonstrated that the wharf remnants, dwelling and landscape elements meet five of the seven criteria for significance at the local level to warrant amendment of the existing local heritage listing.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

***For the Motion***

***Against the Motion***

Graham Brown  
Penelope Holloway  
Kenneth Raphael

**3/0**

<b>ITEM No.</b>	D2
<b>FILE No.</b>	DA226/2023/1
<b>ADDRESS</b>	11A Burrabirra Avenue, Vaucluse
<b>PROPOSAL</b>	Demolition of the existing house and garage and construction of a new dwelling, swimming pool and landscaping

**Note:** Stacey Allerton, Yuanli Zheng and Sascha Callaghan, Objectors addressed the panel

### **Reasons for Decision**

The Panel has undertaken a site inspection, considered any submissions and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is satisfied that the application be refused for the reasons set out below.

### **Resolved: Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979**

THAT the Woollahra Local Planning Panel, exercising the functions of Council, refuse development consent to Development Application No. 226/2023/1 for demolition of the existing house and garage and construction of a new dwelling, swimming pool and landscaping on land at 11A Burrabirra Avenue Vaucluse, for the following reasons:

#### **1. Woollahra Local Environmental Plan 2014, Part 1 Clause 1.2 Aims of Plan**

The proposed development is unacceptable because it does not comply with Part 1, Clause 1.2(2)(f), (g), (j) and (l) – that the proposal:

- does not conserve or enhance the built environment;
- does not protect the amenity of the adjoining properties;
- does not promote a high standard of design in the private domain; and
- does not achieve the desired future character of the area.

#### **2. Woollahra Local Environmental Plan 2014, Part 2 Land Use Table – R2 Low Density Residential Zone**

The proposed development is unacceptable because it does not fulfil objective dot points 3 and 4 of the R2 Low Density Residential zone for the following reasons:

- The proposal will be incompatible and unsympathetic to the character and amenity of the surrounding neighbourhood; and
- The proposal will be of a scale that fails to achieve the desired future character of the neighbourhood.

#### **3. Woollahra Development Control Plan 2015 – Chapter B1.10 – Vaucluse West Residential Precinct**

##### **a. Section B1.10.2 – Desired future character**

The proposal does not achieve Objectives O1, O2, O3, O4, O5 and O6, as prescribed in Section B1.10.2 of Chapter B1 of the Woollahra Development Control Plan 2015.

**4. Woollahra Development Control Plan 2015 – Chapter B3 – General Development Controls**

**a. Section B3.2.2 – Front setback**

The proposal does not achieve Objectives O1, O2, O3 and O4, or comply with Controls C1 and C2 as prescribed in Section B3.2.2 of Chapter B3 of the Woollahra Development Control Plan 2015.

**b. Section B3.2.3 – Side setbacks**

The proposal does not achieve Objectives O1, O2, O3, O4 and O5, or comply with Control C4 as prescribed in Section B3.2.3 of Chapter B3 of the Woollahra Development Control Plan 2015.

**c. Section B3.2.4 – Rear setback**

The proposal does not achieve Objectives O2 and O4, or comply with Control C1 as prescribed in Section B3.2.3 of Chapter B3 of the Woollahra Development Control Plan 2015.

**d. Section B3.2.5 – Wall height and inclined plane**

The proposal does not achieve Objectives O1, O2, O4 and O5, or comply with Control C1 as prescribed in Section B3.2.5 of Chapter B3 of the Woollahra Development Control Plan 2015.

**e. Section B3.3 – Floorplate**

The proposal does not achieve Objectives O1 and O2, or comply with Control C1 as prescribed in Section B3.3 of Chapter B3 of the Woollahra Development Control Plan 2015.

**f. Section B3.4 – Excavation**

The proposal does not achieve Objective O1 prescribed in Section B3.4 of Chapter B3 of the Woollahra Development Control Plan 2015.

**g. Section B3.5.1 – Streetscape and local character**

The proposal does not achieve Objectives O1 and O2, or comply with Controls C1 and C3 as prescribed in Section B3.5.1 of Chapter B3 of the Woollahra Development Control Plan 2015.

**h. Section B3.6 – On-Site Parking**

The proposal does not achieve Objectives O1 and O2 or comply with Control C1, C2 or C4 as prescribed in Section B3.6 of Chapter B3 of the Woollahra Development Control Plan 2015.

**i. Section B3.7.1 – Landscaped areas and private open space**

The proposal does not comply with Controls C1 and C2 prescribed in Section B3.7.1 of Chapter B3 of the Woollahra Development Control Plan 2015.



**j. Section B3.7.4 – Ancillary development – swimming pools**

The proposal does not achieve Objective O1, or comply with Controls C1 and C2 as prescribed in Section B3.7.4 of Chapter B3 of the Woollahra Development Control Plan 2015.

**k. Section B3.7.4 – Ancillary development – outbuildings**

The proposal does not achieve Objective O1, or comply with Controls C1 and C2 as prescribed in Section B3.7.4 of Chapter B3 of the Woollahra Development Control Plan 2015.

**l. View loss**

The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 and will result in view loss impacts upon surrounding properties:

- Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (g)
- Land Use Table of the Woollahra Local Environmental Plan 2014: R2 Low Density Residential zone Objective 3
- Woollahra DCP 2015: Part B1.1.3 – Objectives O4 and O5
- Woollahra DCP 2015: Part B3.2.5 – Objective O5 and Control C1
- Woollahra DCP 2015: Part B3.3 – Objective O2 and Control C3(c)
- Woollahra DCP 2015: Part B3.5.1 – Objective O1 and Control C1
- Woollahra DCP 2015: Part B3.5.3 – Objective O3 and Control C5
- The four step assessment of view sharing established by *Tenacity Consulting v Warringah (2004) NSWLEC 140*

**5. Visual Privacy Impacts**

The proposed development should be refused as it is contrary to the following provisions in the Woollahra LEP 2014 and DCP 2015 and will result in overlooking impacts upon surrounding properties:

- Woollahra Local Environmental Plan 2014: Clause 1.2 – Aims (g)
- Land Use Table of the Woollahra Local Environmental Plan 2014: R2 Low Density Residential zone Objective 3
- Woollahra DCP 2015: Part B1.1.3 – Objective O4
- Woollahra DCP 2015: Part B3.5.4 – Objectives O2, O3 and Control C4.

**6. Built environment and precedent**

The proposal will have adverse effects upon the local built environment in the locality and will set an undesirable precedent.

**7. Suitability of the site**

The site is unsuitable for the proposed development because the proposal will result in adverse amenity impacts so as to warrant refusal of the application.

**8. Public interest**

The proposal is not in the public interest.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

***For the Motion***

***Against the Motion***

Graham Brown  
Penelope Holloway  
Kenneth Raphael  
Sharon Veale

***4/0***

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There being no further business the meeting concluded at 1.45pm.

**We certify that the pages numbered 1 to 8 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 19 September 2024 and confirmed by all Panel members of the Woollahra Local Panel on 20 October 2024 as correct.**

**Chairperson**

**Secretary of Committee**

**Expert**

**Expert**

**Community Representative**