



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 4 AUGUST
2021, AT 2.00PM.**

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

James Harrison, Panel Member
Garth Paterson, Panel Member
Jane van Hagen, Panel Member/Community Representative

Staff:

Administrative Support

Stephen Beattie, Manager Development Services
Robyn Pearson, Team Leader Assessments
David Hoy, Team Leader Assessments
Lara Huckstepp, Executive Planner
Robin Tse, Senior Assessment Officer
Luke Donovan, Senior Assessment Officer
Michael Stephens, Senior Assessment Officer
Kim Rothe, Senior Assessment Officer
Peita Rose, Governance Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 7 July 2021 were confirmed following that meeting.

2. Declarations of Interest

Jan Murrell declared a perceived conflict of interest for Item No. 1 as she was on the Panel that determined the original application. James Harrison assumed the chair for this Item.

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	Section 8.2 Review of Determination No. 5/21 (DA5/21)
ADDRESS:	229 and 231 Miller Street, North Sydney
PROPOSAL:	S8.2 Review of Determination for Condition C1 requiring deletion of Sign 1
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Platino Properties

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	Joshua Palmer - Lawyer for the Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel has considered the representations on behalf of the applicant including the submission dated the 2 August 2021. The Panel is not satisfied that the Clause 4.6 variation is well founded.

The Panel considers that the sign would add unnecessary visual clutter at the edge of the North Sydney Centre and would have an unsatisfactory impact when viewed from the residential buildings as well as the public domain and would have a negative impact on the adjoining conservation area and was for a business that was not located within the subject building.

The Panels view was that the primary purpose of a business identification sign was to identify and mark the location of the business within the building.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Absent		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

ITEM 2

DA No:	328/20
ADDRESS:	51 Blues Point Road, McMahons Point
PROPOSAL:	Subdivision of one (1) lot in to two (2) lots and construction of a three-storey dwelling over lower ground level/basement parking with associated landscaping and removal of trees.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
APPLICANT:	Jacqueline Mcallister

Public Submissions

1 Written Submission

Submitter	Applicant/Representative
Will Morris	Tony Robb - Town Planner
Tim BurtonTaylor (observing only)	Brian Hollis - Architect
Fran McPherson (observing only)	Mansia Lam - Architect
	Jacqueline McAllister - Owner (observing only)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel subject to deletion of Condition C1; and the landscape plan being amended to provide a canopy tree in the rear garden of a native species (Angophora Costata), or similar to obtain a minimum maturity height of 15 metres, to the satisfaction of Council’s Landscape Officer.

Panel Reason:

The Panel is satisfied the additional height would not warrant refusal of the application as the living rooms for the units at No. 49 face either east or west, and the overshadowing is not unreasonable in the circumstances given the subdivision pattern, the topography and the proposal meets Council's DCP solar access requirements.

While the Panel accepts that tree four cannot be retained, a replacement canopy is required in the rear yard to ensure the site continues to contribute to the district canopy.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

ITEM 3

DA No:	33/21
ADDRESS:	13 Shellcove Road, Kurraba Point
PROPOSAL:	Alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 25m pool, internal and external alterations to existing dwelling, landscaping works.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	MaryAnn Beregi

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
Sally Christiansen - Observing only	David Waghorn - Town Planner
	Richard Lamb - Architect
	Stephen Davies - Heritage Consultant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Consultant Planner's Report and Recommendation is noted by the Panel.

The Panel has given this matter careful consideration in the context of the dwelling being a heritage item and its location on the foreshore, as well as its visibility from the public domain.

The Panel has decided that this matter be deferred to allow the applicant the opportunity to amend the plans to more appropriately resolve the relationship of the heritage dwelling, and the extensive alterations and additions proposed. The matters to be resolved by amended architectural plans include the following:

- The lower ground 2 basement level is to be treated as a largely subterranean level to be only accessed internally to generally conceal its presentation as a visible level. This will allow the first basement level, the living area, to provide an appropriate and improved access and connection with the garden area. A consequence of this change may require the swimming pool to be reduced in length to maintain the existing setback to the foreshore;
- The ensuites on the verandah are to be deleted and the open verandah reinstated. The ensuites may be reconfigured internally;
- The lower ground 1 eastern elevation shall be redesigned to include greater proportional use of sandstone to the façade to provide a more solid base to reflect the presentation of the dwelling;
- The Panel encourages the applicant where possible to reuse existing cut sandstone in the reconstruction of the building additions and landscaping;
- A more detailed landscape plan is required, and this includes the careful location of canopy trees, Angophora Costas, to enhance the development.
- The materials and finishes and proportions of the alterations and additions are to reflect/compliment the existing dwelling, with an appropriate materials and finishes pallet (clearly the Panel is not seeking to mimic the architecture).
- The 6% non-compliance site coverage is to be addressed.

Panel Reason:

The Panel does not consider the architectural resolution of the alterations and additions shown in the current plans is worthy of approval. At the same time the Panel is not opposed to the excavation subject to satisfying engineering requirements to ensure the structural integrity of the existing building and that of adjoining properties. Nonetheless, the Panel does not consider the visibility of lower level 2, as shown in the plans is acceptable in its current form.

The deletion of the ensuites on the verandah is necessary to reinstate a characteristic element of open verandahs for the era of this heritage item. However, the Panel is not opposed to sympathetic alterations and additions guided by the above criteria to improve the liveability of the heritage dwelling.

The applicant is to submit amended plans to Council within one month and an addendum report is to be prepared in a timely manner for the Panel's determination.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

ITEM 4

DA No:	Section 4.55 No. 198/20/3
ADDRESS:	425-429 Pacific Highway, Crows Nest
PROPOSAL:	Section 4.55 application to modify DA198/20 in respect of changes to Condition G2 'Time period for advertising' specifically a change from 5 years to 15 years.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Legge & Legge Architects Pty Ltd

Public Submissions

1 Written Submission

Submitter	Applicant/Representative
	Tony Legge - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel.

Panel Reason:

The Panel is satisfied that a 10 year consent in the circumstances of this case is reasonable and after that time a further application may be submitted for a merits assessment having regard to the evolving character of this area.

The Panel notes the Applicant's town planner accepts the recommendation for 10 year duration on behalf of his client.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

ITEM 5

DA No:	118/21
ADDRESS:	1 Balls Head Drive, Waverton
PROPOSAL:	Site remediation including excavation of contaminated soils and back filling with VENM.
REPORT BY NAME:	C.F. Blyth, Planning Consultant
APPLICANT:	Property & Development New South Wales

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
	David Rohloff - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the following changes to the conditions as agreed to by the applicant's representative.

- Amendments to Condition 16:

Delete heading Archaeologist to be engaged and first sentence is to be deleted from condition such that the condition now reads. "....."

Archaeological Discovery During Works

16. Should any historical or Aboriginal relic be discovered on the site during demolition, excavation or site preparatory works, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW must be informed in accordance with the provisions of the Heritage Act 1977 and/or National Parks and Wildlife Act, 1974. Works must not recommence until such time as approval to recommence is given in writing by Council or a permit from the Director of the NPWS is issued.

(Reason: To prevent the unnecessary destruction or removal of unrecorded historical or Aboriginal relics)

- Condition 10 is to be amended to refer to tree 24 in the heading in the table and not tree 25. Description in the table needs also to be changed to refer to Tree 24.

Panel Reason:

The Panel is satisfied the remediation works are to make the land suitable for use as public open space.

The Panel is also satisfied that the trees identified to be protected are noted in the conditions.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

ITEM 6

DA No:	313/20
ADDRESS:	457 Miller Street, Cammeray
PROPOSAL:	Modify hours of operation, increase maximum occupancy and minor additions to the interior to an existing restaurant
REPORT BY NAME:	Lara Huckstepp, Executive Planner
APPLICANT:	David Scobie Architects Pty Ltd

Public Submissions

2 Written Submissions

Submitter	Applicant/Representative
	David Scobie - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral including representations made on behalf of Mr John and Mrs Hryssi Argyropoulos and Gem wisp Pty Limited.

The Council Officer's Report, Recommendation and Conditions are noted by the Panel.

The Panel decided that the application should be deferred to allow the applicant to submit amended plans detailing how compliance can be achieved with the accessibility requirements of the NCC, and seating layout in accordance with the Council's Outdoor Dining Policy. This was discussed with the applicant's architect and it was clear that compliance will require internal reconfiguration to accommodate the necessary size of accessible facilities and the ramp access.

The applicants architect advised the Panel that the amended plans can be submitted within 2 weeks. As such, the Panel seeks an addendum report, and the Panel may determine this matter electronically.

Panel Reason:

The Panel considers the plans require amending to provide the necessary detail and assessment before a determination can be made.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
James Harrison	Y				
Garth Paterson	Y				

The public meeting concluded at 2.10pm.

The Panel Determination session commenced at 4.20pm.

The Panel Determination session concluded at 6.25pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
4 August 2021