



## **NORTH SYDNEY LOCAL PLANNING PANEL**

### **DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, NORTH SYDNEY, ON 7 JULY 2021, AT 2.00PM.**

#### **PRESENT**

##### **Chair:**

Jan Murrell in the Chair.

##### **Panel Members:**

Helen Lochhead, Panel Member  
Gary Shiels, Panel Member  
Virginia Waller, Community Representative

##### **Staff:**

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

Note: All participants attended the meeting by electronic means having regard to the Covid 19 Public Health Order in force in NSW at the time.

**Apologies:** Nil.

#### **1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 2 June 2021 were confirmed following that meeting.

#### **2. Declarations of Interest**

Jan Murrell declared a perceived conflict of interest on Item 5 as she was on the Panel that determined the original development application by refusal. She took no part in the discussions and deliberations in the matter.

There were no other declarations.

### 3. Business Items

*The North Sydney Local Planning Panel is an 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

<b>DA No:</b>	43/21
<b>ADDRESS:</b>	68 Alfred Street, Milsons Point
<b>PROPOSAL:</b>	Alterations and additions to commercial building
<b>REPORT BY NAME:</b>	George Youhanna, Executive Planner
<b>APPLICANT:</b>	APlus Design Group

#### Public Submissions

#### 4 Written Submissions post agenda.

Submitter	Applicant/Representative
Pierre Le Bas - Representing 37 Glen Street and 70 Alfred Street	Tony Leung - Applicant/Architect
Ian Sinclair -Resident	
Chris Scott - Resident	

#### Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting. The Panel has carefully considered all submissions in its determination.

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 standards are 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, Addendum Report, and Recommendations are endorsed by the Panel, subject to the imposition of a Deferred Commencement Condition to require amended plans to delete the extension of the podium as identified in the Officer’s recommended Condition A5. These plans must be submitted within 6 months to the Manager Development Services for approval prior to the consent becoming operational; and the following changes are made to the operational conditions: -

A5 deleted (now the subject of a Deferred Commencement condition.

A1 Table amended to refer to Plan No. 102\_1 Issue I Landscape Plan Level 1 (correction from Issue H).

C13 First sentence only amended to read “The bicycle storage area must accommodate a minimum of 24 bicycles and a visitor parking rail shall be provided for 8 bicycles.”

C16 First sentence only amended to read “Any new works to the existing basement layout must comply with all requirements of Australian Standard As2890.1”.

C17 is deleted

I7 Amend to read “All loading and unloading operations must be carried out wholly within the confines of the site at all times and must not obstruct other properties or the public way.

I8 is deleted

The Panel delegates to the Manager of Development Services the necessary changes required to the recommended set of conditions to give effect to the above.

Panel Reason:

The Panel concurs with the officer’s assessment and recommendation that the podium additions at levels 2 and 3 do not warrant approval. This addition is not consistent with the existing streetscape, and furthermore impacts on iconic views. On an environmental planning merits assessment the site must be considered in its context, and this addition to the building bulk is inappropriate in its context.

The Panel notes that the height exceedance is generally in respect of plant and equipment and will not create adverse impacts.

The Panel also generally accepts the changes to conditions sought by the applicant as detailed above. The Panel recognises the basement is not capable of complying with the Australian Standard in the refurbishment of this building. However, at the same time, given the building works will extend the life of the building, it is reasonable to require the bicycle storage and parking to be provided to reflect a more sustainable future. The Panel has determined on balance that bicycle spaces be increased to 24 with 8 visitor bicycle spaces.

The Panel is not persuaded that it is the responsibility of the applicant to address the BCA/fire issues raised in submissions, and this would not warrant refusal of this application.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Virginia Waller	<b>Y</b>	
Helen Lochhead	<b>Y</b>				
Gary Shiels	<b>Y</b>				

**ITEM 2**

<b>DA No:</b>	335/20
<b>ADDRESS:</b>	287 Miller Street, Cammeray
<b>PROPOSAL:</b>	Demolition of existing building containing 5 boarding rooms and tree removal and erection of a four (4) level boarding house containing 12 rooms.
<b>REPORT BY NAME:</b>	Chris Blyth, Planning Consultant PlanSight Pty Ltd
<b>APPLICANT:</b>	Link Wentworth (formally Link Housing)

**Public Submissions****3 Written Submissions post agenda.**

Submitter	Applicant/Representative
Megan Connors - Resident	Paul Hunt - 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 are endorsed by the Panel.

Panel Reason:

The Panel is satisfied the development warrants approval and that the design has had regard to the interface with adjoining buildings in terms of privacy and overlooking. The Panel also notes that the proposal exhibits appropriate built form and scale in context with the local area and recent development.

The Panel notes the detailed Plan of Management and the conditions for the operation of the premises as a boarding house this includes the requirement for a contact name and number on the outside of the premises to allow adjoining residents to contact management if necessary, concerning issues that may arise. It is also noted a complaints register must also be maintained. The Panel is satisfied the residential amenity of the area can be maintained with management and these measures in place.

The Panel considers the site is well located and connected to public transport, and therefore the need for onsite parking is not considered necessary in these circumstances.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Helen Lochhead	Y				
Gary Shiels	Y				

**ITEM 3**

<b>DA No:</b>	45/21
<b>ADDRESS:</b>	27 Bogota Avenue, Cremorne Point
<b>PROPOSAL:</b>	Alterations and additions to an existing dwelling house and construction of a detached garage and associated landscaping.
<b>REPORT BY NAME:</b>	Michael Stephens, Senior Assessment Officer
<b>APPLICANT:</b>	Michael and Tessa Wise, C/- Corben Architects

**No Public Submissions post agenda.**

Submitter	Applicant/Representative
	Andrew Vingillis - Applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

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 and Recommendation is endorsed by the Panel.

**Panel Reason:**

The Panel notes the site is within a Heritage Conservation Area being a neutral item and considers the alterations and additions will not adversely impact on the conservation area.

The Panel considered the request regarding the contribution; however, it is noted that it is Councils practice that the operational date was the 1 March 2021 and is not a matter that the panel can properly consider, and as such condition C19 is retained.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Virginia Waller	<b>Y</b>	
Helen Lochhead	<b>Y</b>				
Gary Shiels	<b>Y</b>				

**ITEM 4**

<b>DA No:</b>	77/21
<b>ADDRESS:</b>	16 Davidson Parade, Cremorne
<b>PROPOSAL:</b>	Alterations and first floor addition to an existing dwelling house
<b>REPORT BY NAME:</b>	Michael Stephens, Senior Assessment Officer
<b>APPLICANT:</b>	Add-style Home Additions

**1 Written Submission post agenda.**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Cameron White - Applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

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 standards 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 and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel considers the proposal is satisfactory and will not have unreasonable adverse impacts on adjoining properties.

The Panel notes the height exceedance is acceptable given the topography of the area and maintains acceptable solar access. It is also noted that the dwellings in this part of the street all have the benefit of the rear of the properties having a northerly aspect and the topography allows for good solar access.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Virginia Waller	<b>Y</b>	
Helen Lochhead	<b>Y</b>				
Gary Shiels	<b>Y</b>				

**ITEM 5**

<b>DA No:</b>	Section 8.2 Review of Determination 3/21 (232/20)
<b>ADDRESS:</b>	1-11 Rodborough Avenue, Crows Nest
<b>PROPOSAL:</b>	Review of determination of application to demolish existing buildings and construct a 4 storey residential flat building with basement parking including strata subdivision.
<b>REPORT BY NAME:</b>	Luke Donovan, Senior Assessment Officer
<b>APPLICANT:</b>	Platform Project Services Pty Ltd

Jan Murrell declared a perceived conflict of interest on this item and therefore left the meeting. Gary Shiels assumed the chair.

**Public Submissions**

**2 Written Submissions post agenda.**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Matthew Billing - Applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

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 requests in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP 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 objective of the standard and the zone objectives.

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

Panel Reason:

The Panel considers that the 8.2 is justified in light of the improvements to the design, reduction in number of dwellings, car parking spaces, general improvement in the internal and external amenity, and streetscape, and is accepted as an amended proposal to that originally refused by the panel.

The Panel has considered in detail submissions made in regard to construction noise but notes that is not a sustainable reason for refusal of the application. However, in considering this issue the panel has amended Condition E26 Community information as follows:-

**Community Information**

E26. The residents of all properties within the Rodborough Avenue cull de sac and adjoining properties fronting Miller and Falcon Streets must be kept regularly informed regarding the progress and likely timeframes for all stages of demolition, excavation and construction. Prior to the commencement of any noisy building works, as defined by the EPA including demolition and excavation, a minimum of 48 hours notice must be given to the residents of properties identified in this condition. The project manager for the development must keep the residents informed by way of either public meetings, letters or site notices. The name of the project manager including a contact number to be answered at all times when site activities are occurring must be provided to all residents identified by this condition. Any justifiable complaints made by any resident must be immediately addressed by the Project Manager to minimise impacts on the surrounding residents.

(Reason: To ensure that all surrounding residents are kept regularly informed of activities that may affect their amenity)

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Helen Lochhead	Y		Virginia Waller	Y	
Gary Shiels	Y				

The public meeting concluded at 3.10 pm.

The Panel Determination session commenced at 3.10 pm.

The Panel Determination session concluded at 4.30 pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel

**7 July 2021**