



## NORTH SYDNEY COUNCIL

Council Chambers  
29 April 2021

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 5 May 2021 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

**KEN GOULDTHORP**  
**GENERAL MANAGER**

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### BUSINESS

**1. Minutes**

Confirmation of Minutes of the previous Meeting held on Wednesday 7 April 2021.  
(Circulated)

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**2. LPP01: 13 Eden Street, North Sydney – DA 287/20**

Applicant: Myrtle 29 Pty Ltd

Report of Leonie Derwent, Consultant Planner Ingham Planning Pty Ltd

This development application seeks approval to extend operating hours of ground floor tenancies G01 to G07 (inclusive) to 24 hours a day, seven days a week.

The premises are located on the ground floor of a mixed use development within a B4 mixed use zone. The site is occupied by a mixed-use development accommodating eight (8) non-residential tenancies at the ground floor level, and seventeen (17) residential apartments above. Off- street car parking is provided for 22 vehicles within a basement level accessed via a combined entry/exit driveway located along the Eden Street frontage of the site. The existing hours of operation for the ground floor tenancies are restricted to Monday to Saturday 7am to 7pm with no operation permitted on Sundays or Public Holidays.

The proposal is reported to North Sydney Local Planning Panel for determination because of the number of submissions that have been received. Notification of the proposal has attracted 18 unique public submissions including one from the owners strata committee of the subject building.

The proposal has been assessed against the relevant requirements of the North Sydney LEP 2013 and North Sydney DCP 2013 and is considered to be contrary to the aims of the plan and objectives of the B4 (Mixed Use) zone and the provisions of Part B Section 2 of the DCP relating to mixed use development.

The zone objectives and DCP provisions require that a diversity of activities be maintained, including non-residential uses, while protecting residential accommodation and local amenity.

The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to the objectives and provisions of Part B Section 7- Late Night Trading of the North Sydney DCP which requires that a development ensures that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses and to ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management

Although the ground floor tenancies are separated from the residential uses above, fundamentally it is the design of the building with a central courtyard, which causes issues between the two (2) uses. As such and despite assurances from the acoustic consultant, the central courtyard design results in unsatisfactory impacts to the upper level residential users. The Plan of Management is not considered to be an appropriate mechanism to ensure that reasonable residential amenity would be able to be maintained given the inherent conflict between commercial and residential uses, particularly during late night hours.

Following this assessment, the development application is not considered to be reasonable in the circumstances and is recommended for **refusal**.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**1. THAT** the North Sydney Local Planning Panel, as the Consent Authority on behalf of Council under the Ministers Direction, refuse consent to Development Application No. 287/2020 to extend operating hours of ground floor tenancies G01 to G07 (inclusive) to 24 hours a day, seven days a week for the following reasons:

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1. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to clause 1.2 2(a) of the North Sydney Local Environmental Plan because it has not been demonstrated that the proposal is appropriate to its context and enhances the amenity of the North Sydney community and environment.
2. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to clause 1.2 2(b) (ii) of the North Sydney Local Environmental Plan because it has not been demonstrated that the proposal will maintain a diversity of activities while protecting residential accommodation and local amenity.
3. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to clause 1.2 2(d) (ii) of the North Sydney Local Environmental Plan because the development will adversely affect the amenity of residential properties in terms of acoustic privacy.
4. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to the stated aim of the B4 Mixed Use zone which is to create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
5. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to Objective 5 of Part 1.1.1 (General) of the North Sydney DCP which requires that any development does not have adverse impacts on residential amenity or environmental quality.
6. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to the objective O12 of Part 2.1.1(General Objectives) of the North Sydney DCP as it would not minimise the acoustic impacts on residents from non-residential activities,
7. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to the objective of Part 2.3.9 (Acoustic Privacy) of the North Sydney DCP which requires that a development ensures all residents within a mixed use development are provided with a reasonable level of acoustic privacy. In this case, a Plan of Management is not considered to be a satisfactory mechanism to ensure compliance with this objective.
8. The proposed extension of operating hours to 24 hours a day, seven days a week is contrary to the objectives and provisions of Part B Section 7- Late Night Trading of the North Sydney DCP which requires that a development ensures that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses and to ensure that operators of late night trading premises commit to good management practices through the implementation of robust plans of management;

**3. LPP02: 13 Eden Street, North Sydney – DA 339/20**

Applicant: Myrtle 29 Pty Ltd

Report of Leonie Derwent, Consultant Planner Ingham Planning Pty Ltd

This development application seeks approval to change of use of six (6) “business/retail” tenancies to studio apartments which are located on the ground floor of an existing mixed use building.

The premises are located on the ground floor of a mixed use development within a B4 mixed use zone. The site is occupied by a mixed-use development accommodating eight (8) non-residential tenancies at the ground floor level, and seventeen (17) residential apartments above. Off- street car parking is provided

for 22 vehicles within a basement level accessed via a combined entry/exit driveway located along the Eden Street frontage of the site.

The proposal is reported to North Sydney Local Planning Panel for determination due to the level of public interest expressed and the total number of unique submissions that have been received objecting to the proposal. Notification of the proposal has attracted 12 public submissions. One submission was on behalf of 4 properties.

The proposal has been assessed against the relevant requirements of the North Sydney LEP 2013 and North Sydney DCP 2013 and is considered to be contrary to the aims of the plan and objectives of the B4 (Mixed Use) zone and the provisions of Part B Section 2 of the DCP relating to mixed use development. The zone objectives and DCP provisions require that a diversity of activities be maintained, including non-residential uses, while protecting residential accommodation and local amenity.

Due to the design of the existing mixed use building, with its large central courtyard and void above, the proposal would adversely affect the amenity of existing residential properties within the building in terms of acoustic privacy. Impacts of the proposal on residential amenity are considered to be unreasonable and unsatisfactory, and contrary to the aims under Clause 1.2 2(d) (ii) of the North Sydney Local Environmental Plan 2013.

The application also involves a loss of non-residential floor space within the building, contrary to the requirements of Clause 4.4A (Minimum non-residential FSR) of NSLEP 2013. The written request seeking a variation to the non-residential FSR standard is not considered to be well founded as it has not adequately addressed subclause (3) in Clause 4.6 in NSLEP 2013, nor it is considered to be in the public interest as it is inconsistent with the objectives of the standard and zone.

This application is reported to the Planning Panel in conjunction with DA 287/20 which seeks separate development consent for the extension of hours of the same premises for continued commercial use.

Following this assessment, the development application is not considered to be reasonable in the circumstances and is recommended for **refusal**.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, as the Consent Authority on behalf of Council under the Ministers Direction, refuse consent to Development Application No. 339/20 to convert six of the eight ground floor business/retail tenancies to residential studio apartments for the following reasons:

1. The proposal would be contrary to clause 1.2 2(a) of the North Sydney Local Environmental Plan because it has not been demonstrated that the proposal is appropriate to its context and enhances the amenity of the North Sydney community and environment.
2. The proposal is contrary to clause 1.2 2(b) (ii) of the North Sydney Local Environmental Plan because it has not been demonstrated that the proposal will maintain a diversity of activities while protecting residential accommodation and local amenity.
3. Due to the design of the building with a central courtyard and void above, the proposal is contrary to clause 1.2 2(d) (ii) of the North Sydney Local Environmental Plan because the development will adversely affect the amenity of residential properties in terms of acoustic privacy.

4. The proposal is contrary to the stated aim of the B4 Mixed Use zone which is to create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
5. The proposal is contrary to Objective 5 of Part 1.1.1 (General) of the North Sydney DCP which requires that any development does not have adverse impacts on residential amenity or environmental quality.
6. The written request seeking a variation to the non-residential FSR standard is not considered to be well founded as it has not adequately addressed subclause (3) in Clause 4.6 in NSLEP 2013, nor it is considered to be in the public interest as it is inconsistent with the objectives of the standard and zone.
7. The proposal to convert the six commercial tenancies to residential studios fails to achieve the objectives and guidelines for reasonable solar access into areas of Private Open Spaces and Living Rooms of apartments. In this regard, the proposed apartment 1-4 would receive no solar access to areas of private open space while apartments 1-3 would fail to achieve minimum levels of solar access to living areas within the apartments. In addition, none of the apartments provide adequate cross ventilation. Therefore, the proposed conversion to residential studios would therefore not result in a good planning outcome due to poor residential amenity to any future resident.

#### **4. LPP03: 1B Pine Street (aka 493 Miller Street) – DA40/21**

Applicant: Kyoung Lim Choi

Report of Robin Tse, Senior Assessment Officer

This development application seeks approval for the construction of a two storey dwelling at No.1B Pine Street, Cammeray.

The application is referred to the North Sydney Local Planning Panel for determination because the application has received more than 10 submissions which requires determination of the application by the Panel in accordance with the directions from the Secretary of Planning, Industry and Environment.

Notification of the proposal has attracted submissions from seventeen (17) households raising particular concerns about uncharacteristic built form, excessive bulk and scale, adverse amenity impacts and the intended use of the proposed development. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements. The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory subject to the imposition of appropriate conditions.

The proposal for a two storey dwelling is a permissible form of development in an R2 Zone (Low Density Residential) with consent from Council. The proposed dwelling complies with the maximum building height limit and site coverage/landscaped area requirements.

The proposal generally complies with the DCP setback requirements, however, the proposed first floor of dwelling contains a 2.3m projecting structure that is cantilevered over and beyond the ground floor building footprint resulting in an unbalanced or disproportionate built form having a detrimental impact on the streetscape. A deferred commencement condition is recommended requiring

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design modifications to the first floor to provide a more appropriate building design.

The proposed development would not cause unreasonable impacts on the amenity of the adjoining properties in terms of the loss of significant views, privacy and solar access subject to the imposition of appropriate conditions including the deletion of the external staircase at the rear of the proposed dwelling.

The issues raised in the submissions have been discussed in this report and/or addressed with appropriate conditions of consent.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to conditions of consent.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**1. THAT** the North Sydney Local Planning Panel, exercising the functions of Council, grant deferred commencement consent to Development Application No. 40/21 for of a two storey detached dwelling on land at No. 1B Pine Street (aka 493 Miller Street) , Cammeray, subject to the following site specific conditions and the attached conditions:-

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

**Deferred Commencement Matters**

**Modifications to first floor of the proposed dwelling**

AA1. The design of the first floor of the proposed dwelling be modified as follows:

- (a) The proposed element on the north-eastern side of the building that projects beyond the north-eastern external wall for the ground floor TV room, Study and bathroom be deleted to provide a more harmonious built form for the dwelling and no projecting building elements on the first floor beyond the original dwelling building line with the exception of the eave line at 450mm maximum;
- (b) The external staircase and the living room balcony be deleted to ensure visual privacy for the adjoining properties. A Juliet balcony is to be provided to the full length (3.17metres) of the first floor living room window on the rear elevation (W18);
- (c) The spiral staircase connecting the ground floor living room and first floor living room to be replaced by a straight or L-shaped staircase to provide safer access for residents;
- (d) The internal layout of the first floor shall be modified to accommodate the required design modifications.

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality and the amenity of the surrounding properties)

**Landscape Plan**

AA2. The applicant must submit a landscape plan showing the landscaping treatments within the subject site incorporating the following:

- (a) The retention and protection of 2 x *Howea forsteriana* and 1 x *Syagrus romanzoffianum* within the rear building setback and 1 x *Persea americana* within the front building setback;
- (b) Planting of 2 x *Banksia integrifolia* (45l) in the north-eastern corner of site as shown on the approved plans, and appropriately spaced to allow for the retention of the existing *Persea americana*;
- (c) Planting of 1 x *Callistemon viminalis* (45l) in the north-western corner of site; 1 x *Glochidion ferdinandii* (75l), 2 x *Tristaniopsis laurina* (75l) and 2 x *Tristaniopsis laurina* (75l) within the rear yard of the subject site;
- (d) Soft landscaping/turf shall be provided for the front garden and rear setback where applicable; and
- (e) The species names, number and pot sizes of new planting shall be detailed in the landscape plan.

(Reasons: To ensure a desirable landscaping outcome for the subject site and the locality.)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following and site specific conditions:

**Terms of Consent (D40/21)**

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Retention of an existing brick wall of the original dwelling adjacent to the south-western (side) property boundary;
- (b) Construction of a two storey detached dwelling as modified by Condition AA1 of this consent;
- (c) Construction of a new brick wall along the common property boundary with No. 1A Pine Street; and
- (d) Associated landscaping work as required by the approved landscaped plan as required by Condition AA2 of this consent.

No approval is given or implied in this consent for the following to ensure that the terms of the consent is clear:

- (a) the external staircase at the rear of the dwelling connecting the first floor of the dwelling and the rear setback;
- (b) the use of the flat roof at the rear of dwelling as a trafficable area;
- (c) any works relating to reconstruction of the carport off Pine Street other than the proposed brick wall adjacent to the common property boundary with No. 1A Pine Street;
- (d) the use of the dwelling other than a single occupancy; and
- (e) any other works, internal or external, not covered by this consent and other previous approvals issued by the relevant consent

authorities or a Principle Certifying Authority, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

#### **Surrender of Previous Development Consent**

C19. The applicant/developer is required to surrender Development Consent (D402/17) within 60 days from the date of this consent to ensure clarity and certainty for the development on the subject site.

The Certifying Authority must ensure that the written confirmation from Council for the surrendering of the Development Consent (D402/17) is received prior to the issue of the Construction Certificate.

(Reason: To ensure clarity and certainty of development within the subject site)

#### **Single Occupancy**

I1. The subject two storey detached dwelling, including all residential accommodation on ALL levels, must be used as a single occupancy at all times.

No approval granted or implied in this consent for the use of the subject property other than a single occupancy.

(Reason: To ensure the use of the existing dwelling as a single occupancy)

#### **Non-trafficable Area**

I2. The flat roof area at the rear of the dwelling must be non-trafficable and not to be used for entertaining to minimise any impacts on the amenity of the adjoining properties.

(Reason: To protect amenity of the adjoining properties)

### **5. LPP04: 37 Carr Street, Waverton – DA26/21**

Applicant: WEN Architects

Report of Luke Donovan, Senior Assessment Officer

The application, as amended, seeks consent for alterations and additions to the existing heritage listed dwelling including the addition of a balcony to the side dormer, infill of the indoor swimming pool and the construction of a pergola over the deck in the rear yard on land at 37 Carr Street, Waverton.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves demolition works to a heritage listed item. At its meeting of the 4 November 2020, the North Sydney LPP delegated certain functions relating to development applications involving minor variations to development standards and partial demolition of heritage items. The proposed works to the subject heritage item however involves greater than minor demolition works to the heritage item and which would have an impact on the heritage significance of the item. Accordingly, the application should be determined by the NSLPP.

Council has received three (3) submissions to the original proposal raising concerns relating to view and privacy impacts, demolition of swimming pool, heritage and bulk and scale. The issues have been resolved through the amended proposal and/or addressed with appropriate conditions of consent.

Council's Conservation Planner largely supports the amended proposal. Subject to conditions, the amended proposal is considered to maintain the heritage significance of the heritage item and the conservation area.



The amended proposal incorporating an uncovered and unenclosed pergola in lieu of the previously proposed semi enclosed porch will result in reduced amenity impacts for surrounding properties.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**1. THAT** the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 26/21 for alterations and additions to the existing heritage listed dwelling including the addition of a balcony to the side dormer, infill of the indoor swimming pool and the construction of a pergola over the deck in the rear yard on land at 37 Carr Street, Waverton subject to the following site specific and standard conditions:-

**Statement of Methodology – Infill of the Swimming Pool**

C1. A statement of methodology must be submitted to the certifying authority providing details of the methodology to be employed for the infill of the indoor swimming pool (including the source of the fill), removal of any ancillary structures and any capping and potential slab construction that is deemed to be necessary for use as a gym. Details and specifications must be submitted to the certifying authority prior to the issue of the construction certificate.

(Reason: To clarify the extent of works involved and to ensure consistency with the terms of this consent)

**6. LPP05: 2-4 Winslow Street, Kirribilli – DA336/20**

Applicant: Cerno Management Pty Ltd

Report of Michael Stephens, Senior Assessment Officer

This development application seeks consent for Torrens title subdivision of the existing lot (Lot 1 in DP 932077) into three separate lots to allow the use of the existing Federation style terraces as residential dwellings, including alterations and additions, where currently the terraces are being used as a commercial premises, specifically an office premises. It is also intended to carry out alterations and additions to the existing office premises at the rear of the site facing Willoughby Street under the provisions of Existing Use Rights in the EP&A Act and the Regulations.

The application is reported to North Sydney Local Planning Panel for determination as the proposed development results in a variation to the following development standards by more than 10%.

- Clause 4.1 – Minimum subdivision lot size
- Clause 4.3 – Height of buildings

The proposed subdivision seeks to rationalise the existing development pattern on the subject site by confining the office premises to the rear of the site where existing use rights have been demonstrated and allowing the existing Federation style terraces to return to a residential use in the form of semi-detached

dwellings, which are a permitted use within the R2 Low Density Residential zone.

The proposed subdivision would result in three lots, all of which would not meet the minimum lot size development standard, representing variations of 81.2%, 80.8% and 82.3%. The proposed alterations and additions to the commercial premises at the rear of the site would exceed the maximum permitted building height of 8.5m. Whilst the proposed works are subject to the existing use rights provisions, the development standard is still considered to apply.

The applicant has submitted two separate written requests to vary the development standards pursuant to Clause 4.6 in NSLEP 2013 which are considered to be well founded as compliance with the development standard is considered unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the variation.

The subject site is identified as a contributory item within the Careering Cove Conservation Area. Re-establishing the use of the existing terraces as dwellings would have a positive impact on the Conservation area, whilst the proposed alterations and additions to the commercial premises at the rear would significantly improve the character of the building to better align with the characteristic development within the Conservation Area.

It is considered that the ongoing use of the rear building as an office premises would not unreasonably impact the residential amenity of the surrounding area. The proposed works would not give rise to any adverse amenity impacts regarding the maintenance of views, solar access and privacy.

The application, and subsequent amended plans were notified in accordance with Council's Community Engagement Protocol. Three submissions were received raising concerns with the lack of on-site parking provided for both the residential and commercial components.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**1. THAT** the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.1 (Subdivision) and Clause 4.3 (Height) of NSLEP 2013 and grant consent to Development Application No. 336/2020 for Torrens title subdivision into three separate lots, use of the existing federation style terrace buildings as semi-detached dwellings including alterations and additions, and alterations and additions to the existing office premises under existing use rights provisions on land at No 2 Winslow Street, Kirribilli, subject to the following deferred commencement and site specific conditions and the attached conditions:-

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

**Lift Access to be provided within the Office Premises on Lot 1.**

AA1. An internal lift is to be provided within the existing building envelope that provides access for persons with a disability to each level within the office premises.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities)

**Heritage Amendments**

AA2. The external roof parapet surrounding the rear service wings is to be deleted and the skillion roof form continued to each side elevation.

(Reason: To ensure that the development is characteristic to the conservation area)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following and site specific conditions:

**Limitation to Use – Office Premises**

A5. The use of the building located on approved Lot 1 is to be limited to an *office premises* having the same meaning as the definition in section 1.4 of NSLEP 2013.

(Reason: To clarify the terms of the consent)

**Subdivision to be Registered**

C1. The subdivision certificate referenced in Condition J2 is to be registered at the NSW Land and Property Information Office prior to the issue of any construction certificate relating to the approved works relating to the semi-detached dwellings on newly created Lots 2 and 3 and the office premises on newly created Lot 1.

(Reason: To ensure that the approved uses of each component are located on separate lots, particularly as required for the permissibility of the residential component)

**Council Embankment and Retaining Wall**

C2. The applicant must provide structural certification to Council prior to issue of any Construction Certificate that the existing retaining wall will not be undermined by proposed excavation works. If the proposed excavation does impact upon the structural viability of the retaining wall, the applicant must undertake all necessary works (design and construction) to ensure the wall is structurally sound. Consequently, the applicant must engage a Structural and Geotechnical Engineer to re-design the wall in accordance with current Australian standards and submit documentation to Council prior to issue of any Construction Certificate. All costs associated with any design and construction work must be borne by the applicant.

(Reason: To ensure the protection of existing public infrastructure)

**Salvage of Heritage Fabric**

- E2. Cast iron fireplaces, mantle pieces, original doors and the original timber staircase are to be salvaged from the terraces where they are proposed for demolition and are to be re-used or adapted for re-use on site, offered for sale or taken to a building recycling yard.

(Reason: To ensure that heritage fabric is retained for re-use)

### Signage

- I4. No approval is granted or implied for any signage in relation to the office premises. Any proposed signage, other than is permitted by SEPP (Exempt and Complying Development) 2005 must be subject to a separate development application.

(Reason: To clarify the terms of the consent)

## 7. LPP06: 2 Folly Point Cammeray – DA 397/19/2

Applicant: Mark Solomon – Plan Urbia

Report of Michael Stephens, Senior Assessment Officer

This application seeks approval to modify development consent DA 397/2019 for alterations and additions to an existing dwelling house. The proposed modifications relate to the finished floor level of the rooftop area, installation of architectural elements and a privacy screen, and amendments to the proposed finishes.

The application is reported to North Sydney Local Planning Panel for determination, subject to the Minister for Planning and Public Spaces Direction dated 30 June 2020 requiring the referral of application made pursuant to section 4.55(2) as:

- the proposed amendments relate to a condition of consent added by the Panel; and
- meets the criteria for development applications set out in the Schedule relating to a departure from a development standard (Cl 4.3 - Height of buildings).

The proposed development, as modified, is considered to be substantially the same development as that originally approved and has regard to the reasons for approval.

A portion of the proposed modifications are greater than 10% above the maximum building height development standard of 8.5 metres pursuant to Clause 4.3(2) in NSLEP 2013. The existing dwelling has a maximum height of 15.6m and the maximum height of the approved additions is 13.88m resulting in a variation to the development standard of 63.3%. The proposed modifications above the height limit relate to the finished floor level of the rooftop area, which is increased by 150mm, but still remains below the height of the surrounding roof parapet. It is also proposed to substitute the specified material finish of the approved rooftop walkway awning structure.

An amended written request to vary a development standard pursuant to clause 4.6 in NSLEP 2013 is not required as the modification of a consent is distinguished from the granting of consent. Regardless, the proposed modifications have been considered with regard to the objective of the height of buildings development standard and the objective of the zone. The alterations are generally consistent with the existing built form and would not result in adverse impacts to the amenity of the surrounding area.

The proposed development, as modified, would not result in any additional impacts to the amenity of the surrounding dwellings with regard to the retention

of views, privacy and solar access. The proposed development remains consistent with the existing character of the dwelling and the surrounding foreshore area.

The application was notified in accordance with Council's Community Engagement Protocol, however no submissions were received.

The proposed modifications would require the amendment of a number of conditions that were originally imposed or amended by the Panel. Whilst the proposed modifications are considered to achieve the reasons for the conditions, the application is still required to be referred to the Panel for determination. The proposed modifications are considered reasonable and therefore the application is recommended for approval.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** under the provisions of section 4.55(2) of the Act, the North Sydney Local Planning Panel, exercising the functions of Council in accordance with the Directions from the Minister dated 30 June 2020, consent to the modifications to DA 397/19 involving alterations and additions to an existing dwelling house on land at 2 Folly Point, Cammeray, only so far as to provide the following:

**A. *The following conditions are to be imposed.***

**Development in Accordance with the Plans (s4.55 modification)**

A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Plan No	Title	Dated	Prepared	Received
S4.55 A101 – A	Site / Roof Plan	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A211 – A	Proposed Level 5	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A212 – A	Proposed Level 4	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A213 – A	Proposed Level 3	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A214 – A	Proposed Level 2	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A215 – A	Proposed Level 1	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A304 – A	Proposed Southern Elevation	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A311 – A	Proposed Northern Elevation	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A312 – A	Proposed East Elevation	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A313 – A	Proposed West Elevation	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A411 – A	Long Section	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A412 – A	Cross Section	22/01/2021	Play Co Pty Ltd	01/03/2021
S4.55 A605 – A	Level 2 Eastern Balcony Screen Details	21/01/2021	Play Co Pty Ltd	01/03/2021

**B. *The following conditions are to be amended to reflect the amended plan references.***

**External Finishes & Materials**

A4. External finishes and materials must be in accordance with the submitted Proposed Material Finishes Schedule, drawing ref: **A320 s4.55 Rev A**, dated **22 January 2021**, and received by Council on **1 March 2021** unless otherwise modified by Council in writing.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Installation of Irrigation System**

C13. An automated irrigation system is to be installed on the roof level to irrigate the approved landscaping shown on drawing **S4.55 A211 – A**, drawn by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**.

(Reason: To ensure that the approved landscaping is able to be adequately maintained)

**Landscaping**

G3. The landscaping shown in the Level 5 Plan numbered **S4.55 A211 – A**, prepared by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**, must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

**Maintenance of Landscaping**

I4. The owner of the premises at 2 Folly Point, Cammeray is to maintain the landscaping approved by this consent generally in accordance with drawing number **S4.55 A211 – A**, drawn by Play Co Pty Ltd, dated **22 July 2021** and received by Council on **1 March 2021**. The automated irrigation system installed as required by condition C13 Installation of Irrigation System is to be appropriately programmed to provide sufficient irrigation to the planters.

The landscaping is to be maintained to ensure that the height does not exceed 1.8m above the finished floor level of the rooftop area.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

**8. PP01: 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest. Site known as “Fiveways Triangle Site” – PP07/20**

Applicant: Deicorp Projects (Crows Nest) Pty Limited

Report of Katerina Papas, Strategic Planner

On 4 December 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land bound by Pacific Highway, Falcon Street and Alexander Street, Crows Nest, known as the ‘Fiveways Triangle Site’.

The subject site is located within the area covered by two recently adopted and important planning instruments, being:

1. the *St Leonards and Crows Nest 2036 Plan* (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020; and
2. the *Civic Precinct Planning Study* (CPPS) adopted by Council on 30 November 2020.

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control on the subject site from 16m to 75m;
- Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
- Establish an overall maximum FSR control on the subject site of 9.3:1.

The intent of the Planning Proposal is to deliver a 19-storey mixed-use development with a 3-4 storey commercial podium and 16-storey residential tower above. The indicative concept scheme submitted in support of the amendment, includes 233 residential apartments with a residential Gross Floor Area (GFA) of 21,818 sqm, a non-residential GFA of 8,002 sqm, and 385 car parking spaces over 7 basement levels.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to provide either a monetary contribution for the purposes of improved open space and community facilities, or the dedication to Council of an unspecified number of 1 bedroom apartments within the proposed development for affordable key worker housing.

On 26 February 2021, Council wrote to the applicant to advise that it had undertaken a preliminary assessment of the Planning Proposal against the outcomes of the 2036 Plan and that it could not be supported in its current form. The applicant was requested to either withdraw their Planning Proposal or re-submit a revised Planning Proposal that is compliant with the 2036 Plan. No withdrawal request or revised scheme has been submitted.

An assessment of the Planning Proposal has been completed against the 2036 Plan and relevant Regional, District and Local Plans. It is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR. These non-compliances result in significant amenity impacts as detailed in this report.
- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:
  - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
  - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
  - North Sydney Local Strategic Planning Statement (LSPS); and
  - Civic Precinct Planning Study (CPPS).
- The Planning Proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

Despite the above, the applicant has lodged a request for a rezoning review with the DPIE. Council is yet to be advised when the review is likely to be considered by the Sydney North Planning Panel.

The Planning Proposal seeks to amend NSLEP 2013 to:

- Increase the maximum building height control on the subject site from 16m to 75m;
  - Increase the minimum Non-Residential Floor Space Ratio (FSR) control on the subject site from 0.5:1 to 2.5:1; and
  - Establish an overall maximum FSR control on the subject site of 9.3:1.
-

The intent of the Planning Proposal is to deliver a 19-storey mixed-use development with a 3-4 storey commercial podium and 16-storey residential tower above. The indicative concept scheme submitted in support of the amendment, includes 233 residential apartments with a residential Gross Floor Area (GFA) of 21,818 sqm, a non-residential GFA of 8,002 sqm, and 385 car parking spaces over 7 basement levels.

Following an assessment of the Planning Proposal against the *St Leonards and Crows Nest 2036 Plan (2036 Plan)* and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The Planning Proposal is significantly inconsistent with the outcomes of the 2036 Plan in relation to the degree of non-compliance with building height and FSR. These non-compliances result in significant amenity impacts as detailed in this report.
- If such non-compliances are supported to any degree, the Planning Proposal will create a precedent for significant non-compliances with the maximum building height and FSR controls contained within the 2036 Plan and undermine the integrity of all strategic planning policies relating to the precinct including:
  - Greater Sydney Regional Plan ('A Metropolis of Three Cities') and North District Plan;
  - St Leonards and Crows Nest 2036 Plan and accompanying Special Infrastructure Contribution (SIC) Scheme;
  - North Sydney Local Strategic Planning Statement (LSPS); and
  - Civic Precinct Planning Study (CPPS).
- The Planning Proposal is inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979 (EP&A Act), which requires Planning Proposals to be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The applicant has lodged a request for a rezoning review with the DPIE. Council is yet to be advised when the review is likely to be considered by the Sydney North Planning Panel.

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**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 7 APRIL 2021, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

**Panel Members:**

Michel Reymond (Panel Member)

Peter Brennan (Panel Member)

Veronique Marchandeaude (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services

Robyn Pearson, Team Leader Assessments

Peita Rose, Governance Officer (Minutes)

**Apologies: Nil****1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 3 March 2021 were confirmed at that meeting.

**2. Declarations of Interest**

Jan Murrell perceived a conflict of interest on Item 6, as she was a member of the Panel that determined the original Development Application.

**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.*

*Panel Members inspected sites independently and have had access to Council's electronic file, including details of all written submissions, plans, site photographs and supporting documentation. This meeting was recorded for the purposes of preparing minutes in accordance with the NSW Panel Secretariat's Panel Operating Guidelines.*

*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>	297/20
<b>ADDRESS:</b>	77 Holtermann Street, Crows Nest
<b>PROPOSAL:</b>	Alterations and additions to a semi-detached dwelling within a conservation area.
<b>REASON FOR NSLPP REFERRAL</b>	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions.
<b>REPORT BY NAME:</b>	Hugh Shouldice, Assessment Officer
<b>APPLICANT:</b>	Gregg Barr Jones, Rapid Plans

**Public Submissions****4 Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Cate & Mary Allen	Danielle Deegan, Town Planner
	Gregg Barr-Jones, Applicant/Builder designer
	Paul Zammit, Owner

**Panel Determination**

The Council Officer's Report and Recommendation is endorsed by the Panel, subject to the following changes to the recommended conditions:

- The imposition of an amended condition that requires a 450mm blade to the window instead of a sill height of 1.5m.
- The imposition of a new condition that requires a carpet runner to be installed and maintained for the entire run of the staircase. (reason: to further mitigate noise for the adjoining property.)
- Condition C6. The proposed skylight S6 is to be deleted and the solar panels are to be installed to be not visible from Holtermann Street; and
- Condition C19 is to be deleted.

The manager of Development Services is delegated the power to impose appropriate conditions to reflect the above.

**Panel Reason**

The Panel, after careful consideration of the submitters concerns, is satisfied the proposed development assessed under the current controls does not have unreasonable impacts. The alterations and additions are generally compliant with Council's controls and guidelines. The Panel, however, has imposed a condition to further mitigate potential noise from the timber staircase by requiring a carpet runner for the entire length of the stair case and the provision of a privacy blade to address those concerns.

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>		Veronique Marchandau	<b>Y</b>	
Michel Reymond	<b>Y</b>				

Peter Brennan	Y			
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**ITEM 2**

<b>DA No:</b>	263/20
<b>ADDRESS:</b>	69A Carter Street, Cammeray
<b>PROPOSAL:</b>	Demolition of an existing structures and construction of multi dwelling development with four (4) units, basement car parking, landscaping and an upgrade of the driveway off Carter Street.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is referred to the North Sydney Local Planning Panel for determination as there is a height variation that is greater than 10% and Council has received more than 10 submissions.
<b>APPLICANT:</b>	Michael Lowry, Mundarra Pty Ltd

**Public Submissions****2 Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Michelle Lewis	Michael Lowry, Applicant
Sue Raye	Tina Christy, Town Planner
	Wieger Meijer, Architect

**Panel 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 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 subject to the following additional conditions and changes:

**Signal System**

C38. A traffic signal system must be provided to allow entry and exit from the subject site to allow vehicles to safely access the access handle off Carter Street. The signal system shall be designed by a suitably qualified person with a design to ensure that all vehicular traffic movement entering or exiting the access handle do so in a forwards direction. The design must also include the locations of the signals and appropriate signposting, laser beam or trip devices.

The system is to be approved by the Manager of Development Services prior to the issuing of the Construction Certificate.

(Reason: To ensure the provision of a signal system on the shared driveway for the safety of residents)

**Design Modification**

- C3. Delete (a) and (b) and replace with the design of the development is to be amended by providing a fixed privacy screen to a height of 1.5m on the western balcony edge of level 2 bedroom of town house 4, instead of a 1m setback to the balcony.

Condition B1 is amended to add the requirement for the CTMP to be approved by the Traffic Committee of North Sydney Council. A copy of the Construction and Traffic Management Plan has to be kept on site at all times and can be made available on request.

Panel Reason:

The Panel has carefully considered concerns raised by submitters and additional conditions have been imposed. The Panel considers the intensification of traffic on the right of way by 3 additional residences would not warrant refusal of the application and the provision of a pedestrian path on the western side would improve pedestrian safety for all residents served by the row and this and lights to control vehicle entry and exit is also an additional safety measure. Furthermore, a condition is imposed requiring the CTMP to be approved by Council.

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	Y		Veronique Marchandeanu	Y	
Michel Reymond	Y				
Peter Brennan	Y				

**ITEM 3**

<b>DA No:</b>	1/21
<b>ADDRESS:</b>	2A Cowdroy Avenue, Cammeray
<b>PROPOSAL:</b>	Alterations and additions to an existing detached dwelling to provide a new roof and new garages.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is referred to the North Sydney Local Planning Panel for determination as a variation is sought to the building height development that is greater than 10%.
<b>APPLICANT:</b>	Wail El Waili c/- COSO Architects

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Anthony Solomon, Architect

**Panel 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 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, subject to amendment to Condition AA1(a) to require a 900mm landscaping boundary setback and 1.5m setback to the carport structure.

(Reason: This is to allow the existing slab to be utilised but maintains an overall 1.5m setback.)

**Panel Reason:**

The Panel has determined the development is satisfactory subject to the conditions as recommended with the above change.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

**ITEM 4**

<b>DA No:</b>	8/21
<b>ADDRESS:</b>	101 Blues Point Road, McMahons Point
<b>PROPOSAL:</b>	Alterations and additions to a heritage item (operating as a medical centre) that includes new administration areas associated with the medical centre and a first floor addition in the form of shop top housing.
<b>REPORT BY NAME:</b>	Hugh Shouldice, Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to NSLPP for determination because the development application involves partial demolition of a heritage item.
<b>APPLICANT:</b>	Peter Princi Architects

**Public Submissions**

**3 Public Submissions**

No persons elected to speak on this item.

**Panel Determination**

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

The Panel notes the applicant did not seek to address the Panel on the matter.

Panel Reason:

The Panel concurs with the Officer's reasons for refusal.

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	Y		Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

**ITEM 5**

<b>DA No:</b>	282/20
<b>ADDRESS:</b>	64 Bank Street, North Sydney
<b>PROPOSAL:</b>	Alterations and additions to a heritage listed dwelling
<b>REPORT BY NAME:</b>	Luke Donovan, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to the North Sydney Local Planning Panel as the demolition works are to a heritage listed dwelling.
<b>APPLICANT:</b>	Kimberley Williams

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Danny Broe, Applicant
	Eli Gescheit, Town Planner
	John Oultram, Heritage Planner

**Panel Determination**

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

Panel Reason:

The Panel is satisfied the heritage significance of the dwelling is maintained by a separate rear pavilion addition and at the same time this will greatly improve the amenity and liveability of the item.

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	Y		Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

**ITEM 6**

<b>DA No:</b>	41/20
<b>ADDRESS:</b>	10 Oak Street, North Sydney
<b>PROPOSAL:</b>	Review of determination pursuant to S8.2 EP&A Act 1979 for alterations and additions to a semi-detached dwelling including a rear two storey addition.
<b>REPORT BY NAME:</b>	Lara Huckstepp, Executive Planner
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to the North Sydney Local Planning Panel for determination as the original determination DA 41/2020 was refused by NSLPP and in accordance with S8.3(5) EP&A Act 1979 the review must be conducted by the Panel..
<b>APPLICANT:</b>	Simon Rosewell Pty Ltd

Jan Murrell declared a perceived conflict of interest in this item, as she was a member of the Panel that determined the original Development Application and abstained from and did not participate in the decision process.

**Public Submissions****1 Public Submission**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Simon Rosewell, Applicant
	Annelize Kaalsen, Town Planner
	Cameron Gilles, Owner

**Panel Determination**

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

Panel Reason:

The Panel having considered all the submissions is satisfied the heritage significance of the dwelling is maintained by a separate rear pavilion addition and has minimal impact on the amenity of the adjoining premises, and at the same time will greatly improve the amenity and liveability of the item.

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>absent</b>	Veronique Marchandau	<b>Y</b>	
Michel Reymond	<b>Y</b>				
Peter Brennan	<b>Y</b>				

**ITEM 7**

<b>DA No:</b>	204/18/3
<b>ADDRESS:</b>	35 Myrtle Street, North Sydney
<b>PROPOSAL:</b>	Modification
<b>REPORT BY NAME:</b>	Lara Huckstepp, Executive Planner
<b>REASON FOR NSLPP REFERRAL:</b>	The application is reported to the North Sydney Local Planning Panel for determination as the application seeks to change conditions that were modified by the Panel in its original determination.
<b>APPLICANT:</b>	MODOG Pty Ltd

**Public Submissions****3 Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	James Lovell, Town Planner

**Panel Determination**

The Council Officer's Report and Recommendation is endorsed by the Panel, subject to the addition of a new condition:

**Shared vehicular access way to be re-surfaced**

G20. The shared vehicular access way shall be re-surfaced and all damage repaired prior to the issue of an Occupation Certificate.

(Reason: To ensure that damage that has occurred during construction is appropriately rectified and the shared access way is returned to an acceptable condition)

Panel Reason:

The Panel notes the applicant agreed to rectification resurfacing the right of way that serves a number of properties.

The Panel considers a Section 88E instrument is appropriate to advise future buyers of the small car spaces as per condition G18.

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>		Veronique Marchandean	<b>Y</b>	
Michel Reymond	<b>Y</b>				
Peter Brennan	<b>Y</b>				

The public meeting concluded at 3.52 pm.

The Panel Determination session commenced at 4.00pm.



The Panel Determination session concluded at 5.10pm.

Endorsed by Jan Murrell  
Chair North Sydney Local Planning Panel  
**7 April 2021**