



NORTH SYDNEY COUNCIL

Council Chambers
29 October 2020

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room, North Sydney at 2.00pm on Wednesday, 4 November 2020 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

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday, 7 October 2020.
(Circulated)

2. LPP01: 59 Cowdroy Avenue, Cammeray (T) - DA 166/20

Applicant: Group Architects, Deborah Allen

Report of Andrew Beveridge, Graduate Assessment Officer

This development application seeks the North Sydney Local Planning Panel (NSLPP) approval for extensive alterations and additions to an existing residential flat building with two units to construct a new 3-4 storey single dwelling with a new swimming pool within the rear garden at 59 Cowdroy Avenue, Cammeray.

This application is reported to North Sydney Local Planning Panel for determination because the proposed works breach the height limit by greater than 10% and requires determination by the panel.

As the proposal involves works to the existing residential dwelling that are in exceedance of the maximum permitted height limit by 3.36m (in part), the applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013. The applicant's Clause 4.6 is considered to be satisfactory given the site circumstances on the basis that it will not have a significant impact upon the views from adjoining properties.

Notification of the proposal has attracted three (3) submissions raising concerns about view loss and privacy. After a detailed assessment of the application, it was concluded that the works were acceptable on merit due to the minor nature of the views affected by the proposal. There would be minimal privacy loss for adjoining neighbours with the use of privacy screens and the strategic placement of new windows on the eastern and western elevations.

The view impacts have been assessed with regard to the Tenacity Planning Principle, where the impacts are considered to be minor and acceptable within the site circumstances, given the type of views and other mitigating factors such as the partial non-compliance of the additions, the distance between the subject site and affected properties and the separation created by the side boundaries.

The proposal maintains a high level of compliance with the provisions and objectives of Part B Section of NSDCP 2013 and is broadly consistent with the objectives of the E4 Environmental Living Zone, and the character of the Cammeray Planning Area and the Cammeray Neighbourhood. In particular, the enhanced landscaped within the southern garden and the site's compliance with Site Coverage, Landscaped Area, and Unbuilt-upon area (subject to conditions) will enhance the subject site's setting within the context of the Cammeray Neighbourhood.

Having regard for the view loss, visual bulk and solar access concerns raised by the three submissions received during the notification period, the development application is considered to be satisfactory and is recommended for **approval**.

Recommending:

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, assume the concurrence of the Director General of the Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for building height and **grant consent** to Development Application No. 166/20 proposing alterations and additions upon land at No. 59 Cowdroy Avenue, Cammeray, subject to the following site specific conditions and the attached standard conditions.

Amendments to the Landscape Plan

C21 The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 1) The south-western deck areas adjacent to the pool must be reduced in size by 11.16m². This area must be converted into lawn or some other form of soft landscaping, to demonstrate compliance with the unbuilt-upon area control.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and to demonstrate compliance with Council's controls)

Rainwater Tank for Pool

C23. The rainwater tank proposed for the undercroft area in the north-eastern corner of the dwelling for the purpose of replenishing swimming pool levels, must be a minimum of 3,000 litres in capacity size.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must also ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, in order to fully satisfy the requirements of this condition.

(Reason: To ensure the pool can be topped up without the need to rely on potable water supplies and to comply with Council's controls)

Termination of strata scheme (SP3559)

G1. The applicant must terminate the current strata scheme (SP 3559) to convert the land to a Torrens Title to represent the approved building more accurately on the site as a single dwelling house. Documentary evidence of the termination of the strata plan must be provided to the Certifying Authority prior to the issue of an Occupation Certificate.

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

Landscaping

G11. The landscaping shown in the approved landscape plan numbered L01 and L02 prepared by Group Architects dated October 2020 and received by Council on 20 October 2020 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

3. LPP02: 5 Carlyle Lane, Wollstonecraft - DA 168/20

Applicant: Dhillon Reva Synergy

Report of Hugh Shouldice, Assessment Officer

The applicant seeks North Sydney Local Planning Panel (NSLPP) consent for "alterations and additions to form a multi-level dwelling including double garage, roof top garden and associated landscaping" on land at No. 5 Carlyle Lane, Wollstonecraft. The application was lodged as "alterations and additions to a detached dwelling", however in Council's opinion should be classified as "demolition of existing dwelling and the construction of a new dwelling".

This application is reported to North Sydney Local Planning Panel for determination because elements of the proposed works would breach the height limit by greater than 10%.

Notification of the proposal has attracted **nine (9)** submissions raising particular concerns about height, site coverage, solar access, overscaled development, setbacks, loss of landscaping, loss of residential amenity including visual and acoustic privacy. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013. The applicant's Clause 4.6 variation statement is considered not to be well-founded as it has not provided sufficient environmental planning grounds and is considered not to be in the public interest, as it is inconsistent with a number of the objectives of the building height development standard.

On 2 September 2020, Council wrote to the applicant raising specific concerns relating to the height non-compliance, setback to Carlyle Lane, excessive bulk and scale and the requirement for an arborist report.

On the 21 September 2020, the applicant lodged plans with Council. The amendments were limited to slightly lowering the overall building height including the height of the open terrace structure located on the front boundary. In Council's opinion, the amendments have not adequately addressed the issues raised in Council's letter. Council has therefore not formally accepted these amendments.

The subject site is zoned R2 Low Density Residential with a maximum building height of 8.5m. The proposal has a maximum building height of 12.8m and is significantly non-compliant with this control. The proposal also seeks a significant increase in the footprint of the dwelling, resulting non-compliances with the front and side setbacks and site coverage and landscape area controls in the NSDCP 2013.

The application is therefore recommended for refusal due to the inadequate written request pursuant to Clause 4.6 in the NSLEP 2013, non-compliance with the building front and side setbacks, non-compliant with site coverage and landscape area control in the NSDCP 2013 as well as insufficient information on solar access impacts, excavation methods and amenity impacts on surrounding properties.

Recommending:

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

THAT the North Sydney Local Planning Panel, refuse Development Application No. 168/20 for the demolition of the existing dwelling and the erection of a new dwelling on land at No. 5 Carlyle Lane, Wollstonecraft as shown on the plans for the following reasons: -

1) Excessive building height and inadequate written request pursuant to Clause 4.6 in the NSLEP 2013

Particulars:

- a) The Clause 4.6 Variation Statement provided does not provide sufficient environmental planning grounds for Council to support a 50.5% variation to the building height standard.
- b) The breach to the building height control is inconsistent with objectives (1) (a), (c), (d) and (f) in Clause 4.3 in the NSLEP 2013.
- c) The Clause 4.6 variation statement has not adequately addressed subclause (3) in Clause 4.6 in the NSLEP 2013.

- d) The proposal is inconsistent with the fourth objective of the R2 Low Density Residential Zone.
- 2) Site coverage and landscape area non-compliances**
Particulars:
- a) The proposal is inconsistent with Objective 1, 3 and 4 as well as being non-compliant with Provision 1 of Section 1.5.5 ‘site coverage’ of the NSDCP 2013.
- i. The proposal will result in a non-compliance with the site coverage control being 30.4sqm (10.7%).
- b) The proposal is inconsistent with Objective 1 (a), (g), (h), (i), (j) as well as being non-compliant with Provision 1 of Section 1.5.6 ‘landscape area’ of the NSDCP 2013.
- i. The proposal is non-compliant with numerical landscaped area control by 13.88sqm (4.97%).
- 3) Building setback non-compliances**
Particulars:
- a) The proposal is inconsistent with Objective 2 and 4 as well as being non-compliant with Provision 1 of Section 1.4.6 ‘setbacks’ of the NSDCP 2013.
- i) The proposal is non-compliant with the minimum second-floor side setback requirements of 2.5m by 880mm on the eastern elevation and 1.8m on the western elevation.
- ii) The proposal is 770mm from the front boundary and is non-compliant with the minimum front setback requirement of 1.2m for properties fronting a laneway.
- 4) Inadequate Information**
Particulars:
- a) The application did not include elevational solar access diagrams to enable a detailed assessment of this aspect of the application and is therefore unclear as to whether the proposal complies with Objective 1 or Provision 1 of Section 1.3.7 of the NSDCP 2013, which requires a minimum 3 hours of solar access to be maintained to private open space of adjoining properties during midwinter.
- i) The applicant has not adequately demonstrated that the outdoor living area of No. 7 Carlyle Lane will receive reasonable solar access during the winter solstice.
- 5) Not in the Public Interest**
Particulars:
- a) The notification of the application received nine (9) submissions during the notification period.
- i) A number of the concerns raised were in relation to building height, site coverage, setbacks, visual privacy, overshadowing, form, massing and scale and built form character, which have not been addressed in the application. The proposal is therefore not considered to be in the public interest.

4. LPP03: 5 Colindia Avenue, Neutral Bay – DA 70/20

Applicant: Fortis Development Group

Report of George Youhanna, Executive Planner

This development application seeks approval for demolition of all existing structures, the construction of a four storey residential flat building (RFB)

containing seven units, two (2) basement parking levels containing eight car parking spaces and eight bicycle parking spaces and associated landscaping. The application is reported to North Sydney Local Planning Panel for determination as the application is subject to the Minister's Directions relating to the determination of development applications for Residential Flat buildings that are subject to SEPP 65.

Notification of the proposal has attracted twenty-four (24) unique submissions raising particular concerns about privacy, height, views, parking, traffic, trees, landscaping, overshadowing, and other concerns. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The application has been amended and additional information provided in response to concerns raised by Council, as detailed in this report.

The development provides compliance against most assessment criteria within SEPP 65 and the Apartment Design Guidelines. Overall the siting, scale and bulk of the development are considered to be acceptable and amenity impacts have been minimised.

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)

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 70/20 for demolition of an existing residential flat building and construction of a residential flat building with basement parking at No.5 Colindia Avenue, Neutral Bay, subject to the attached conditions.

5. LPP04: 1/6 Holbrook Avenue Kirribilli (V) – DA 229/20

Applicant: Isaac-Cole/Mood by Design

Report of Robyn Pearson, Team Leader (Assessments)

This development application seeks approval for internal alterations to unit 1 at 6 Holbrook Avenue, Kirribilli to create a more open plan kitchen/living area and a refurbished bathroom.

The application is reported to the North Sydney Local Planning Panel for determination because the application involves partial demolition of a heritage item that is required to be determined by the Panel in accordance with clause 4(c) within the Directions from the Minister dated 30 June 2020.

Given that the works would be internal there would be no material impacts for adjoining properties in terms of overlooking, view loss, overshadowing and/or the streetscape.

Council's Conservation Planner has indicated that the works are relatively minor and would have no adverse impact upon the significance of the heritage item or the Kirribilli Conservation Area.

Given that the works do not involve any external changes, it was considered unnecessary to notify the application in accordance with the North Sydney Community Engagement Protocol.

Following a detailed assessment of application number DA229/20, the proposal was found to be acceptable having regard to the relevant planning instruments

and policies and is, therefore, recommended for approval subject to appropriate conditions of consent.

Recommending:

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 229/20 for internal alterations to unit 1 at 60 Holbrook Avenue, Kirribilli subject to the following site specific conditions and the attached standard conditions.

Kitchen

C1. The new opening between the Kitchen and Living Room shall retain a bulkhead (minimum height of 150mm). The Kitchen patterned ceiling shall be retained, and the new wall shall be located 300 mm below the ceiling height (minimum).

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. (Reason: To allow the original room configuration to remain evident)

New Exhaust (Kitchen & Bathroom)

C2. New Kitchen and Bathroom exhaust vents shall be painted a visually submissive colour to blend with the immediate surroundings).

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. (Reason: To minimise the visual impact of the new exhaust vents on the building's exterior)

6. LPP05: Delegation of Heritage and Certain Height Variations

Report of David Hoy, Acting Manager Development Services

The North Sydney Local Planning Panel was established on 1 March 2018 as required by the commencement of the updated Environmental Planning and Assessment Act 1979.

Since the Commencement of NSLPP, approximately 25% of applications referred to the Panel have been referred for technical issues concerning minor variations to Council's height standards to existing non-compliant buildings or for acceptable development which involves works to heritage listed properties including minor demolition work.

Such development applications rarely attract submissions and are generally determined by the Panel in accordance with Officer recommendation.

Recommending:

PURSUANT TO SECTION 2.20(8) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

1. THAT pursuant to Section 2.20(8) of the EPA & Act, the North Sydney Local Planning Panel delegate their functions with regard to the determination of the following development applications referred to in

Schedule 1 to the Minister's Directions referred to in Part A to the Council Officers referred to in Part B in the context of Council's current delegations concerning authority:

Part A: Functions to be delegated to Council staff referred to in Part B Contentious development (2.)

- To determine Development applications which involves contentious development, being development that attracts 10 or more unique submissions by way of objection, where the Manager Development Services in consultation with the North Sydney Local Planning Panel Chair considers that the application should be refused.
- Any such delegation shall be the subject of a written summary to the Chair outlining the steps taken by Council staff to resolve significant design or compliance issues with the application, including any advice of any relevant advisory or concurrence authority.

A1. Departures from Development Standards

- To determine development applications involving a variation to the maximum height of building development standard contained within Clause 4.3 of the North Sydney LEP 2013 by greater than 10%, which relates to an existing building on land in the R2, R3, R4, B1, B3 and B4 zones where no material impact and no material increase in yield results.
- The Council Delegate must be satisfied that all relevant requirements under Clause 4.6 of the North Sydney LEP 2013 and the Standard Instrument have been satisfactorily addressed by a written submission.

A2. Sensitive Development

- To determine development applications which involve part demolition of a heritage item identified in Schedule 5 of the North Sydney LEP 2013.

A3. Modifications under S.4.55(2)

- Functions to determine modification applications under S.4.55(2) which otherwise meet the criteria under the Minister's Directions for referral to the Panel, but which would otherwise be covered by any development under A1 & A2 of this delegation.

Part B: Council Delegates with delegations to determine development applications out lined in Part A:

1. The General Manager;
 2. The Director - CIS; and
 3. The Manager - Development Services.
2. **THAT** the Panel notes that the delegation of functions referred to above does not extend to development application which involves contentious development, being development that attracts 10 or more unique submissions by way of objection, which remains subject to the Minister's Directions.



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 OCTOBER 2020, AT 2.00PM.**

PRESENT

Chair:

Jan Murrell

Panel Members:

Peter Brennan, Panel Member

Veronique Marchandau, Community Representative

Staff:

David Hoy, Team Leader (Assessments)

Peita Rose, Governance Officer (Minutes)

Apologies: Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 2 September 2020 were confirmed at that meeting.

2. Declarations of Interest

Nil.

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

DA No:	149/20
ADDRESS:	1 The Boulevardde Cammeray
PROPOSAL:	Alterations and additions to the existing/approved residential flat building including the addition of 2 bedrooms within the roof space of the existing building, a change in roof materials from tile to colorbond metal, landscaping, bin storage area and the addition of one off-street car space accessed from a new driveway crossing at the end of North Avenue.
REASON FOR NSLPP REFERRAL	The application is referred to NSLPP as it is a development to which SEPP 65 applies and the proposal involves a non-compliance with a development standard (building height) exceeding 10%.
REPORT BY NAME:	Geoff Mossemenear, Executive Planner
APPLICANT:	Cable Residences Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	James Lovell - (Town Planner)

Panel Determination

The Panel members have undertaken independent site inspections as deemed necessary prior to the meeting and have noted the submissions received.

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

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 height of buildings standard.

The development is approved subject to the conditions contained in the Officer's report.

Panel Reason:

The Panel is satisfied the development now shown in the current plans will not have unreasonable impacts and will sit appropriately in its context.

The Panel support the deletion of the additional car space as this will improve the landscaping presentation to North Avenue.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 2

DA No:	163/20
ADDRESS:	201 Miller Street, North Sydney
PROPOSAL:	Installation of four (4) building identification signs to replace four existing “McAfee” sky signs to a heritage item
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to NSLPP for determination because the application received fifteen (15) submissions during the notification period of the application.
APPLICANT:	Eventbright Industries Pty Ltd

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel members have undertaken independent site inspections as deemed necessary prior to the meeting, and notes the submissions received.

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

Panel Reason:

The Panel adopts the reasons for refusal as outlined in the report due to the impact on the Heritage Item, non-compliance with: SEPP 64; NSLEP 2013; and NSDCP 2013, and the amenity impacts of the proposed illumination to the surrounding residential units.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 3

DA No:	125/20
ADDRESS:	13 King Street, Waverton
PROPOSAL:	Alterations and additions to dwelling including a Level 1 addition.
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination given 10 unique submissions were received against the application.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Queenie Chow

Public Submissions

The Panel notes all the submissions received during the exhibition period and also the three further submissions made to the Panel, as well as the email forwarded today by Mary McCune in lieu of being able to address the Panel on this matter.

Submitter	Applicant/Representative
Mary McCune (email)	Queenie Si Ying Chow (Applicant)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received.

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the recommended conditions in the officer's report.

Panel Reason:

The Panel notes that the development is generally compliant with Council's controls and guidelines and has been appropriately redesigned to minimise the impact on the amenity of the adjoining properties.

The Panel notes that the development is compliant with the height controls and the development is one that could reasonably be anticipated in the zone.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 4

DA No:	144/20
ADDRESS:	73 Bay Road, Waverton
PROPOSAL:	Alterations and additions to a residential apartment building.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination given that the proposed works result in a variation to the height of building development standard in NSLEP 2013 of 10.59% (max).
APPLICANT:	Alan Connolly

Public Submissions

Submitter	Applicant/Representative
	Andrew Minto (Town Planner)
	Alan Peter Connolly (Applicant)

Panel Determination

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

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the deletion of condition C1 (a) and (b).

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. The Panel is of the opinion 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 height of buildings standard.

Panel Reason:

The Panel considers that the development is not highly visible from the public domain and the reduction in the eyelid dormers is not necessary in the circumstances. Furthermore the dormers as shown in the plans will provide greater internal amenity.

The Panel notes the conditions requiring compliance with the BCA and fire requirements should facilitate upgrading for not only performance but the appearance of the rear section of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 5

DA No:	20/20
ADDRESS:	1/27 Churchill Crescent, Cammeray
PROPOSAL:	Alterations and additions to an existing duplex development.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	The development is reported to North Sydney Local Planning Panel for determination as the building height breaches the maximum control.
APPLICANT:	Rifai Hussein

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received.

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

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. The Panel is of the opinion that 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 height of buildings standard and the objectives for development within the R2 zone in which the development is proposed to be carried out.

Panel Reason:

The Panel is satisfied the development will have minimal environmental impact and is worthy of approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandeanu	X	
Peter Brennan	X				

ITEM 6

DA No:	132/20
ADDRESS:	2 Commodore Crescent, McMahons Point
PROPOSAL:	Construction of a garage, lift enclosure of a rear balcony
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination as the proposal exhibits a breach to the statutory Clause 4.3(2) Building Height Control of NSLEP 2013.
APPLICANT:	Archispectrum

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received.

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. The Panel is of the opinion that 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 height of buildings standard and the objectives for development within the R2 zone in which the development is proposed to be carried out.

The Council Officer’s Report and Recommendation for approval is endorsed by the Panel subject to the additional condition below to require a canopy tree in the front lawn area.

Landscaping to Commodore Crescent

- G6. Prior to the issue of the final occupation certificate, one (1) canopy tree is to be planted centrally within the garden to the west of the dwelling adjacent to the Commodore Crescent frontage. The selected tree must consist of a locally endemic tree species that is capable of achieving a height of 12 to 18 metres height at maturity. If the health of the tree fails within 5 years of the date of the issue of the final OC a replacement tree is to be planted.

(Reason: To improve the landscape presentation to Commodore Crescent)

Panel Reason:

The Panel is satisfied the development subject to a condition to provide a Canopy tree in the front setback, will not create unreasonable impacts and is satisfactory in the circumstances.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 7

DA No:	104/20
ADDRESS:	12 Waters Road, Neutral Bay
PROPOSAL:	Demolition of existing commercial building and the construction of a five storey mixed use/shop top housing development containing three (3) commercial/retail tenancies and sixteen (16) apartments on the upper levels with a roof top communal area and a part 3 / 4 level basement with a retail/commercial tenancy, plant areas and car parking for 25 cars.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to NSLPP for determination because the proposal is subject to SEPP 65 and proposes a variation to the building height development standard which is greater than 10%.
APPLICANT:	CE Waters Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Candice Lombard	Adam Haddow (Project Architect)
David Saba	Anthony Betros (Project Consultant Planner)

Written submissions received - 2

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received.

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. The Panel is of the opinion that 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 and consistent with the objectives of the height of buildings standard and the objectives for development within the B4 zone in which the development is proposed to be carried out.

The Council Officer’s Report and Recommendation for approval is endorsed by the Panel subject to a design change to the upper roof top area to provide a setback to the private front terrace area facing the adjoining property at Nos. 4-8 Waters Road from the side boundary. This is detailed in a new Condition C47 (and consequential changes to other conditions if necessary).

Modifications to Roof Terrace

C47. The southern edge of the planter/parapet wall on the southern side of the proposed private roof terrace above the south-eastern 3-bedroom apartment on Level 4 (Unit B51) must provide a 1m setback from the southern property boundary to the adjoining property at Nos. 4-8 Waters Road.

The modified design must be submitted for the written approval of Team Leader Assessments prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To improve the amenity for the adjoining properties)

Panel Reason:

The Panel is satisfied the development subject to conditions is appropriate, and one that would be anticipated in the B4 zone. The additional condition above will provide for increased amenity to the adjoining units and complies with the height in this location.

The Panel noted the concerns of the adjoining owners in respect to construction noise, particularly during the excavation phase, and is satisfied with the imposition of conditions C2, C39 and E12 to address these issues. With respect to privacy concerns the Panel is satisfied the separation distances are in excess of the Department’s Apartment Design Guidelines (ADG).

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 8

DA No:	408/17/2
ADDRESS:	398-400 Military Road (aka 93 Parraween St) Cremorne
PROPOSAL:	Section 4.55 (2) application seeking modifications to the approved mixed use building for an extension of the approved communal roof terrace.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The proposed Section 4.55(2) modifications involve a variation to the LEP maximum building height development standard, which requires determination of the application by the Panel as directed by the Director of Planning, Industry and Environment
APPLICANT:	Mecone Pty Ltd, C/- Mijollo

Public Submissions

Submitter	Applicant/Representative
	Matthew Cumming – (Applicant)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received.

The Panel is satisfied the proposed modification:

- is of minimal environmental impact;
- is substantially the same development as the development for which consent was originally granted in DA 408/17;
- has been notified;
- has been assessed having regard to the relevant matters in s4.15 of the EP&A Act 1979; and
- the reasons of the consent authority that granted consent have been taken into account.

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the conditions as recommended.

Panel Reason:

The Panel is satisfied the modification application will not create unreasonable impacts and is worthy of approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

The public meeting concluded at 3pm.

The Panel Determination session commenced at 3.10 pm.

The Panel Determination session concluded at 4.45pm.

Endorsed by Jan Murrell
Chair North Sydney Local Planning Panel
7 October 2020