

**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 4 NOVEMBER 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

David Logan, Panel Member

Lloyd Graham, Panel Member

Virginia Waller, Community Representative

Staff:

David Hoy, Team Leader (Assessments)

Melissa Dunlop, Governance Co-Ordinator (Minutes)

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

The Minutes of the NSLPP Meeting of 7 October 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:	166/20
ADDRESS:	59 Cowdroy Avenue, Cammeray
PROPOSAL:	Alterations and additions to provide a 3-4 storey dwelling house with swimming pool and landscaping.
REASON FOR NSLPP REFERRAL	This application is reported to the North Sydney Local Planning Panel for determination because the proposed works breach the height limited by greater than 10%.
REPORT BY NAME:	Robyn Pearson, Team Leader Assessments
APPLICANT:	Group Architects

Public Submissions

No written submissions received.

Submitter	Applicant/Representative
	Julian Brenchley, Architect

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 Panel approves the Development Application subject to the conditions contained in the Officer's report and the following amendment to Condition C23:

- To delete the words, "for the undercroft area in the north-eastern corner of the dwelling".

Panel Reason:

The Panel considers the application is satisfactory and there is minimal view impact having regard to the total views enjoyed.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

ITEM 2

DA No:	DA 168/20
ADDRESS:	5 Carlyle Lane, Wollstonecraft
PROPOSAL:	Alterations and additions to form a multi-level dwelling including double garage, roof top garden and associated landscaping.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination because elements of the proposed works would breach the height limited by greater than 10%.
APPLICANT:	Dhillon Reva Synergy

Public Submissions

No written submissions received.

Submitter	Applicant/Representative
	Tim Cooper, Town Planner
	Michael Harris, Architect
	Sunny and Raj Dhillon, Applicants

Panel Determination

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

The Applicant requested that the Panel defer determination of this matter to allow discussions with Council. The Panel also notes the Applicant provided amended plans, however these were not accepted by Council as they were considered not to address the non-compliances. The Panel notes that the amended plans provide for little change and still represent an overdevelopment of the site.

The Panel has considered the Applicant's request for deferral and in the circumstances considers amendments to the plans would be of such a magnitude as to require major modifications fully documented to be assessed (extent of demolition, existing building footprint, overlay of new footprint on the existing footprint). This could be done through the facilitative process of a Section 8.2 Review.

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

The request to vary the height development standard pursuant to the provisions of clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), is not supported by the Panel.

The Panel endorses the reasons for refusal contained in the Officer’s Report with the following amendments as highlighted below:

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 relating to residential amenity.
- 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~~ exceed the site coverage control ~~being~~ by 10.7% (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~~ will exceed the numerical landscaped area control by 4.97% (13.88sqm) (~~4.97%~~). The Panel also notes the extensive areas to be covered by vergolas.

Panel Reason:

The Panel considers that the current plans represent an overdevelopment of this constrained site.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

ITEM 3

DA No:	70/20
ADDRESS:	5 Colindia Avenue, Neutral Bay
PROPOSAL:	Demolition of existing residential flat building and construction of a residential flat building with basement parking.
REASON FOR NSLPP REFERRAL	The application is reported to the North Sydney Local Planning Panel as the proposal has attracted 24 submissions.
REPORT BY NAME:	George Youhanna, Executive Planner
APPLICANT:	Fortis Development Group

Public Submissions

One written submission received.

Submitter	Applicant/Representative
	Mark Schofield, Town Planner
	Paul Buljevic, 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 a minor amendment to Condition I4 to add the words, "except any accessible car space is to be 2.3 metres".

Panel Reason:

The Panel notes the development generally complies with the Council's controls and guidelines and considers the building sits comfortably within its context and has architectural merit.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

ITEM 4

DA No:	229/20
ADDRESS:	1/6 Holbrook Avenue, Kirribilli
PROPOSAL:	Internal alterations and additions to a heritage item.
REPORT BY NAME:	Robyn Pearson, Team Leader Assessments
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination because the application involves partial demolition of a heritage item.
APPLICANT:	Isaac-Cole/Mood by Design

Public Submissions

No written submissions received.

Submitter	Applicant/Representative
	Harriet Isaac-Cole, 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.

Panel Reason:

The Panel considers that the internal alterations to the heritage item would not adversely affect its heritage significance while also enhancing the amenity for occupants.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

ITEM 5

PROPOSAL:	Delegation of decisions relating to part demolition of Heritage items associated with alterations and additions and certain height variations for works relating to existing non-compliant buildings.
REPORT BY NAME:	David Hoy, A/Manager Development Services
REASON FOR NSLPP REFERRAL:	This report has been referred to the North Sydney Local Planning for the Panel to consider delegation of certain functions to Officers of Council who otherwise have delegations to determine development applications.

Panel Determination

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the below amendments.

- 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 staffed 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 significant increase in overall building height or yield. ~~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 minor partial ~~part~~ demolition of a heritage item identified in Schedule 5 of the North Sydney LEP 2013 that would not adversely affect the heritage significance of the heritage item. Development that would affect the heritage significance of the item must be referred to the Panel.

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.
 3. **THAT** Panel members selected for Panel Meetings shall be advised of the need to constitute the Panel for the duration of the month for the purposes of dealing with Development Applications by electronic means, for non-contentious and matters not requiring a public hearing.

Panel Reason:

The Panel has amended the extent of the delegations to be consistent with the Ministerial Directions and to add clarity. The Panel considers that this will result in the determination of minor matters in a more timely manner while protecting the public interest.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

The public meeting concluded at 2.45pm.

The Panel Determination session commenced at 2.50pm.

The Panel Determination session concluded at 4.35pm.

Endorsed by Jan Murrell
Chair North Sydney Local Planning Panel
5 November 2020