

**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 2 SEPTEMBER 2020, AT 2.00PM.****PRESENT****Chair:**

Jason Perica

Panel Members:

Jan Murrell, Panel Member

Caroline Pidcock, Panel Member

Virginia Waller, Community Representative

Staff:

Stephen Beattie, Manager Development Services

Administrative Support

Melissa Dunlop, Governance Co-ordinator (Minutes)

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

The Minutes of the NSLPP Meeting of 5 August 2020 were confirmed following that meeting.

2. Declarations of Interest

Caroline Pidcock declared a non-pecuniary/less than significant interest in relation to Item 2, 173 West Street, Crows Nest as a submitter was a distant relative. Ms Pidcock did not participate in discussion or the determination of this Item.

3. Business Items

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

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:	382/18/3
ADDRESS:	12 Premier Street, Neutral Bay
PROPOSAL:	Section 4.55 modification – Partial demolition, alterations and additions to an existing semi-detached dwelling.
REASON FOR NSLPP REFERRAL	S4.55 (2) relates to a development consent granted by the Panel which affects conditions imposed by the Panel and included a variation to a development standard.
REPORT BY NAME:	Michael Stephens, Assessment Officer
APPLICANT:	Stuart Bryson

Public Submissions

No public submissions received.

Submitter	Applicant/Representative
	Stuart Bryson

Panel Determination

The Panel members have undertaken independent site inspections as deemed necessary prior to the meeting and have noted the submissions received. The Panel also received an Addendum dated 2 September 2020 from Council staff clarifying an aspect of the proposal related to window treatment.

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

Panel Reason:

The Panel considered the proposal was substantially the same development as approved. The proposed changes are relatively minor, improve the functionality of the dwelling and in part respond to the changing surrounding built environment. Impacts from the proposed changes were deemed to be minor and acceptable, and where they exist are reasonably managed and mitigated by the recommended and existing conditions of consent.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jason Perica	Y		Virginia Waller	Y	
Jan Murrell	Y				
Caroline Pidcock	Y				

ITEM 2

DA No:	270/19
ADDRESS:	173 West Street, Crows Nest
PROPOSAL:	Construction of a Boarding House.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	Motorcycle non-compliance greater than 10%.
APPLICANT:	Woodhouse & Danks Pty Ltd

Public Submissions

No public submissions received.

Submitter	Applicant/Representative
	Stephen Fayle, Applicant
	Bruce Cuttance, Applicant

Caroline Pidcock declared a non-pecuniary/less than significant interest in this Item and did not participate in discussion or the determination of this Item.

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, Recommendation and Addendum for approval is endorsed by the Panel subject to Condition 19 being amended to require the management of the boarding house by a social housing provider to a minimum of 10 years from the issue of an Occupation Certificate.

Panel Reason:

The Panel noted the proposed boarding house is intended to be managed by a social housing provider (Link Housing). This was proposed by the Applicant to justify the shortfall of car parking. This will also assist in the provision and management of low to medium cost rental housing in the Local Government Area. The provisions of the SEPP (Affordable Rental Housing) 2009 allow and encourage affordable housing developments to be managed by such providers for a period of 10 years.

The Panel had regard to the Applicant's written request to contravene the motorcycle parking development standard within SEPP (Affordable Rental Housing) 2009 and formed the view that the written request satisfactorily addresses the requisite matters in Clause 4.6(3) of North Sydney LEP 2013. The Panel was satisfied that the proposal was consistent with the objectives underpinning the standard and the objectives of the zone and that granting consent would be in the public interest. The Panel also notes that the proposed bicycle parking exceeds the requirements of Council's Development Control Plan.

The use is permissible in the zone and the site is suitable for the development. The proposed boarding house adjoins a recently approved and constructed boarding house. The form and scale of the proposed building is compatible with this and the surrounding area.

The proposal, except for parking, complies with key development standards and controls regulating the siting, design and scale of the boarding house.

The Panel considered submissions raised and agreed with the conclusions within the Council Officer's report. The issues raised were not of such significance to warrant refusal of the application. Impacts from the proposal were deemed to be acceptable, and environmental impacts are reasonably managed and mitigated by the recommended conditions of consent, including the Plan of Management.

During the public meeting, while the Applicant expressed support for the recommendation of approval, it was then clarified that concern was held with a condition of consent requiring the boarding house to be managed by a social housing provider in perpetuity. Given the governing SEPP only requires affordable housing to be managed by a community housing provider for 10 years, it was deemed reasonable by the Panel that this timeframe be applied to the management by a social housing provider in this instance.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jason Perica	Y		Virginia Waller	Y	
Jan Murrell	Y				
Caroline Pidcock	DoI				

ITEM 3

DA No:	41/20
ADDRESS:	10 Oak Street, North Sydney
PROPOSAL:	Alterations and additions to a heritage listed semi-detached dwelling including a rear two storey addition.
REASON FOR NSLPP REFERRAL	The proposal involves demolition work to a local heritage item.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Cameron Gillies

Public Submissions

No public submissions received.

Submitter	Applicant/Representative
Linda Heiler	Simon Rosewell, Architect
	Luisa Alessi, Heritage Consultant
	Cameron Gillies, Owner

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, Recommendation and Addendum for refusal is endorsed by the Panel.

Panel Reason:

The Panel adopts the reasons in the Council Officer's report. While the Panel is conscious of the imposing surrounding buildings and need to create reasonable internal amenity, the proposal nonetheless represents an overdevelopment of the site (also noting site coverage and landscape area non-compliances), with an inappropriate siting and scale relationship between the new rear addition and the existing dwelling. As the dwelling is part of a group, the rear addition should either follow a pre-existing pattern or set an appropriate and desirable precedent for new rear additions. The proposal does neither.

As outlined in the Council Officer's report and implicit in the above, there may be alternatives for a rear addition that may be suitable for the site. There were late plans lodged by the applicant but there was insufficient time for either Council or the Panel to assess the plans, and from a cursory review, it did not appear the changes addressed fundamental concerns.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jason Perica	Y		Virginia Waller	Y	
Jan Murrell	Y				
Caroline Pidcock	Y				

ITEM 4

DA No:	157/20
ADDRESS:	49 Carter Street, Cammeray
PROPOSAL:	Alterations and additions to an existing dwelling house including excavation within the basement level, construction of a front terrace and enclosure of a roof balcony.
REPORT BY NAME:	Michael Stephens, Assessment Officer
REASON FOR NSLPP REFERRAL:	Development results in a variation to the height of buildings development standard by 10%.
APPLICANT:	Thomas Wing-Evans

Public Submissions

No public submissions received.

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.

Panel Reason:

The Panel considered the proposal was substantially the same development as approved. The proposed changes are relatively minor and will provide some improvement to the amenity of the existing dwelling and the streetscape, including the landscaping component to the front terrace. Impacts from the proposed changes were deemed to be minor and acceptable, and where impacts exist, they are reasonably managed and mitigated by the recommended and existing conditions of consent.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jason Perica	Y		Virginia Waller	Y	
Jan Murrell	Y				
Caroline Pidcock	Y				

ITEM 5

DA No:	112/01/14
ADDRESS:	61 Lavender Street, Milsons Point
PROPOSAL:	Modification of consent for mixed use development
REPORT BY NAME:	George Youhanna, Executive Planner
REASON FOR NSLPP REFERRAL:	More than 10 unique submissions
APPLICANT:	Aqualand North Sydney Lavender Development Pty Ltd

Public Submissions

No public submissions received.

Submitter	Applicant/Representative
	Sandra Robinson, Urban Planning
	Tony Amidharmo, 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 has considered the submissions received and is satisfied the modifications are relatively minor and will not unreasonably impact on adjoining properties or the built form of the subject development.

Where impacts exist, they are reasonably managed and mitigated by the recommended and existing conditions of consent.

Jason Perica expressed some concerns regarding the test of “substantially the same development” in relation to the original 2001 DA approval. However, it was clear the current proposal is substantially the same development as the currently approved development and the subject modifications marginally reduces the extent of difference to the original 2001 development consent. The matter is further complicated by the substantial passing of time, previous modification approvals and changes to the governing legislation. Despite his expressed concerns and some doubt, Jason Perica was willing to support approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jason Perica	Y		Virginia Waller	Y	
Jan Murrell	Y				
Caroline Pidcock	Y				

The public meeting concluded at 2.55pm.

The Panel Determination session commenced at 3.05pm.

The Panel Determination session concluded at 4.05pm.

Endorsed by Jason Perica
 Chair North Sydney Local Planning Panel
 2 September 2020