

**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 5 AUGUST 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

**Panel Members:**

David Brigden, Panel Member  
John McInerney, Panel Member  
Kenneth Robinson, Community Representative

**Staff:**

Robyn Pearson, Team Leader Assessments

**Administrative Support**

Melissa Dunlop, Governance Co-ordinator (Minutes)

**Apologies:** Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 1 July 2020 were confirmed following 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 were instructed and have 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>	21/20
<b>ADDRESS:</b>	314-316 West Street, Cammeray
<b>PROPOSAL:</b>	Demolition of existing dwellings, site amalgamation, tree removal and excavation, and construction of a multi-dwelling housing development of 7 dwellings with basement parking.
<b>REPORT BY NAME:</b>	Lisa Kamali, Senior Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	Max. building height exceedance of over 10% and the application has attracted more than 10 unique submissions.
<b>APPLICANT:</b>	Platino Properties Pty Ltd

**Public Submissions**

Written submissions received - 1

<b>Submitter</b>	<b>Applicant/Representative</b>
	Paula Mottek, Town Planner
	George Revay, Town Planner
	Rebecca Gordon, Consultant Planner

**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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 R3 zone in which the development is proposed to be carried out.

The Panel concurs with the conditions recommended to be imposed with the exception of C5 which is to be deleted and an additional condition of C13a to allow the salvage and re-use of building materials:

**Salvage and re-use of building materials**

Original decorative architectural features and building materials within the existing buildings are to be salvaged for re-use within the development or within the wider community.

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 fully satisfy the requirements of this condition.

(Reason: To allow for improved sustainability through the recycling of building materials.)

The Panel also recommends the deletion of Condition C26 (Garbage & Recycling Facilities) to allow individual unit owners to manage their own general household waste.

Panel Reason:

The Panel is satisfied the development is appropriate for the zone and having regard to the future draft amendments to the zone.

The Panel considered that individual garbage bins are more suitable in the circumstances of the case with 7 dwellings, each having direct street access as shown on the plan.

The Panel has imposed an additional condition to facilitate re-use of existing building materials salvaged from the site. The Applicant did not object to this condition.

The Panel considers that the development will sit comfortably in the streetscape and provides choice in the housing market.

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>		Kenneth Robinson	<b>Y</b>	
David Brigden	<b>Y</b>				
John McInerney	<b>Y</b>				

**ITEM 2**

<b>DA No:</b>	<b>56/20</b>
<b>ADDRESS:</b>	<b>58 Cowdroy Avenue, Cammeray</b>
<b>PROPOSAL:</b>	<b>Demolition of existing dwelling and construction of a new dwelling with associated tree removal and earthworks.</b>
<b>REPORT BY NAME:</b>	<b>Lisa Kamali, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>Max. building height exceedance of over 10%.</b>
<b>APPLICANT:</b>	<b>Paul Etherington &amp; Renata Etherington C/- COSO Architects</b>

**Public Submissions**

Written submissions received - 3

Written submissions in support of application - 3

Submitter	Applicant/Representative
Tim & Carolyn Keith	Anthony Solomon, Architect
Ian Glasson	Paul Etherington
Thomas Blamey	
Mark Solomon - Representing 2 Folly Point - Plan Urbia	
Raymond Ng - Representing 2 Folly Point - Play-Co Architecture	
Stanley Yuen	

### Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received, both written and oral (this includes the written material recently forwarded by the Applicant).

The Applicant requested the matter be delayed for consideration for one month for amended plans. The Panel considers the most appropriate course of action for amended plans to be submitted and assessed is facilitated through the review provision of Section 8.2A of the EP&A Act. Furthermore, the Panel does not have the benefit of the extent or nature of the Applicant's proposed changes. The application currently before the Panel does not warrant approval and as such the Council Officer's Report and Recommendation is generally endorsed and the application is **refused**.

Pursuant to the provisions of clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel was not 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 addressed the required matters in clause 4.6 of the LEP. The Panel was of the view that the written request failed to demonstrate compliance with the development standard was unnecessary in the circumstances of this case. Further, the Panel considered that the proposed development will not be in the public interest because it is not consistent with the objectives of the height of buildings standard and the objectives for development within the E4 zone in which the development is proposed to be carried out.

It is recommended in the event of amended plans and request for a Section 8.2A Review that the matter be assessed in a timely manner and referred back to the Panel as soon as possible.

### Panel Reason:

The Panel is aware of the constraints and context of the site and recognises that maintaining complete views across boundaries is an unrealistic expectation, at the same time consideration is to be given to the concept of view sharing.

The Panel considers that in the event of amended plans being submitted, the reasons for refusal below should be addressed, together with any other appropriate amendments to mitigate the impacts of the development:

- The height and overall massing of the building should be reduced to mitigate impacts from the public domain and have regard to view sharing.
- The site coverage should be reduced to allow space for landscaping and canopy trees and where possible to retain trees. As such the parking platform and any associated structure prevents this objective being achieved.
- The design should be amended to provide a more modulated form which steps down with the topography having regard to existing ground levels.

Any amended plans shall be accompanied with a new Clause 4.6 that correctly identifies the extent of the height breach (refer to NSLEP definitions for building height and existing ground level); and is supported by a View Impact Assessment from neighbouring properties (by way of comment neighbours should allow access to facilitate such an analysis).

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		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

### **ITEM 3**

<b>DA No:</b>	<b>61/20</b>
<b>ADDRESS:</b>	<b>Unit 1 &amp; 2, 85 Bay Road, Waverton</b>
<b>PROPOSAL:</b>	<b>Alterations and additions to shop top housing, specifically the addition of an attic to Units 1 and 2.</b>
<b>REPORT BY NAME:</b>	<b>Luke Donovan, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The proposed works are greater than 10% above the permissible height limit of 8.5m pursuant to Clause 4.3(2) in NSLEP 2013.</b>
<b>APPLICANT:</b>	<b>O2 Architecture Pty Ltd</b>

### **Public Submissions**

No public submissions received.

<b>Submitter</b>	<b>Applicant/Representative</b>
	Greg Foster - Town Planner

### **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 subject to conditions 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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 B1 zone in which the development is proposed to be carried out.

Panel Reason:

The Panel is satisfied the development will sit comfortably in the streetscape and will have minimal environmental impacts.

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		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

**ITEM 4**

<b>DA No:</b>	204/2018/2
<b>ADDRESS:</b>	35 Myrtle Street, North Sydney
<b>PROPOSAL:</b>	Section 4.55(2) modification to modify development consent DA 204/2018 with regards to numerous changes internally and externally to an approved shop top housing development.
<b>REPORT BY NAME:</b>	Lara Huckstepp, Executive Planner
<b>REASON FOR NSLPP REFERRAL:</b>	The number of submissions that have been received exceeds 10.
<b>APPLICANT:</b>	Modog Pty Ltd

**Public Submissions**

Written submissions received - 4

<b>Submitter</b>	<b>Applicant/Representative</b>
Martin Ryan	James Lovell

**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 subject to an amendment to the following conditions:

**1. Condition C35 is added:****Panel lift door**

C35. The garage shall be provided with a panel lift door and not a roller door. The panel lift door shall be set in a minimum of 200mm from the outer face of the brick façade.

Plans and specifications 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 building plans and specifications submitted, reference on and

accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To address acoustic and visual impacts on the surrounding locality)

## **2. Condition G16 is modified:**

### **Allocation of spaces**

G16. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance with the following:

- 4 spaces – residential tenancies with a maximum of one space allocated to any one apartment.
- 1 space – ground level non-residential tenancy.

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to the issue of an Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement and one parking space is to be allocated to the commercial unit.

(Reason: To ensure that adequate parking facilities to service the development are provided on the site)

## **3. Condition I3 is DELETED**

With the additional condition C35 for a panel lift door to replace the roller door, the Panel considers the imposition of this condition is not necessary and furthermore would be difficult to enforce. The Panel notes that existing Conditions C26 (Noise from plant and equipment) and C27 (Vibration from plant and equipment) remain imposed on the development consent to adequately address noise impacts.

### **Panel Reason:**

The Panel considers the amended plans will not create unreasonable impacts. However, the roller door for the garage area is to be changed to a panel lift door to reduce noise impacts, and recessed a minimum of 200mm from the face of the building. The Panel notes the Applicant did not object to the panel lift door. The Panel also considers that the one space allocated to the commercial area is to be retained and as such one dwelling unit will not be allocated a car space. The reason is to make the commercial unit more viable.

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>		Kenneth Robinson	<b>Y</b>	
David Brigden	<b>Y</b>				
John McInerney	<b>Y</b>				

**ITEM 5**

<b>DA No:</b>	<b>124/20</b>
<b>ADDRESS:</b>	<b>34 McLaren Street, North Sydney</b>
<b>PROPOSAL:</b>	<b>Internal alterations including minor demolition to a heritage building.</b>
<b>REPORT BY NAME:</b>	<b>Hugh Shouldice, Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The development applications involves demolition of a heritage item, including part demolition.</b>
<b>APPLICANT:</b>	<b>Anglican Church Property Trust Diocese of Sydney</b>

**Public Submissions**

Comments from the applicant provided to Panel - no written submissions objecting or supporting.

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 subject to the conditions contained within the report.

Panel Reason:

The Panel is satisfied the proposed works will not adversely impact on the heritage significance of the item and maintain it into the future.

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>		Kenneth Robinson	<b>Y</b>	
David Brigden	<b>Y</b>				
John McInerney	<b>Y</b>				

**ITEM 6**

<b>DA No:</b>	<b>116/20</b>
<b>ADDRESS:</b>	<b>Unit 14, 95A Ridge Street, North Sydney</b>
<b>PROPOSAL:</b>	<b>The installation of air conditioning unit to an existing balcony of a residential flat building.</b>
<b>REPORT BY NAME:</b>	<b>Hugh Shouldice, Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The proposed works breach the height limit by greater than 10%.</b>
<b>APPLICANT:</b>	<b>Justin Pettit (Strata Manager)</b>

**Public Submissions**

No public submissions received.

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 subject to conditions 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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 R4 zone in which the development is proposed to be carried out.

**Panel Reason:**

The Panel is satisfied the works are minor and within the overall envelope of the building.

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>		Kenneth Robinson	<b>Y</b>	
David Brigden	<b>Y</b>				
John McInerney	<b>Y</b>				

The public meeting concluded at 3.25pm.

The Panel Determination session commenced at 3.35pm.

The Panel Determination session concluded at 5.00pm.

Endorsed by

Jan Murrell

Chair North Sydney Local Planning Panel, 5 August 2020