



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 1 JULY 2020, AT 2.00PM.**

PRESENT

Chair:

Grant Christmas

Panel Members:

Jan Murrell, Panel Member

Ian Pickles, Panel Member

Veronique Marchandeanu, Community Representative

Staff:

David Hoy, Team Leader Assessments

Marcelo Occhiuzzi, Manager Strategic Planning

Administrative Support

Peita Rose, Governance Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 3 June 2020 were confirmed following that meeting.

2. Declarations of Interest

Jan Murrell declared a conflict of interest for Item 1 and took no part in the public meeting or subsequent deliberations by the Panel in relation to Item 1.

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

DA No:	DA95/20
ADDRESS:	6 Shellbank Parade, Cremorne
PROPOSAL:	Construction of an upper balcony roof and associated works over previously approved rear balconies.
REPORT BY NAME:	Lisa Kamali, Senior Assessment Officer
REASON FOR NSIPP REFERRAL:	Max. building height exceedance of over 10%
APPLICANT:	Wei Li

Public Submissions

1 x written submission from the applicant

Submitter	Applicant/Representative
Brian Holt	Philippa Hayes (Planner)
James Spenceley	Guy Paroissien (Arborist)
	Greg Patch (Architect)
	Doris (Wei) Li (Owner)

Panel Determination

The Panel was only able to inspect the site to the extent that was visible from the roadway. However, the Panel had access to comprehensive digital information as well as access to the Council file, including detailed site inspection photos and the public submissions.

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 E4 zone in which the development is proposed to be carried out.

Panel Reasons: The Panel notes the history of the proposed development of a balcony and roof for two levels of the dwelling at the rear of the subject site. However, the Panel must consider the proposal before it, which is to provide a roof over a balcony that has been approved. In this regard, the proposed roof is consistent in form and scale with nearby dwellings and would not cause material amenity impacts for adjoining properties. In particular, the Panel does not consider that the roof will result in any significant view impacts and would not have any impact on privacy of adjoining properties as any such impact is caused by the use of the balcony (which has already been approved), not the use of the roof.

The Panel also considered that the branch pruning of the Lemon Scented Gum required to construct the roof was acceptable.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	X		Veronique Marchandau	X	
Ian Pickles	X				

ITEM 2

DA No:	40/20
ADDRESS:	55A Carter Street, Cammeray
PROPOSAL:	Demolition of existing building, construction of two semi-detached dwellings and subdivision into two lots
REPORT BY NAME:	George Youhanna
REASON FOR NSIPP REFERRAL:	>10% variation to minimum lot size control (technical variation only due to exclusion of right of access)
APPLICANT:	New Generation Housing Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	David Coyle - Applicant

Panel Determination

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

The Panel endorsed the Officer's Report and Recommendation for approval subject to conditions.

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 requests in relation to:

- (a) 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.
- (b) The contravention of the Minimum subdivision lot size development standard in clause 4.1 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 Minimum subdivision lot size standard and the objectives for development within the R3 zone in which the development is proposed to be carried out.

The Panel considered that the deferred commencement condition AA1 should become an operational condition which is to be satisfied prior to the issuing of the Construction Certificate. The reason for deferral is deleted condition AA1 is to be deleted and renumbered to condition A4.

Panel Reasons: The proposed development will have an acceptable impact on surrounding dwellings, subject to conditions of consent, and is satisfactory in terms of bulk and scale and visual impact, views, overshadowing and privacy.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	X		Veronique Marchandean	X	
Jan Murrell	X				
Ian Pickles	X				

ITEM 3

DA No:	DA 82/20
ADDRESS:	182-186 Blues Point Road, McMahons Point
PROPOSAL:	Fit out on Levels 3 and 4 and associated works including an interconnecting staircase
REPORT BY NAME:	David Hoy, Team Leader Assessments
REASON FOR NSIPP REFERRAL:	The proposed works, at 17.49m in height, are 8.99m (105.8%) over the 8.5m building height development standard pursuant to Clause 4.3 of North Sydney Local Environmental Plan 2013.
APPLICANT:	David Magdic The A2 Milk Company

Public Submissions

Submitter	Applicant/Representative
	Paul Rappoport – Applicants Heritage Consultant
	Chris Ferreira – Applicants Planner (Ethos Urban)

Panel Determination

The Panel has undertaken independent site inspections prior to the meeting.

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 IN2 zone in which the development is proposed to be carried out.

Panel Reasons: The proposal is within the existing building height and envelope and the non-compliance with the height development standard is technical in nature and acceptable in the circumstances of the case.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	X		Veronique Marchandau	X	
Jan Murrell	X				
Ian Pickles	X				

ITEM 4

DA No:	311/2019
ADDRESS:	2/146 Kurraba Road, Kurraba Point
PROPOSAL:	Alterations and additions to a duplex including a swimming pool, extend rear verandah, landscape works, roof storage and strata subdivision adjustment
REPORT BY NAME:	Robyn Pearson, Team Leader Assessments
REASON FOR NSLPP REFERRAL:	Over 10% building height variance.
APPLICANT:	A Total Concept Landscape Architects C/- Kenny Russell

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel has undertaken independent site inspections prior to the meeting and have noted the submission received. The Panel has also noted the addendum which includes the general terms of approval provided by Heritage NSW.

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 Council Officer’s Report and Recommendation is endorsed by the Panel and approval is granted subject to conditions.

Panel Reasons: The Panel considers the impacts will not have any unreasonable impact on adjoining properties and the application does not adversely impact the heritage significance of this state listed item.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	X		Veronique Marchandean	X	
Jan Murrell	X				
Ian Pickles	X				

The public meeting concluded at 4.15pm.

The Panel Determination session commenced at 4.35pm.

The Panel Determination session concluded at 6.30pm.

Endorsed by

Grant Christmas

Chair North Sydney Local Planning Panel, 1 July 2020