

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 3 JUNE 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

**Panel Members:**

Michel Reymond - Panel Member  
Grant Christmas - Panel Member  
Jane Van Hagen - Community Representative

**Staff:**

Stephen Beattie, Manager Development Services

**Administrative Support**

Peita Rose, Governance Officer (Minutes)

**Apologies:** Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 6 May 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>	397/19
<b>ADDRESS:</b>	2 Folly Point, Cammeray
<b>PROPOSAL:</b>	Alterations and additions to an existing dwelling house.
<b>REPORT BY NAME:</b>	Michael Stephens, Assessment Officer
<b>APPLICANT:</b>	Yiu Chung Yuen

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Mark Solomon – Planner
	Raymond Ng – Architect

**Panel Determination**

The Panel has the benefit of a site inspection and the submissions received.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the changes to the conditions as set out below:

Condition A4 to be amended to include the following sentence:

The reference to "ST1" as the finish of the steel awning structure on the Plans and Elevations listed in Condition A1 is to be amended to "SS1" which specifies a Stainless Steel finish.

(Reason: To ensure clarity and consistency of material finishes)

Condition C10 to be amended with permanent not operable or removable bollards.

(Reason: To ensure appropriate vehicle manoeuvring access is maintained.)

Condition C11 to allow a 1.8m in lieu of a 1.5m fence.

(Reason: The front fence, given the steep topography, will not be visible from the street and the public domain. Furthermore, the existing vegetation between the street and front fence will be retained)

**Pool Access**

C12. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. 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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

The following new conditions be added:

### Installation of Irrigation System

- C13. An automated irrigation system is to be installed on the roof level to irrigate the approved landscaping shown on drawing A101 Site/Roof Plan, drawn by Play Co Pty Ltd, dated 10 March 2020.

(Reason: To ensure that the approved landscaping is able to be adequately maintained)

### Maintenance of Landscaping

- I4. The owner of the premises at 2 Folly Point, Cammeray is to maintain the landscaping approved by this consent generally in accordance with drawing number A101 Site/Roof Plan, drawn by Play Co Pty Ltd, dated 10 March 2020.

The automated irrigation system installed as required by condition C13 *Installation of Irrigation System* is to be appropriately programmed to provide sufficient irrigation to the planters.

The landscaping is to be maintained to ensure that the height does not exceed 1.8m above the finished floor level of the rooftop area.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

## ITEM 2

<b>DA No:</b>	39/20
<b>ADDRESS:</b>	44 Jeffreys Street, Kirribilli
<b>PROPOSAL:</b>	Alterations and additions to a dwelling including replacement of hatch to roof terrace with glass door.
<b>REPORT BY NAME:</b>	Robyn Pearson, Team Leader, Assessments
<b>APPLICANT:</b>	Urbanism

There were three written submissions from objectors received and read.

There were two written submissions from owner and planner received and read.

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Sophie Lappin	Christina Dixon – Owner
	Wesley Folitarik – Planner

**Panel Determination**

The Panel has the benefit of an inspection of the roof top terrace and the written and oral submissions.

The Council Officer's Report and Recommendation is noted by the Panel.

The Panel has considered the Section 4.6 written request to vary the height standard under Clause 4.3 and is of the opinion that it satisfies the requirements of Clause 4.6(3). Furthermore, the Panel is satisfied that both the zone objectives and development standard are met and therefore it is in the public interest to approve the contravention.

The Panel is satisfied the development does not unreasonably impact on views, from the adjoining roof top terraces in the row, having regard to the extent of views enjoyed. The door accessing onto the roof will only impact on a relatively small portion of the total view, with the main view obtained to the Opera House and Harbour Bridge being unaffected.

The Panel has decided to approve the application subject to appropriate standard conditions being imposed with this function delegated to the Manager Development Services, and with an additional condition imposed to ensure that all landscaping and fixed fittings and furniture on the rooftop shall not exceed the height of the parapet wall.

**Panel Reason:**

The Panel in its determination has carefully considered all submissions before approving the application. The additional condition imposed is to provide certainty to ensure the principles of view sharing are maintained by landscaping and furniture limited to the height of the parapet wall.

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>X</b>		Jane Van Hagen	<b>X</b>	
Michel Reymond	<b>X</b>				
Grant Christmas	<b>X</b>				

**ITEM 3**

<b>DA No:</b>	416/19
<b>ADDRESS:</b>	49 Reynolds Street, Cremorne
<b>PROPOSAL:</b>	Additions and alterations to a detached dwelling including a new first-floor extension, new carport, replacement swimming pool and landscaping.
<b>REPORT BY NAME:</b>	Lisa Kamali, Senior Assessment Officer
<b>APPLICANT:</b>	Damian O'Toole, Town Planner

**Public Submissions**

No persons elected to speak on this item.

**Panel Determination**

The Panel has the benefit of a site inspection and the written submissions received.

The Council Officer's Report and Recommendation is endorsed by the Panel. This matter had been previously deferred to allow the applicant to submit amended plans and these now satisfy the concerns previously raised and therefore warrant approval.

Panel Reason:

The Panel notes the plans now comply with the development standards and an appropriate amenity for adjoining residents is maintained.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

**ITEM 4**

<b>DA No:</b>	87/20
<b>ADDRESS:</b>	Unit 68, 171 Walker Street, North Sydney
<b>PROPOSAL:</b>	The enclosure of three (3) balconies to Unit 68 within an existing residential flat building.
<b>REPORT BY NAME:</b>	Hugh Shouldice, Assessment Officer
<b>APPLICANT:</b>	Daniel Ng

**Public Submissions**

Submitter	Applicant/Representative
	Daniel Ng – (Architect – Applicant)

**Panel Determination**

The Panel has the benefit of a site inspection and submissions received.

The Council Officer's Report and Recommendation is noted by the Panel. However, The Panel has determined that only the main southern facing balcony should be enclosed with the two smaller balconies off bedrooms to the north and west, to remain as existing to provide outdoor open space for the amenity of occupants of the unit, consistent with the principles as set out in SEPP 65. An appropriate condition is to be imposed to this effect.

The Architect requested the deletion of Conditions I1 and I2. However, the Panel considers the condition is to remain for the southern balcony also. The approval, therefore, is to allow the enclosure of the balcony as a winter garden for the amenity of the adjoining main living room. This is consistent with the principles as set out in SEPP 65. The area is to remain as an enclosed balcony.

The Panel considers the Section 4.6 written request to vary the height standard under Clause 4.3 satisfies the requirements of Clause 4.6(3). Furthermore, the Panel is satisfied that both the zone objectives and development standard are met and therefore it is in the public interest to approve the contravention.

Reason:

The provision of open space balconies is consistent with best practice in the Apartment Design Guidelines (SEPP65). Therefore, the Panel is not persuaded that the enclosure of all three balconies warrant approval.

Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>X</b>		Jane Van Hagen	<b>X</b>	
Michel Reymond	<b>X</b>				
Grant Christmas	<b>X</b>				

The public meeting concluded at 2.40pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 3.52pm.

Endorsed by

Jan Murrell

Chair North Sydney Local Planning Panel, 3 June 2020