



NORTH SYDNEY COUNCIL

Council Chambers
30 January 2020

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday, 5 February 2020 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

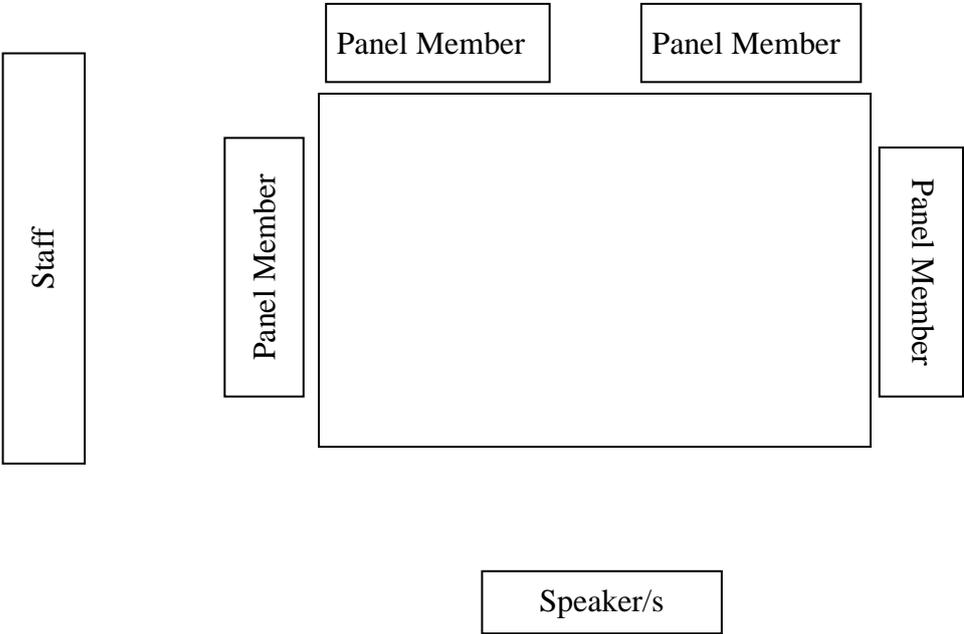
KEN GOULDTHORP
GENERAL MANAGER

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 4 December 2020.
(Circulated)

NSLPP COUNCIL CHAMBERS SEATING PLAN



PUBLIC GALLERY

2. LPP01: 19 King George Street, Lavender Bay - DA 300/19

Applicant: Adam and Jennifer Moncrieff, c/- Weir Phillips Architects

Report of Luke Donovan, A/Team Leader (Assessments), 17 January 2020

The applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for substantial alterations and additions to existing dwelling and associated landscaping works within the rear yard on land at No. 19 King George Street, Lavender Bay.

The application is reported to the NSLPP for determination because elements of the proposed works are greater than 10% above the permissible height limit of 8.5m pursuant to Clause 4.3(2) in NSLEP 2013.

Council's notification of the original proposal attracted two (2) submissions raising concerns about the extent of earthworks, new landscaping, loss of visual and acoustic privacy and the size of the covered terrace. The amended proposal was not required to be notified in accordance with Section 3.6 of the North Sydney Community Participation Plan.

The amended proposal removed the gable ended eastern dormer, deleted the rear covered pergola, reconfigured the rear yard including the lowering of some of the finished ground levels. The amendments have resulted in a reduction in the extent of non-compliance with the building height control, compliance with the site coverage control and a reasonable level of amenity maintained with surrounding properties.

The non-compliance with the building height control in the amended proposal is limited to the skillion roof over the front of the dwelling and the new hipped roof over the kitchen at the rear of the dwelling. The amended written request seeking a variation to Clause 4.3 (height of buildings) has adequately addressed Clause 4.6(3) in NSLEP 2013 and is also considered to be in the public interest because it is consistent with the objectives of the height of building standard and the objectives of the R3 Medium Density Residential zone.

The amended proposal has also addressed the issues raised by Council's Landscape Development Officer and Conservation Planner.

The issues raised within the submissions are addressed within the report, and where appropriate, conditions of consent are recommended.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act, 1979* (as amended), the application is considered to be reasonable in the site circumstances and recommended for **approval** subject to standard and site-specific conditions of consent.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 NSLEP 2013 with regards to the non-compliance with Clause 4.3 (Building Height) and **grant consent** to Development Application No. 300/19 for substantial alterations and additions to existing dwelling and associated landscaping works within the rear yard on land at No. 19 King George Street, Lavender Bay subject to the attached conditions and the following site specific conditions:-

Privacy

C22. The following privacy device is to be provided:

a) The privacy screen on the eastern side of the outdoor terrace located off the dining room (ground floor level) must be fixed and not able to be retracted. 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 an adequate level of privacy is provided to adjoining property located at No. 38 Bay View Street)

Solar Panels

C12. The solar panels must lay flat against the copper roof.

Plans and specifications complying with this condition must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To reduce the visual impact of the solar panels on the public domain)

3. LPP02: 9 Wyagdon Street, Neutral Bay (V) - DA371/19

Applicant: CMS Consulting

Report of Robyn Pearson, Team Leader (Assessments), 13 January 2020

This development application seeks consent from the North Sydney Local Planning Panel (NSLPP) for replacement balustrades on all balconies and the existing rooftop balconies of 9 Wyagdon Street, Neutral Bay, being a residential flat building.

The application is reported to NSLPP because the proposed alterations are above the permissible height limit of 12 metres pursuant to clause 4.3(2) in NSLPP 2013. The non-compliance with the permitted height limit is greater than 10% requiring determination by NSLPP as directed by the Department of Planning, Industry and Environment.

In accordance with Section 4.2 of the *Environmental Planning and Assessment Act, 1979*, building works to a residential flat building are a permissible form of development in an R4 Zone with development consent.

Council's notification of the proposal has attracted no submissions. Nevertheless, the public interest has been considered within this assessment as well as the performance of the application against Council's planning requirements.

The applicant submitted a Clause 4.6 submission seeking a variation to the building height control is considered to be well founded as the proposed breach will not increase the existing height or alter the overall built form of the building. In addition, the proposal will not materially reduce the residential amenity of surrounding properties in terms of solar access, privacy or views.

The proposed alterations are considered to be consistent with, and sympathetic to, the character and overall appearance of the existing residential building constructed in the late 1960s, and the character of the Forsyth Neighbourhood within the Neutral Bay Planning Area.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979*, the application is considered to be reasonable in the site circumstances and recommended for approval subject to standard and site specific conditions of consent.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Director General of the Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for building height and grant consent to Development Application No. 371/19 proposing replacement of balustrades to the balconies and roof at No. 9 Wyagdon Street, Neutral Bay, subject to the attached standard conditions.

4. LPP03: 6 Shellbank Parade, Cremorne (T) - DA 356/2019

Applicant: Hao Huynh

Report of Michael Stephens, Assessment Officer, 24 January 2020

This development application seeks approval for construction of rear balconies to the first floor and second floor levels of an existing three storey dwelling house in a foreshore location.

The application is referred to the North Sydney Local Planning Panel for determination as notification of the application has attracted more than 10 submissions by way of objection, which requires determination by the Panel in accordance with the directions from the Secretary of Planning, Industry and Environment.

The proposed development is permissible within the E4 Environmental Living zone in which it is located. The proposed development exceeds the maximum permitted building height of 8.5m by 0.74m, equating to a variation of 8.7%. The applicant's written request to vary the development standard is considered worthy of support. The proposed development would be of a consistent bulk and scale within the foreshore area and would result in minimal amenity impacts.

Notification of the application attracted 13 submissions by way of objection. The objections raised particular concern regarding the maintenance of the prevailing foreshore setback line and the implication of any development forward of this line given the potential to impact to views, privacy and solar access. Other concerns related to the reasoning for the proposal and the potential impact to the 30m high lemon scented gumtree located to the rear of the proposed balconies.

Siting of development within foreshore areas requires a high degree of sensitivity. The prevailing setback is to be maintained in order to ensure equity in availability of views and avoid unreasonable impacts to solar access or privacy. The proposed development is considered to be in line with the prevailing setback along Shellbank Parade which is parallel to the street alignment and not the foreshore line. The broader context of Shellbank Parade is to be considered and not just numbers 6-10 Shellbank Parade as advanced by submitters.

The proposed development would sit further forward than the adjoining dwelling to the south west, however the impact to the amenity of this property has been considered and would be minimal which is reasonable in the circumstances.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

Recommending:

PURSUANT TO SECTION 80/91 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and grant consent to Development Application No. 356/19 for construction of rear balconies to the first floor and second floor levels of an existing three storey dwelling house on land at No. 6 Shellbank Parade, Cremorne, subject to the attached standard conditions.

5. LPP04: 283A Miller Street North Sydney (W) - DA 375/19

Applicant: North Sydney Council

Report of Brett Brown Consultant Town Planner, 29 January 2020

This development application seeks approval for a new electronic media screen at North Sydney Oval and is reported to North Sydney Local Planning Panel for determination as Council is the owner of the land and the applicant for the DA. Notification of the proposal did not attract any submissions. The assessment has considered the performance of the application against Council's planning requirements and the merits of the proposal generally.

No submissions were received following the notification of this proposal.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

Recommending

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, as the consent authority, grant consent to Development Application No. 375/19 for a new electronic media screen at North Sydney Oval, subject to the following site specific conditions and the attached standard conditions.

External Finishes & Materials

A3. External finishes and materials must be black in colour with the exception of the rear of the screen which is to be equivalent to Dulux 'Lush Hosta' or similar unless otherwise modified by Council in writing.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Limitation on Advertising

I1. Any advertising on the screen is to be limited to 10% of the operational period during each event.

(Reason: To ensure that any advertising remains ancillary to the primary use of the site as a recreation facility (major).

Advertising Content

I2. All advertising must comply with the requirements of the Australian Association of National Advertisers' Code of Ethics and Outdoor Media Association's Code of Ethics. In particular, advertisements must: (a) comply with any Commonwealth or State laws (i.e. the Tobacco Advertising Prohibition Act 1992); (b) not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political

belief. (c) not depict material contrary to Prevailing Community Standards on health and safety.

(Reason: To ensure that the relevant standards are met)

6. PP01: 27-57 Falcon Street, Crows Nest (W) - PP6/19

Applicant: Lindsay Bennelong Developments Pty Ltd

Report of Neal McCarry, Team Leader - Strategic Planning, 29 January 2020

Council received a Planning Proposal for the site at 27-57 Falcon Street, Crows Nest. The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Rezone the site from B4 - Mixed Use to R4 - High Density Residential
- Increase the maximum building height from 10m to part 24.5m and part 14.5m
- Apply a maximum floor space ratio control of 1.85:1
- Remove the current non-residential floor space requirement applying to the site
- Retain 'retail premises' as a permitted land use on the site

Due to the uncertain status of the wider precinct planning for this area, the complex site attributes and considerations as well as the extended history of this site, an interim assessment report was prepared to seek Council's direction on the following key issues;

- land use (i.e. level of non-residential floorspace),
- Council's willingness to progress a site specific Planning Proposal in light of the direction included in the State Governments draft St Leonards Crows Nest 2036 Plan,
- Council's moratorium on residential planning proposals,
- height and scale as well as principles on design, heritage, transition, overshadowing, site layout and the like.

This approach was designed to allow the formulation of a better informed and clearer framework to guide the development of an indicative reference design. Upon development of this, key controls including maximum FSR and Height should be able to be determined. In order to ensure an appropriate built form outcome on the site, this could be further supported by the development of a site specific development control plan.

Council considered a preliminary assessment report on 25 November 2019 and resolved;

1. THAT Council note the Planning Proposal.

2. THAT Council refer the Planning Proposal application to the North Sydney Local Planning Panel (NSLPP) for advice on the following matters: a. Rezoning of the site from B4 Mixed Use to R4 High Density Residential. b. Increasing the maximum building height to Part 24.5 metres and Part 14.5 metres. c. An indicative FSR.

3. THAT the advice from the NSLPP be provided to the first Council meeting in 2020.

4. THAT Council write to the Minister and the Greater Sydney Commission once again seeking indicative time frames in relation to the making of the Draft 2036 Plan for Crows Nest and St Leonards.

5. THAT Council seek assurances from Ethos Urban to communicate factually and extensively with Hayberry Precinct and its members for all issues pertaining to Planning Proposal No. 6/19.

It is recommended that the Local Planning Panel provide advise on these matters.

Recommending:

THAT the Panel provides advice in respect to: -

1. The proposed change in zoning to R4 noting the desire for some ground level active use to be provided on the north-western corner of the site.
 2. The proposed maximum height.
 3. The proposed maximum Floor Space Ratio.
 4. The design, character and amenity concerns outlined in the report.
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NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 4 DECEMBER 2019, AT 2.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Grant Christmas - Panel Member
Tony Caro - Panel Member
Virginia Waller - Community Representative

Staff:

Stephen Beattie, Manager Development Services
David Hoy, Team Leader (Assessments)
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 6 November 2019 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.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	DA 179/19
ADDRESS:	29 Myrtle Street, North Sydney (W)
PROPOSAL:	Change of use of three (3) commercial suites (former residential cottages) to motel accommodation.
REPORT BY NAME:	Leonie Derwent, Ingham Planning Pty Ltd
REASON FOR NSLPP REFERRAL:	This application is reported to North Sydney Local Planning Panel for determination because of the number of submissions that have been received. Notification of the proposal has attracted 12 public submissions.
APPLICANT:	Myrtle 29 Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Rosalie Harrington	James Lovell (Applicant's Architect)
Amanda Judd	
David Watt	

Panel Determination

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

The Independent Consultant's Report and Recommendation is generally endorsed by the Panel subject to a Deferred Commencement requiring the Plan of Management to be amended to relate only to the subject site and this may include off-site management. An amended landscape plan is also required for the rear garden beds to ensure vegetated screening is provided with an ongoing condition to such effect.

The Panel delegates to the Manager Development Services to impose suitable conditions to reflect this and amend other conditions as appropriate.

Panel Reason:

The Panel considers the proposed commercial motel use of the three cottages fronting Myrtle Street for a maximum stay of 13 weeks at any one time can be managed with a suitable Plan of Management to ensure the development does not create unreasonable impacts on the residential amenity of the area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 2

DA No:	DA 180/19
ADDRESS:	13 Eden Street, North Sydney
PROPOSAL:	Change of use of six (6) commercial suites known as G01-G06 to motel accommodation.
REPORT BY NAME:	Leonie Derwent, Ingham Planning Pty Ltd
REASON FOR NSLPP REFERRAL:	The proposal is reported to the Panel for determination because of the number of submissions that have been received. Notification of the proposal has attracted 15 public submissions.
APPLICANT:	Myrtle 29 Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Rosalie Harrington	James Lovell (Applicant's Architect)
Amanda Judd	
David Watt	

Panel Determination

The Panel has the benefit of a site inspection and the submissions received both oral and written, including the written advice from the Applicant's Town Planner following the meeting about the use of the ground floor open space area.

The Independent Consultant's Report and Recommendation is noted. The Panel however, is not persuaded that the Development Application warrants approval because of the inherent conflicts with the residential component of the development that overlooks the central courtyard area. The adverse amenity impacts on these units, including noise disturbance, have not been satisfactorily addressed in the application.

The Panel notes that there is no separation or barriers between the motel use and the existing residential units within the development that share the same void. The Panel does not consider that a Management Plan could reasonably overcome the inherent conflicts. The objectives of the mixed use zone are not satisfied in the opinion of the Panel, in that the two land uses within this building are not compatible.

By way of comment, the Panel is concerned that the residential units only have the advantage of the airspace of the central courtyard without the opportunity to share in this central amenity area at ground level that was identified as common property within the strata plan.

The Panel also notes that the application is not supported by an acoustic report which could demonstrate that the use would comply with the provisions of Section 2.3.2 P1 to P8 of NSDCP 2013.

The application is therefore determined by refusal of consent for the following reasons:

- The Panel considers that the proposal is inconsistent with the B4 Mixed Use zone with respect to providing acceptable residential amenity to existing residences.
- The design of the existing building does not facilitate the proposed use of the ground floor for motel style accommodation.
- While the commercial component may have exclusive use of the ground floor, an open corridor/foyer provides access to the proposed motel rooms with no separation to the central open atrium that is shared with the residential component.
- The proposal is also inconsistent with the following provisions of North Sydney DCP 2013:
 - Part B S 2.3.2 Noise – O1, P6.
 - Part B S 2.3.9 Acoustic Privacy – O1.
 - S.2.2.4 Hotel Design – O1, P3 and P4.
 - S.2.2.5 Hotel Management – O1, P1 to P5.
 - S.2.5.4 High Quality Residential Accommodation – O1, P2 and P13.

Panel Reason:

The Panel is not satisfied that the motel use in this building is compatible with the large component of residential units and on a merits assessment does not warrant approval.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 3

DA No:	DA 100/19
ADDRESS:	11-13 Waverton Avenue, Waverton
PROPOSAL:	Excavation and construction of a multi dwelling development comprising nine (9) dwellings. The proposal also includes a basement with space for 16 vehicles and is accessed via a car lift.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel for determination due to public interest in the proposed development. The proposal also exhibits a breach to the statutory Clause 4.3(2) Building Height control of NSLEP 2013, however, in isolation of the public interest submissions received, the development would not require determination by the Panel.
APPLICANT:	IPM Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Cindy Chen	Chris Webster (Applicant)
Anne Colvin	Anthony Betros (Applicant’s Planner)
Margaret Campbell	Alex Phegan (Applicant’s Architect)
Paul Blandfield	

Panel Determination

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

The Panel is satisfied that the Clause 4.6 written request to vary the height standard fulfils the requirements of Clause 4.6(3). The Panel considers the objectives of the zone and the standard are met and as such the development is in the public interest.

The Council Officer’s Report and Recommendation is endorsed by the Panel. From the submissions received a number of the conditions are to be amended to provide greater certainty and these include:

- Those related to geotechnical and excavation matters to include further borehole logs near the property boundary with basement monitoring of the adjoining property and appropriate engineering supervision;
- Appropriate vibration monitoring during the excavation and construction period; and
- The Landscape Plan is to be amended to provide: vegetation to filter the development when viewed from surrounding properties; and increased soil depths in the central courtyard where possible to sustain medium-sized trees.

The Manager Development Services is delegated the authority to impose appropriate conditions and to amend conditions which are consequentially affected.

Panel Reason:

The Panel considers the development has design merit and the impacts are mitigated and approval is warranted . The Panel considered the view aspect of 2/7 Waverton Avenue however the impact is not unreasonable as the proposed development is anticipated in the zone and appropriate landscape conditions are imposed. The Panel is cognisant of the fact that the proposal complies with the controls in the affected area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 4

DA No:	DA 144/19
ADDRESS:	12 Waiwera Street, Lavender Bay
PROPOSAL:	Alterations and additions to a terrace dwelling in a Conservation Area.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to the Panel for determination because the proposed works to the first floor and attic breach the height limit by greater than 10% because of further excavation behind the existing lower ground level garage. The breach of the height limit is greater than 10%.
APPLICANT:	Dominique Marie Cowle C/- Weir Phillips Architects

Public Submissions

Submitter	Applicant/Representative
Peter Hatherly	Robert Weir (Applicant)
	James Phillips (Applicant)

Panel Determination

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

The Panel is satisfied that the Clause 4.6 written request to the non-compliance with the height standard fulfils the requirements of Clause 4.6(3). The Panel also considers the objectives of the zone and the standard are met and as such the development is in the public interest.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the conditions as recommended and as amended as follows:

E. During Construction and Ongoing / Operational Conditions

E# Ongoing Structural Engineer Supervision

An appropriately qualified and practising structural engineer is to oversee the excavation works to the proposed lower ground floor and first floor works to the subject site. The structural engineer is to ensure the following:

- Structural adequacy of the adjoining properties Nos. 10 and 14 Waiwera Street, Lavender Bay.
- Certify their ability to withstand the proposed works.
- Implement any measures to ensure that no damage will occur to adjoining premises during the course of the works.
- Ensure appropriate vibration monitoring during the construction period.

The appropriately qualified and practising structural engineer must ensure the employed methodology in construction phases achieve the requirements detailed in the structural support diagrams. The measures outlined in the certified report must be complied with at all times.

The engineer must ensure that the party or common wall cannot be extended or altered without the prior written consent of the adjoining owner.

(Reason: To ensure the protection and structural integrity of adjoining properties.)

Additional condition to be imposed ensuring:

- The existing internal arch and nib walls are to be retained (kitchen/dining area).
(Reason: To maintain heritage fabric.)

The Manager Development Services is delegated the authority to impose appropriate conditions and to amend conditions which are consequentially affected.

Panel Reason:

The Panel is satisfied that with the conditions as amended this will provide an appropriate outcome for this contributory item in the Conservation Area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 5

DA No:	DA 299/19
ADDRESS:	21 Walker Street, Lavender Bay
PROPOSAL:	Alterations and additions to a heritage dwelling within a Conservation Area.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to the Panel for determination because the proposed works being the proposed second floor roof terrace would breach the height limit by greater than 10%.
APPLICANT:	Casafabrica Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	Milos Prlic (Applicant)
	Hernan Alvarez (Applicant/Architect)

Panel Determination

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

The Panel is satisfied that the Clause 4.6 written request to the non-compliance with the height standard fulfils the requirements of Clause 4.6(3). The Panel also considers the objectives of the zone and the standard are met and as such the development is in the public interest.

The Council Officer’s Report and Recommendation is generally endorsed by the Panel and the application approved subject to amendments to the plans to:

- delete the structure and covering over the rooftop terrace of the garage and provide planter boxes with landscaping;
- provide deep soil planting between the garage and the dwelling at ground level;
- lower the floor of the rooftop terrace by 260mm to ensure that it is not visible from the public domain but still satisfies National Construction Code (NCC) requirements; and
- a landscape plan for the whole site must be submitted and approved prior to the issuing of the construction certificate to include the rear terrace planters over the garage and the area to become deep soil landscaping between the garage and rear of the dwelling that must include a canopy tree.

The Manager Development Services is delegated the drafting of suitable conditions to reflect the above and to amend conditions which are consequentially affected.

Panel Reason:

The Panel considers a Deferred Commencement is appropriate to provide certainty to the outcome and ensure the site is developed appropriately to contribute to the Conservation Area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 6

DA No:	DA 293/19
ADDRESS:	7 Anderson Street, Neutral Bay
PROPOSAL:	New sliding doors and glass balustrades to existing balconies to Unit 46 (Lot 19) and Unit 66 (Lot 31).
REPORT BY NAME:	Robyn Pearson, Team Leader (Assessments)
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel because the proposed alterations are above the permissible height limit of 12 metres pursuant to Clause 4.3(2) in NSLEP 2013. The non-compliance with the permitted height limit is greater than 10%.
APPLICANT:	Triaxial Consulting

Public Submissions

Submitter	Applicant/Representative
Jan Newland	Una McKenna (Applicant)
Dick Dallimore	

Panel Determination

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

The Council Officer’s Report and Recommendation is noted by the Panel. The Panel was made aware of a number of issues that do not appear to have been addressed in the current application.

The Panel has determined the application by the refusal of consent for the following reasons:

- The proposal is inconsistent with the existing development approval for the overall building which provides for a consistent approach for the necessary works to the building including balconies.
- The current proposal introduces an ad-hoc change not anticipated by the comprehensive approved plan. In urban design terms this is not appropriate and may also cause issues with construction, fire separation and waterproofing.

Panel Reason:

Ad-hoc changes are inappropriate in urban design terms and may cause issues with construction, fire separation and waterproofing. The Panel considers that a coherent refurbishment should be pursued in accordance with the existing development approval for the overall building.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 7

DA No:	DA 181/19
ADDRESS:	60 Rangers Road, Cremorne
PROPOSAL:	Alterations and additions to an existing single storey semi-detached dwelling including internal alterations and the construction of a two storey rear addition, a rear terrace, a swimming pool and a cabana.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel because it has attracted sixteen (16) submissions.
APPLICANT:	Justin Broomhead

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

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the conditions with the following changes:

- An amended landscape plan that provides for canopy trees as well as other levels of vegetation to be approved by Council prior to the issue of a Construction Certificate;
- The air conditioning condensing units are to be relocated to be not visible from the public domain or painted screens to the Council's satisfaction; and
- Amendment to Condition C1(c) in relation to the colour of the external metal louvres as nominated by the Applicant.

The Manager Development Services is delegated the drafting of suitable conditions to reflect the above and to amend conditions which are consequentially affected.

Panel Reason:

The Panel is satisfied the alterations and additions to the pair of semi-detached houses is not detrimental to the Heritage Conservation Area and on completion will provide an appropriate outcome.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 8

DA No:	DA 182/19
ADDRESS:	62 Rangers Road, Cremorne
PROPOSAL:	Alterations and additions to an existing single storey semi-detached dwelling including internal alterations and the construction of a two storey rear addition, a rear terrace and a pergola.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel because it attracted ten (10) submissions.
APPLICANT:	Olivia & Nick Wokes

Public Submissions

Submitter	Applicant/Representative
	Justin Broomhead (Applicant)
	Sarah Blacker (Applicant’s Architect)

Panel Determination

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

The Council Officer’s Report and Recommendation is endorsed by the Panel subject to the conditions with the following changes:

- An amended landscape plan that provides for canopy trees as well as other levels of vegetation to be approved by Council prior to the issue of a Construction Certificate;
- The air conditioning condensing units are to be relocated to be not visible from the public domain or painted screens to the Council’s satisfaction; and
- Amendment to Condition C1(c) in relation to the colour of the external metal louvres as nominated by the Applicant.

The Manager Development Services is delegated the drafting of suitable conditions to reflect the above and to amend conditions which are consequentially affected.

Panel Reason:

The Panel is satisfied the alterations and additions to the pair of semi-detached houses is not detrimental to the Heritage Conservation Area and on completion will provide a consistent outcome.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

ITEM 9

DA No:	DA 178/19
ADDRESS:	232 Falcon Street, Crows Nest
PROPOSAL:	Torrens Title subdivision of one lot containing two (2) dwellings into two (2) separate lots each containing an attached dwelling.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel as the proposal would result in a variation of greater than 10% to the minimum subdivision lot size.
APPLICANT:	Frank M Mason & Co Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	Andrew Mason (Applicant)

Panel Determination

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

The Panel is satisfied that the Clause 4.6 written request to the non-compliance with the minimum lot size fulfils the requirements of Clause 4.6(3). The objectives of the zone and the standard are met and as such the development is in the public interest.

The Council Officer's Report and Recommendation for a Deferred Commencement is endorsed by the Panel.

Panel Reason:

The Panel considers the subdivision is not inconsistent with the pattern of the area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Grant Christmas	Y				
Tony Caro	Y				

The public meeting concluded at 5.00pm.

The Panel Determination session commenced at 5.05pm.

The Panel Determination session concluded at 7.00pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel, 4 December 2019