



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 1 FEBRUARY 2023, AT 2.00PM.**

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Linda McClure (Panel Member)
Grant Christmas (Panel Member)
Virginia Waller (Community Representative)

Staff:

Stephen Beattie, Manager Development Services
David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Miguel Rivera, Senior Assessment Officer
Rachel Wu, Graduate Assessment Officer
Robin Tse, Senior Assessment Officer
Andrew Beveridge, Assessment Officer

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

The Chair acknowledged the Cammeraygal people being the traditional custodians of the land on which this meeting is held.

No items were required to be heard in a public meetings as all items attracted less than 10 submissions. At the discretion of the chair applicants were invited to clarify issues.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 7 December 2022 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:	142/22
ADDRESS:	44 Ellalong Road, Cremorne
PROPOSAL:	Alterations and additions to an existing dwelling house
REPORT BY NAME:	Miguel Rivera, Senior Assessment Officer
APPLICANT:	Chris Milne

Registered to Speak**1 Written Submission**

Submitter	Applicant/Representative
	Christopher Milne - Applicant
	Parisa Milne - Owner

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is generally consistent with the objectives of the standard and the zone objectives.

The Council Officers Report, Recommendation and Conditions are noted. The Panel has determined a Deferred Commencement be granted that requires amended plans to be submitted for the approval of Council's Manager Development Services. The amended plans will allow for a smaller carport structure separate to the main roof structure, and a reduction in the upper floor bulk. Amended plans will provide greater certainty in the final built form.

The Deferred Commencement condition below requires amended plans to be submitted for approval:

Design Amendments – Carport and First Floor Bedrooms

AA1. *Within two (2) years of the date of this consent, plans are to be submitted to Council for the approval of the Manager Development Services, to make the following amendments to the proposed development:*

- a) The first floor Bedroom 2 must be reduced to delete the northern hipped roof and to align the north-eastern (side) wall of the first floor with the adjacent landing wall and a re-configuration of the upper floor area to provide three bedrooms.*
- b) The carport structure must be redesigned to be independent of the dwelling with its own roof structure and may include a covered walkway.*

(Reason: To reduce the bulk and scale of the roof and a more appropriate presentation to the streetscape and adjoining property.)

This consent shall not operate until such time as the written approval stating that the requirements of this condition have been satisfied. The Panel delegates the determination of the amended plans required by the deferred commencement condition to be to the satisfaction of the Manager Development Services

The operational conditions will then take effect as recommended with the deletion of the design change associated with the carport and first floor bedrooms in Condition C1 and the following amendment to Condition C4 to reflect a more appropriate scale of hedge planting at property boundaries:

Landscape Plan

C4. *A detailed landscape plan must be provided as part of any application for a construction certificate. The following details must be included in this plan:*

- The existing hedges along the front boundary of the site must be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) capable of establishing as a hedge that is able to be maintained at **maximum 1.5m high**. This planting must cover the entire perimeter of the front fence (except gate/driveway area).*
- The existing hedges along the south-western boundary of No. 44 Ellalong Road (rear setback) must either be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) that is capable of establishing as a hedge able to be maintained at **maximum 1.8m high**.*

- *Screen planting must be established within the rear setback and along the north-eastern boundary (behind perimeter fence) to provide privacy between neighbouring properties. The chosen species must be capable of establishing a hedge that is able to be maintained at **maximum 1.8m high**.*
- *At least 50% of all new plantings (trees, shrubs, ground covers – excluding grass turfed areas) must comprise of Australian native or locally indigenous species.*
- *The stormwater must be redirected outside the TPZ of the existing street tree – Jacaranda mimosifolia in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.*
- *A new tree must be established in the front setback. This tree will be one (1) x Lagerstroemia indica (75l) and must be at least 3m away from any existing or approved building/structure.*
- *Two (2) x existing street trees (juvenile Acer species) must be removed from the Council verge in front of No. 44 Ellalong Road and replaced with two (2) x Lagerstroemia indica (45l) in the Council verge in front of No. 44 Ellalong Road.*

The landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To improve the landscaped outcome within the site and immediate streetscape, to soften the presentation of the built form and fencing and to achieve sufficient residential amenity)

Panel Reason:

The Panel has determined that 'Deferred Commencement' consent should be granted to address a reduction in the bulk of the building by changes to the large north-east pitched roof area over the carport and upper level first floor bedroom area. At the same time while the amended plans require a reduced upper floor level, this space can reasonably be reconfigured to accommodate three bedrooms, and include a separate carport with a link to the dwelling for protection in inclement weather.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 2

DA No:	288/22
ADDRESS:	27 Elamang Avenue, Kirribilli
PROPOSAL:	Alterations and additions to a dwelling and associated work
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	John White

Registered to Speak**4 Written Submissions**

Submitter	Applicant/Representative
	Jaie Midei - Corben Architects
	Jason Lambropoulos - Chapman Planning

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all written submissions prior to determination.

The Council Officer's Report, Recommendation and Conditions are noted by the Panel.

The Panel has decided to defer the determination of the application to allow the applicant the opportunity to amend the plans by deleting that portion of the upper level of bedroom 1 that is causing view loss to ensure that there is no further impact on views from adjoining properties. The Panel considers an amended design is required to maintain views, and any further encroachments into this view corridor is not considered warranted. The applicant is also to submit a new clause 4.6 written request for variation to the height standard in relation to the new plans. The Panel does not accept that the current 4.6 request is well founded and is not justifiable on environmental planning grounds.

Pending resolution of this matter as outlined above the Panel considers it appropriate for the applicant to remove both street trees and provide their suitable replacement as conditioned.

The Panel delegates the determination of the amended plans to be to the satisfaction of the Manager Development Services. The amended plans should be submitted within twenty-eight (28) days of the date of notice to the applicant, otherwise the application will be determined by the panel by electronic means.

Panel Reason:

The Panel does not accept the Clause 4.6 in its current form and considers a design that does not further impact existing views while at the same time providing additional floor area, is an appropriate outcome that can be achieved by deferring the matter for amended plans.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 3

DA No:	265/22
ADDRESS:	201 Miller Street, North Sydney
PROPOSAL:	Alterations and additions to the ground floor lobby and part change of use to the ground floor to include a café in a commercial development with operating hours 6.30am – 3pm Monday to Friday and seating for approximately 22 people
REPORT BY NAME:	Rachel Wu
APPLICANT:	Amber Can (Urbis) on behalf of LaSalle Investment Management P/L

Registered to Speak

Written submissions from applicant seeking condition changes.

Submitter	Applicant/Representative
	Abigail Cohen - Lasalle Investment Management
	Amber Can - Urbis - representing applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel.

The following are amendments to conditions.

Condition A1 to correct plan revision and date reference to be DAG000 (Rev D) dated 21 December 2022

Condition A4 to be amended to delete the words 'external' within the condition as follows:

Finishes and Materials

- A4. *Finishes and materials must be in accordance with the submitted schedule dated 21 December 2022, prepared by Brass Tacks P/L and received by Council on 21 December 2022 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)

Condition C2 to be deleted as internal works supported by condition A4.

Condition C3 The Panel was satisfied that Condition C3 remained relevant and should be retained.

Condition C4 to be amended by deleting the words 'External'.

Finishes and Materials

C4. The colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 quality built form of development)

Condition C7 to amend Section 7.12 Contributions fee to exclude GST and project fees as follows:

C7. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$8631.56.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Condition C8 to delete tree bond and amend S7.12 Contribution fee to exclude GST and project fees.

Security Deposit/Guarantee Schedule

C8. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Note: The following fees applicable

Fees	
<i>Section 7.12 Contributions</i>	<i>\$8,631.56</i>
TOTAL FEES	\$8,631.56

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Condition D1 The Panel Recommended this be changed to a “Photographic report” following demolition works and be renumbered as an E condition as follows:

Photographic Survey (Heritage Items)

E17. Following demolition works, a photographic report prepared in consultation with the appointed heritage consultant overseeing the work, is to be prepared and provided to Council in an appropriate digital format. I

(Reason: To provide a historical record of heritage significant fabric on site)

Condition E11 to be deleted.

Condition G4 to be deleted.

Panel Reason:

The Panel notes the applicants raised concern about the requirement of condition C3. However, it is considered that works should be supervised by an appropriate heritage consultant.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 4

DA No:	212/22
ADDRESS:	131-133 Alexander Street, Crows Nest
PROPOSAL:	Demolition of existing structures and construction of a four storey commercial building with a two level basement and associated works.
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	Central Services of Sydney C/- Urbis

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Belinda Thomas - Urbis
	John Wynne - Urbis
	Jeremy Bishop - Nettleton Tribe
	Barrie Nesbitt - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report, Recommendation and Conditions are noted and give effect to the officer's concerns. The Panel has decided to defer the application to allow amended plans to be submitted in accordance with condition AA1 and this includes the requirement for the top level and the roof to be setback 4.5m from the Alexander laneway boundary, and light weight awning to the full width of the Alexander Street frontage. The requirement AA1(i) is modified to the extent that the subject area is only to be used in conjunction with other tenancies, (i.e. not a separate tenancy). By deferring the application this also provides the opportunity for the applicant to submit an amended Clause 4.6 written request consistent with the amended plans.

The Panel notes an awning has been approved for 127 and 137 Alexander Street and that this application was for alterations and additions to a new commercial building. An Alexander Street awning was not considered appropriate at the time of approval for 137 as the site is narrow and features a large street tree on that frontage.

The Panel delegates the determination of the amended plans to be to the satisfaction of the Manager Development Services. The amended plans should be submitted within twenty-eight (28) days of the date of notice to the applicant, otherwise the application will be determined by the panel by electronic means.

Panel Reason:

The Panel decided to defer the matter to provide greater certainty in the final built outcome.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 5

DA No:	237/20/7
ADDRESS:	30-34 Grosvenor Street, Neutral Bay
PROPOSAL:	To modify an approved four (4) storey residential flat building including changes to the plant area on the roof level.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Grosvenor Development Co Pty Ltd

Registered to Speak

No Written Submissions

Submitter	Applicant/Representative
	Adam Arias -Development Manager – Platform Project Services
	Chris Russell - Consulting Project Director - Platform Project Services

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel considers the modification application will not create adverse environmental impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 6

DA No:	74/22
ADDRESS:	12 Shellbank Parade, Cremorne
PROPOSAL:	Partial demolition, alterations and additions to existing dwelling house, including a new garage and associated works.
REPORT BY NAME:	Planning Ingenuity, Town Planning Consultants
APPLICANT:	Christopher Neville

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Imogene Potter - Architect - Potter and Wilson

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel considers that the proposal has been well designed and there has been appropriate consultation with the immediately affected neighbour and additional conditions have been imposed to maintain residential amenity.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

The public meeting concluded at 3:30pm.

The Panel Determination session commenced at 4:00pm.

The Panel Determination session concluded at 5:20pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel

3 February 2023