



NORTH SYDNEY LOCAL PLANNING PANEL**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 5 JULY 2023, AT 2.00PM.****PRESENT****Chair:**

Gary Shiels in the Chair.

Panel Members:

Jan Murrell (Panel Member)

Gerard Turrisi (Panel Member)

Meredith Trevallyn- Jones (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

Damon Kenny, Executive Planner

Michael Stephens, Acting Team Leader Assessments

Administrative Support:

Miranda Shoppee, Meeting Administration Coordinator (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.

A public meeting was held for all Items. All who wished to speak on items were allowed to do so.

Apologies:

Nil

1. Declarations of Interest

Nil

2. 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.

Public Meeting

ITEM 1

DA No:	248/22
ADDRESS:	451 Miller Street, Cammeray
PROPOSAL:	Demolition of existing buildings, and construction of a new mixed-use development of 11 apartments, one (1) retail and associated basement, landscaping and development works.
REPORT BY NAME:	Damon Kenny, Executive Planner
APPLICANT:	Mr Andrew Berwick T/A Platino Properties Pty Ltd

Registered to Speak:

Submitter	Applicant/Representative
Sue Wright (local resident) – not present	Mr Andrew Berwick T/A Platino Properties Pty Ltd

Written Submissions: NIL

Panel Determination

The Panel members have undertaken a group site inspection prior to the meeting and have considered all written submissions and the address to the Panel from the Applicant prior to determination. Neither the Applicant nor Submitters were present at the site inspection.

The Council Officer's Report and Recommendation are noted. The Panel however has decided to defer this matter to allow the Applicant the opportunity of submitting further information in accordance with the matters below.

The Panel considers that the site isolation issue has not been adequately addressed. From the Public Meeting it would appear the Applicant considers that the site to the north is not capable of development and the site isolation question must be considered in the context of not only offers made to the adjoining owner but the potential to redevelop the isolated site. The additional information is to have regard to the relevant planning principles of the Land and Environment Court.

The Applicant is to provide amended plans that illustrate the following:

- Details demonstrating how the basement carpark is to be mechanically ventilated which may require a new Clause 4.6 in addition to the need to address the new E1 Zoning Objective;
- to provide the opportunity for vehicular access and a future right of way in the event that the northern site is redeveloped;
- the provision of face brick or similar sustainable low-maintenance material to the side boundaries, to minimise maintenance;
- the provision of information re the structural independence of the subject proposal including the northern and southern wall and the chimney on the northern party wall.
- the deletion of the windows on the north and south boundaries and the screening of the side courtyards.

The Applicant is to submit the above information within four weeks. In the event the information is not received the Panel will move to determine the matter on the basis of the information to hand.

The Council is to prepare a supplementary report in a timely manner and forward to the Panel for an electronic determination.

Panel Reason:

The Panel reason for the above is to ensure that the planning principle regarding site isolation and orderly and economic development are satisfied, and that every consideration is given to preserving the amenity and structural stability of the adjoining sites.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Meredith Trevallyn- Jones	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

ITEM 2

DA No:	291/22
ADDRESS:	13 – 15 Allister Street, Cremorne
PROPOSAL:	Demolition of the existing multi-dwelling housing (No. 13 Allister Street) and partial demolition of the existing residential flat building (No. 15 Allister Street), and alterations and additions to the existing residential flat building to construct a residential flat building on both lots, containing 13 apartments above two levels of basement parking, and associated works and landscaping.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	WINIM Property

Registered to Speak:

Submitter	Applicant/Representative
	Scott Timmins – WINIM Property (Applicant)
	Jeff Mead – Planning Ingenuity (representative of Applicant)
	Graham Brooks – GBA Heritage (representative of Applicant)
	Ben Pomroy – Rothelowman Architects (representative of Applicant)

Written Submissions: 6**Panel Determination**

The Panel members have undertaken a group site inspection prior to the meeting, and have considered the submissions made, and the address to the Panel from the Applicant prior to determination. Neither the Applicant nor Submitters were present at the site inspection.

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 contravene 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 unreasonable and unnecessary in the circumstances of the case and the written request identified 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 development standard and the objectives of the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed, except for the requirements for the deferred commencement (Condition AA1) being to the approval of Council’s Manager of Development Services,

and an amendment to Condition C42, outlined below, to specify the maximum RL for the mechanical carpark exhaust ducting located on the roof.

Mechanical Exhaust Ventilation

C42. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668. 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.

The mechanical exhaust ventilation ducting mounted on the roof of the building is to have a maximum RL of 88.3.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Panel Reason:

The Panel is satisfied that the development is appropriate in its context for the subject site, provided that the heritage significant building can be retained. This will require details of the proposed underpinning and structural excavation to be demonstrated through a Deferred Commencement.

The Panel is satisfied the heritage assessment included consideration under clause 5.10 of the North Sydney LEP 2013 and treated the building as if it was a local heritage item and deferral of the matter was not warranted.

The outcome for the heritage-significant building with the development of the adjoining property is considered to provide a positive built form response for the locality. The use of a low overrun lift allows a better integration of this element into the overall built form.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn- Jones	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

ITEM 3

DA No:	58/23
ADDRESS:	Cammeray Park, Park Avenue, Cammeray
PROPOSAL:	Extension of hours of use for existing sportsfield at Cammeray Park to provide additional 30 minutes on Thursdays and Fridays to 9:30pm, and additional hours on Sunday to 6:45pm from 1 April to 31 August annually.
REPORT BY NAME:	Planning Ingenuity, Consultant Town Planners
APPLICANT:	North Sydney Council

Registered to Speak:

Submitter	Applicant/Representative
	Piers Hemphill – DFP Planning (representative of the Applicant)

Written Submissions: NIL**Panel Determination**

The Panel members have undertaken a group site inspection prior to the meeting and have considered all written submissions and the address to the Panel from the Applicant prior to determination.

The Consultant's Report and Recommendation are supported.

Panel Reason:

The Panel considers the proposal to be in the public interest.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn- Jones	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

The meeting concluded at 2.49pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 3.55pm.

Endorsed by Gary Shiels
North Sydney Local Planning Panel
5 July 2023