



NORTH SYDNEY COUNCIL

Council Chambers
27 September 2023

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 4 October 2023.

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

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

THERESE MANNS
GENERAL MANAGER

BUSINESS

LPP01: 96 - 98 Ben Boyd Road, Neutral Bay - DA 86/22/2

Applicant: The Trustee for Aidop No.3 Unit Trust

Report of Planning Ingenuity – Consultant Planner & Thomas Holman - Assessment Officer

This application made under Section 4.56 of the *Environmental Planning and Assessment Act 1979* seeks consent to modify development consent DA86/2022. The consent originally granted by the Land and Environment Court was for consolidation of 2 lots, demolition of existing structures, excavation and construction of a six-storey residential flat building containing 21 apartments over two levels of basement parking and parking at grade, landscaping and associated works at 96-98 Ben Boyd Road, Neutral Bay.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to a s4.56 modification which involves maintaining and altering parts of the building envelope (south/southern eastern corner of the building) which is a variation to a development standard for maximum building height of 12m by more than 10% and the development relates to a SEPP 65 residential apartment development. The application is reported to the North Sydney Local Planning Panel in accordance with the Ministers Direction “Local Planning Panel Direction – Development Applications” dated 30 June 2020, published to the NSW Planning Portal.

The proposed modifications include alterations to the eaves of the roof and alterations to rooftop plant and equipment as well as the addition of plant equipment adjacent to the lift overruns that are seeking variations to the height of building development standard in Clause 4.3 in NSLEP 2013. The modifications have been considered having regard to the reason for approval of the original application and have been assessed having regard to the objectives of the development standard itself. The proposed modifications are consistent with the objectives given that the variations would not substantively alter the bulk and scale of the approved development and would not give rise to any additional material impacts on the amenity of the surrounding properties or the character of the area.

The proposed modifications are consistent with the approved development and primarily involve improvements to the layout and function of the apartments, some of which have arisen through the detailed construction documentation for the development which often occurs during the preparation of the construction certification.

The application has been notified in accordance with Council’s Community Consultation Plan with adjoining properties and the Neutral Precinct notified between 12 May to 26 May 2023. In response to the notification Council received no submissions to the proposal.

Following this assessment, the proposed modification application subject to conditions of consent including conditions relating to the indoor communal room and size of balconies is considered to be reasonable and will result in substantially the same development outcomes as the originally approved development and the modification 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, exercising the functions of Council, as the consent authority, under Section 4.56 of the *EP&A Act* grant consent to modify Development Consent DA86/2022/2 for consolidation of 2 lots, demolition of existing structures, excavation and construction of a six-storey residential flat building containing 20 apartments over two levels of basement parking and parking at grade, landscaping and associated works at 96-98 Ben Boyd Road, Neutral Bay as follows:

Add Conditions A7, C50 and C51 as follows:**Development in accordance with Plans (s4.55 Amendments)**

A7. The development being carried out in accordance with plans identified in Condition A1 of the consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan No.	Rev	Title	Drawn by	Received
DA 0000	F	Cover Page	MHNDUNION	12/09/2023
DA 0001	F	Project Summary	MHNDUNION	12/09/2023
DA 1000	F	Site Context	MHNDUNION	12/09/2023
DA 1001	F	Site Analysis	MHNDUNION	12/09/2023
DA 1002	F	Site Plan	MHNDUNION	12/09/2023
DA 1003	F	Demolition Plan	MHNDUNION	12/09/2023
DA 2000	F	Basement 02 Plan	MHNDUNION	12/09/2023
DA 2001	F	Basement 01 Plan	MHNDUNION	12/09/2023
DA 2002	F	Ground Floor Plan	MHNDUNION	12/09/2023
DA 2003	F	Level 1 Floor Plan	MHNDUNION	12/09/2023
DA 2004	F	Level 2 Floor Plan	MHNDUNION	12/09/2023
DA 2005	F	Level 3 Floor Plan	MHNDUNION	12/09/2023
DA 2006	F	Level 4 Floor Plan	MHNDUNION	12/09/2023
DA 2007	F	Level 5 Floor Plan	MHNDUNION	12/09/2023
DA 2008	F	Roof Plan	MHNDUNION	12/09/2023
DA 3000	F	North Elevation	MHNDUNION	12/09/2023
DA 3001	F	South Elevation	MHNDUNION	12/09/2023
DA 3002	F	East Elevation	MHNDUNION	12/09/2023
DA 3003	F	West Elevation	MHNDUNION	12/09/2023
DA 3100	F	Section A	MHNDUNION	12/09/2023
DA 3101	F	Section B	MHNDUNION	12/09/2023
DA 6000	F	External Finishes 01	MHNDUNION	12/09/2023
DA 6001	F	External Finishes 02	MHNDUNION	12/09/2023
DA 9100	F	SEPP 65 – Solar & Cross Ventilation	MHNDUNION	12/09/2023
DA 9101	F	SEPP 65 - Storage	MHNDUNION	12/09/2023
DA 9102	F	Landscape Calculation	MHNDUNION	12/09/2023
DA 9103	F	Site Coverage Diagram	MHNDUNION	12/09/2023
DA 9104	F	Height Plane Diagram	MHNDUNION	12/09/2023
DA 9300	F	Waste Management Plan	MHNDUNION	12/09/2023
DA 9301	F	Adaptable Unit Layout	MHNDUNION	12/09/2023
Landscape plans				
Page 21	F	Concepts Landscape Plan	Arcadia Landscape Architecture	13/04/2023
Page 22	F	Concepts Entry Forecourt	Arcadia Landscape Architecture	13/04/2023

Page 23	F	Concepts Entry Forecourt	Arcadia Landscape Architecture	13/04/2023
Page 24	F	Concepts Private Courtyard	Arcadia Landscape Architecture	13/04/2023
Page 25	F	Concepts Private Courtyard	Arcadia Landscape Architecture	13/04/2023
Page 26	F	Concepts Sandstone Edge Conditions	Arcadia Landscape Architecture	13/04/2023
Page 27	F	Concepts Rooftop Planting	Arcadia Landscape Architecture	13/04/2023
Page 28	F	Landscape Areas	Arcadia Landscape Architecture	13/04/2023
Page 29	F	Canopy Cover	Arcadia Landscape Architecture	13/04/2023
Page 30	F	Design Strategies Material Look and Feel	Arcadia Landscape Architecture	13/04/2023
Page 31	F	Design Strategies Indicative Lighting Strategy	Arcadia Landscape Architecture	13/04/2023
Page 32	F	Design Strategies Planting Look and Feel	Arcadia Landscape Architecture	13/04/2023
Page 33	F	Design Strategies Planting Palette	Arcadia Landscape Architecture	13/04/2023
Page 34	F	Design Strategies Planting Schedule	Arcadia Landscape Architecture	13/04/2023
SK1	F	Landscape Plan Ground	Arcadia Landscape Architecture	13/04/2023
SK2	F	Landscape Plan Rooftops	Arcadia Landscape Architecture	13/04/2023
SK3	F	Landscape Details	Arcadia Landscape Architecture	13/04/2023

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

Ground Level Parking Design Change

C50. The communal room is to be enlarged to the west by approximately 1.2m, the DDA car parking space is to be relocated to the west to accommodate for the enlarged communal room and the car parking space adjacent to the visitor car parking for use as a storage cage will be redesigned as both a space for motorbike parking and storage cage. The Ground Floor Plan must be submitted to Council for the written approval of Councils Assessment Team Leader prior to the issue of any construction certificate.

(Reason: To ensure appropriate provision of internal common space and appropriate provision of parking and storage)

Balconies

C51. The proposed side balconies to the western and eastern elevations on Levels 1 – 5 are to be deleted and replaced with a louvre roof as originally approved in plans within A1 of the determination for DA 86/22 – LEC No. 2022/165233. The balconies referred to in this condition are clouded in red on the approved plans in A7 of this modification application consent. The Level 5 balcony on the western side of the building (Unit 501) is not approved and shall remain as per the balcony approved under

determination for DA 86/22 – LEC No. 2022/165233. The respective balcony subject to design amendments is clouded in red on Level 5 Floor Plan, DA 2007 Rev F.

The floor plans (Levels 1 – 5) must be submitted to Council for the written approval of Councils Assessment Team Leader prior to the issue of any construction certificate.

(Reason: To ensure control the site density and minimise additional exceedance in site coverage)

Modify Conditions A5, C13, C31, C44, C49 and G21 as follows:

Works to Stone Wall

A5. All works to the stone wall at the Ben Boyd boundary of the site are to follow the methodology provided in the Stone Wall Reconstruction Methodology, John Outram Heritage Design, dated 21 November 2022. The works are to be guided by a suitably qualified heritage consultant and undertaken by a stonemason experienced in heritage work. Any variation to the works methodology will be notified in writing to the manager of development services and will require sign off by the manager of development services within Council.

FBHV Cabinet - The proposed new fire services cabinet to be located within the sandstone wall is to be painted in a visually submissive colour that is sympathetic to the sandstone wall.

(Reason: To ensure the appropriate conservation of the stone wall)

Bicycle Storage and Parking

C13. The bicycle storage area must accommodate a minimum of ~~24~~ **20** bicycles, and a visitor parking bicycle rail shall be provided for ~~3~~ **2** visitor bicycles. The bicycle storage lockers and bicycle rail shall be designed in accordance with the applicable Australian Standards. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To promote and provide facilities for alternative forms of transport)

Location of Plant

C31. **Except where shown on the approved plans identified in condition A7,** ~~All~~ plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement of the building or adjoining the car park lift shaft and is not to be located on balconies or the roof. Fireplace flues to roof areas are permitted (in accordance with Condition C10). Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of the relevant 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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

BASIX Certificate

C44. Under clause **75** of the ***Environmental Planning and Assessment Regulation 2021***, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. ~~1273153M_03, dated 21 November 2022~~ **1273153M_04 dated 4 April 2023**, for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of the relevant 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Pedestrian Sight Distance at Vehicular Exit Driveway

C49. A pedestrian sight triangle of 2.0 metres by 2.5 metres is to be provided on both sides of the vehicular egress driveway in accordance with AS2890.1:2004. Any variation to this sight distance requirement would need to be assessed by an appropriately qualified traffic engineer and supplemented with additional traffic control devices such as convex mirrors at the egress (within the site) to assist with sight lines, with the variation to not result in any detrimental impact in terms of pedestrian safety. Details demonstrating compliance with the requirements of this condition are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure pedestrian safety at the site exit driveway)

Allocation of Spaces

G21. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:

Residential	Parking Spaces
Residential (including 4 accessible spaces)	27
Visitor (excluding carwash bay)	3
Total	30 spaces

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lots' unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier

or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

LPP02: 601/20 Premier Street, Neutral Bay - 195/23

Applicant: Performance Building Consultants

Report of Thomas Holman, Assessment Officer

This development application seeks consent for installation of a vergola (awning) to the existing balcony of a top floor apartment. The vergola roof will be an open form (unenclosed) structure that is operable and supported by metal posts affixed to the existing balcony balustrade. The vergola frame, posts and louvres are to be dark in colour “Colorbond Night Sky”.

The development application is reported to the North Sydney Local Planning Panel for determination because the development application contravenes a development standard imposed by an environmental planning instrument by more than 10%, which requires determination by the Panel in accordance with the directions from the NSW Minister of Planning, Industry and Environment.

The proposed awning addition involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013 as the proposal features a building height of 15.5m above existing ground level. This represents a departure of 7m or 82.4% from the development standard. The application has been assessed against the relevant provisions and requirements of the relevant planning instruments including the North Sydney LEP 2013 and North Sydney DCP 2013. Consideration has also been given to the Clause 4.6 request for a variation to the height of buildings development standard as submitted by the applicant which was considered to be acceptable in the site circumstances.

The awning will not have any adverse impacts on the character of the locality and will not have any detrimental impacts to the amenity of neighbouring properties in terms of view loss, overshadowing, and acoustic and visual privacy.

The proposed colour of the awning is supportable as it is considered complementary to the dark metal clad elevations of the building.

Where appropriate, conditions of consent are recommended requiring that the structural integrity of the building be maintained, the colours and materials be compatible with the site’s surrounds and the adequate management of stormwater be integrated into the awning design.

Following this assessment, the development that 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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning and Environment and invoke the provisions of Clause 4.6 in NSLEP

2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 195/2023 for installation of a louvered roof (awning) to an existing terrace of an apartment on land at Unit 601, 20 Premier Street subject to the site specific and standard conditions.

LPP03 602/20 Premier Street, Neutral Bay - 196/23

Applicant: Performance Building Consultants

Report of Thomas Holman, Assessment Officer

This development application seeks consent for installation of two (2) vergolas (awnings) to the existing balcony areas of a top floor apartment. The vergola roofs are open form (unenclosed) structures that are operable and supported by metal posts affixed to the existing balcony balustrade. The vergola frame, posts and louvres are to be dark in colour “Colorbond Night Sky”.

The development application is reported to the North Sydney Local Planning Panel for determination because the development application contravenes a development standard imposed by an environmental planning instrument by more than 10%, which requires determination by the Panel in accordance with the directions from the NSW Minister of Planning, Industry and Environment.

The proposed awning addition involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013 as the proposal features a building height of 12.4m above natural ground level. This represents a departure of 3.9m or 45.9% from the development standard. The application has been assessed against the relevant provisions and requirements of the relevant planning instruments including the North Sydney LEP 2013 and North Sydney DCP 2013. Consideration has also been given to the Clause 4.6 request for a variation to the height of buildings development standard as submitted by the applicant which was considered to be acceptable in the site circumstances.

The awnings are unlikely to result in any adverse impacts on the character of the locality as well as the amenity of neighbouring properties in terms of view loss, overshadowing, and acoustic and visual privacy.

The proposed colour of the awnings are supportable as this is complementary to the dark metal clad elevations of the building.

Where appropriate, conditions of consent are recommended requiring that the structural integrity of the building be maintained, the colours and materials be compatible with the site’s surrounds and the adequate management of stormwater be integrated into the awning design.

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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to

Development Application No. 196/2023 for installation of a louvered roof (awning) to two existing balconies of an apartment on land at Unit 602, 20 Premier Street subject to the site specific and standard conditions.

LPP04: 3 - 5 Morton Street, Wollstonecraft - 355/22

Applicant: Mr H Xie c/o PBD Architects

Report of Kim Rothe, Senior Assessment Officer

This development application seeks consent for the demolition of two strata residential flat buildings and the construction of a residential flat building development comprising twenty-eight apartments above three levels of basement parking and storage at 3 - 5 Morton Street, Wollstonecraft. The proposal is an amended design to respond to concerns raised by Council as part of the assessment.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to SEPP 65 development, seeks a variation to a development standard by more than 10% and attracted more than 10 submissions by way of objection. In accordance with the Ministers direction of 1 August 2020 a public determination meeting is required because there were more than 10 Submissions.

Development for the purpose of a residential flat building is permitted within the R4 High Density Residential zone. The proposed building results in a non-compliance with the height of buildings development standard in clause 4.3 of NSLEP 2013 by up to 3.47 m or 28.9% over the 12 metres height limit set under North Sydney Local Environmental Plan 2013. The extent of the variations relates primarily to the rooftop communal open space structures, lift overrun and associated plant and services on the rooftop. The variation is also reflective of the irregular steeply sloping topography through the site.

The written request submitted pursuant to clause 4.6 in NSLEP 2013 demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The variation would be in the public interest as the proposed development is consistent with the objectives of the standard and the objectives of the R4 High Density Residential zone.

The proposed development meets the design principles and is consistent with the design requirements of the Apartment Design Guide. The proposed development is also generally in accordance with the objectives in NSDCP 2013.

The application was notified in accordance with the community engagement protocol where Council received twenty (20) submissions objecting to issues including the proposed height variation, amenity impacts, tree removal, construction impacts including excavation, traffic congestion and insufficient on-site parking. Following the submission of amended plans responding to Council's and the Design Excellence Concerns, the amended plans were re notified for a further two-week period resulting in an additional thirteen (13) submissions raising similar concerns expressed in the first notification.

This report has considered the issues and concerns raised in the submissions. The issues raised are considered to be generally acceptable or have been addressed through conditions of consent, particularly with regard to construction impacts including excavation.

On balance, the application is considered reasonable and is recommended for approval subject to site specific and standard conditions.

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 Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 2013 and grant consent to Development Application No. 355/22 for demolition of an existing residential flat building and construction of a part 3, part 4 storey residential flat building containing 28 apartments with basement parking, and landscaping and associated works on land at No 3-5 Morton Street, Wollstonecraft, subject to the following site specific conditions and council's Standard conditions:

LPP05: 4-6 MacPherson Street, Cremorne – DA 229/21/2

Applicant: Corben Architects

Report of Robin Tse, Senior Assessment Officer

This application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* seeks modifications to development consent (D229/21) including a reduction in the number of apartments from 11 to 7, replace car lift with a ramp to basement parking, external changes and changes to various conditions of consent.

The application is reported to Council for determination as the proposed modifications involve a variation to the LEP maximum building height development standard in excess of 10% in accordance with the direction of the Minister for Planning and Public Spaces.

Council's notification of the proposal has attracted one submission raising particular concerns about excessive building height and the loss of privacy. The assessment has considered these concerns as well as the performance of the modification against Council's planning requirements.

The proposed modifications satisfy the provisions of Section 4.55 (2) in that the proposed development is substantially the same as the development approved under **DA229/21** as the proposed modifications will not change the development type and the overall built form of the development as originally approved.

The proposed modifications have been assessed against the relevant SEPP's, the North Sydney LEP 2013 and North Sydney DCP 2013 and were found to be generally satisfactory.

The additional variations to the LEP maximum building height limit of 12m by 640mm is considered to be acceptable because there would be no material impacts arising from the non-compliance with the height limit on character of

the locality as well as the amenity of the adjoining properties in terms of view loss, overshadowing and the loss of privacy subject to the imposition of appropriate conditions.

The variations to unbuilt upon area and landscaped area are considered to be acceptable because the proposed modifications would not change the overall built form, bulk and scale and the landscape quality of the approved development. The proposal also results in a reduction in site coverage.

The issues raised in the submissions received have been addressed in the assessment report including the imposition of a new condition to protect the amenity of an adjoining property.

The proposal was found to be acceptable in the site circumstances and it is recommended that the subject Section 4.55(2) application be **approved** with the imposition of new and modified conditions.

Recommending:

PURSUANT TO SECTION 4.55 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979* (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent D229/21 dated 1 December 2021 in respect of a proposal to demolition of existing dwellings and the construction of a four (4) storey residential flat building with basement parking at 4-6 MacPherson Street, Cremorne under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. *To modify the development consent (D244/16) and modify conditions A1, A3, C16, C28, C38, C39, C40, G23 and I6 to read as follows:*

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings:

Plan No.	Rev No.	Description	Prepared by	Dated
DA02	I	Site Analysis	Corben Architects	20/10/21
DA03	I	Basement Plan	Corben Architects	20/10/21
DA04	I	Level 1 Plan	Corben Architects	20/10/21
DA05	I	Level 2 Plan	Corben Architects	20/10/21
DA06	I	Level 3 Plan	Corben Architects	20/10/21
DA07	I	Level 4 Plan	Corben Architects	20/10/21
DA08	I	Roof Plan	Corben Architects	20/10/21
DA09	I	North Elevation	Corben Architects	20/10/21
DA10	I	East Elevation	Corben Architects	20/10/21
DA11	I	South Elevation	Corben Architects	20/10/21
DA12	I	West Elevation	Corben Architects	20/10/21
DA13	I	Section AA	Corben Architects	20/10/21
DA14	I	Section BB	Corben Architects	20/10/21
DA15	I	Section CC	Corben Architects	20/10/21
DA16	I	Section DD	Corben Architects	20/10/21
DA30	I	External Finishes	Corben Architects	20/10/21
C101	C	Landscape Concept Plan	Site Image	22/10/21
C102	C	Landscape General Arrangement Plan	Site Image	22/10/21
C103	C	Planting Plan/Plant Schedule	Site Image	22/10/21
C104	C	Landscape Specification Note	Site Image	22/10/21
C105	C	Landscape Detail	Site Image	22/10/21

and endorsed with Council’s approval stamp, except as modified by highlighting on the following drawings for D229/21/2:

Plan No.	Rev No.	Description	Prepared by	Dated
DA02	P	Site Analysis	Corben Architects	27/4/2023
DA03	P	Basement Plan	Corben Architects	27/4/2023
DA04	Q	Level 1 Plan	Corben Architects	14/9/2023
DA05	P	Level 2 Plan	Corben Architects	27/4/2023
DA06	P	Level 3 Plan	Corben Architects	27/4/2023
DA07	P	Level 4 Plan	Corben Architects	27/4/2023
DA08	Q	Roof Plan	Corben Architects	3/8/2023
DA09	Q	North Elevation	Corben Architects	3/8/2023
DA10	Q	East Elevation	Corben Architects	3/8/2023
DA11	Q	South Elevation	Corben Architects	3/8/2023
DA12	Q	West Elevation	Corben Architects	3/8/2023
DA13	P	Section AA	Corben Architects	27/4/2023
DA14	P	Section BB	Corben Architects	27/4/2023
DA15	P	Section CC	Corben Architects	27/4/2023
DA16	P	Section DD	Corben Architects	27/4/2023
DA26	P	Exterior Finishes	Corben Architects	27/4/2023
101	F	Landscape Concept Plan	Site Image	3/4/2023
102	F	Landscape General Arrangement Plan	Site Image	3/8/2023
103	F	Planting Plan/Plant Schedule	Site Image	3/8/2023
104	D	Landscape Specification Note	Site Image	29/3/2023
105	D	Landscape Detail 01	Site Image	29/3/2023
106	F	Landscape Detail 02	Site Image	3/8/2023

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

External Finishes and Materials

A3. External finishes and materials must be in accordance with the submitted schedule drawing numbered DA26, Issue P, prepared by Corben Architects, dated 27 April 2023, 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)

Basement Car Park to comply with relevant standards

C16. The design of the basement carpark and associated works must comply with all requirements of the Australian Standard AS2890.1 including the following requirements.

- (a) The design of the proposed parking spaces for people with disability must comply with the Australian Standard AS2890.6;
- (b) The design of bicycle parking and storage facilities must comply with the Australian Standard AS2890.3;
- (c) The design of the new driveway to the site must comply with the minimum pedestrian sightline safety in accordance with Figure 3.2 of AS2890.1.
- (d) A “ONE WAY” sign be installed opposite to the driveway entrance to the basement carpark on Langley Avenue.

The applicant/developer shall pay for the cost associated with the installation of the signage by Council staff. The Principal Certifier must ensure that the building plans/documentation and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with the relevant Australian Standards)

Location of Plant

C28. The location of plant and equipment, including but not limited to air conditioning equipment is to be located within the basement of the building and on the roof as shown on the approved plans, and not to be located on balconies.

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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Section 7.11 Contributions

C38. A monetary contribution pursuant to the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* in accordance with the North Sydney Local Infrastructure Contribution Plan 2020 for the public amenities/services detailed in the table below, must be paid to Council.

s7.11 contribution:

Open space and recreation facilities:	\$55,064.46
Public domain:	\$30,652.75
Active transport:	\$1,749.54
Community facilities:	\$11,059.95
Plan administration and management:	\$1,473.30

The total contribution is \$100,000.00

The contribution MUST BE paid prior issue of any Construction Certificate. The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Local Infrastructure Contribution Plan 2020 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 retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposit/Guarantee Schedule

- C39. 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:

Security deposit/ guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$40,000.00
Infrastructure Damage Bond	\$40,000.00
Drainage Construction Bond	\$6,500.00
Engineering Construction Bond	\$220,000.00
TOTAL BONDS	\$306,500.00
Fees	Amount (\$)
Section 7.11 contribution	\$100,000.00
TOTAL FEES	\$100,000.00

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)

BASIX Commitments

- C40. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. **1219674M_03** for the development are fulfilled. 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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Compliance with Certain conditions

- G23. Prior to the issue of any Occupation Certificate A4, C1, C2, C3, C29, C46 and C47 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

Allocation of Spaces

16. The allocation of carparking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained in accordance with the following table:

9 Residential
1 Residential - Visitors

Carparking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the owner's corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

2. *To insert new conditions A4, C46, C47, E30 and E31 to read as follows:*

Terms of Consent (D229/21/2)

A4. Approval is granted for the following modifications only:

- (a) Reduction in the number of apartments within the approved development from 11 to 7, associated changes to fenestration, internal layout and unit mix of the approved apartment building;
- (b) Increase floor to floor heights on each above ground level by 150mm and 640mm for the overall building height to a maximum height at RL 95.10 to achieve compliance with the relevant building codes and design requirements;
- (c) Modifications to the design of the roof with addition of skylights, plant areas and solar panels;
- (d) Modifications to the design of the fire stairs including white rendered concrete replacing approved metal cladding, the addition of a green wall on the eastern elevation;
- (e) Addition of a communal area within the communal open space as required by Condition C1 in the original DA consent and the relocation of the OSD under the communal open space;
- (f) Modifications to vehicular access to the basement parking replacing the approved car lift with a ramp off Langley Avenue;
- (g) Modifications to the configuration of the basement car park including relocation of parking spaces and the bin storage room as well as the addition of a pump room to meet fire safety requirements; and
- (h) Lowering of the basement car park level by 250mm to RL 78.80 to comply with building requirements and AS2890.6 to provide sufficient height clearance for accessible parking spaces.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

Privacy Protection

- C46. A 2.3m wide fixed privacy must be installed on top of the balustrades of the living room balcony for Apartments 203 and 303 to protect visual privacy for the adjoining property to the north of the subject site.

The privacy screen shall be eastern end of the privacy screen shall adjoin the eastern wall of the balcony and the top of the privacy screen shall match the base of the spandrel of Level 3 and 4.

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 protect visual privacy for the neighbouring properties)

Solar Panels

- C47. The solar panels on the roof shall be laid flat on the roof plane in order to minimise visual impacts for the neighbouring properties.

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 minimise visual impacts for the neighbouring properties)

Construction of On-site Detention Tank

- E30. The excavation and construction of the on-site detention tank and its associated works shall be carried out under supervision of project arborist to ensure adequate soil depth and root zone for T1 transplanted Plumeria.

(Reason: To ensure protection of vegetation on site.)

Site Remediation

- E31. Should any fill be encountered during excavation, soil testing shall be undertaken to ascertain the status of the fill with respect to contamination and to establish a waste classification of the material.

Results of such soil testing shall be assessed against site acceptance criteria developed with reference to Assessment of Site Contamination-National Environmental Protection Measure (1999 amended 2013).

In the event contaminated soil is identified at the site through the soil testing process or otherwise, an Environmental Management Plan /Remedial Action Plan shall be prepared by

a suitably qualified person/environmental consultant detailing the process for excavation, storage and handling, classification, disposal, or reuse of disturbed soils on site.

Any soils found to contain contaminants of concern must be classified for disposal purposes, appropriately stored, and properly disposed of to a facility licensed to receive that category of waste. The site will be required to be adequately remediated and validated as being fit for its intended use by a suitably experienced environmental consultant.

(Reason: To ensure the land is suitable for its intended purpose)

3. *To delete Condition C42:*

Remediation

~~C42. Prior to the release of the Construction Certificate the site must be remediated in accordance with:~~

- ~~(a) an approved Remedial Action Plan; and~~
- ~~(b) North Sydney Development Control Plan 2013 Section 14 Contamination and Hazardous Building Materials; and~~
- ~~(c) State Environmental Planning Policy No. 55 Remediation of Land; and,~~
- ~~(d) the guidelines in force under the Contaminated Land Management Act.~~

~~Within thirty (30) days after the completion of the remediation works, and prior to the issue of any construction certificate, a notice of completion, including validation and/or monitoring report is to be provided to Council. This notice must be consistent with State Environmental Planning Policy No. 55 Remediation of Land.~~

~~Prior to the issue of any Construction Certificate, the validation and/or monitoring report is to be independently audited and a Site Audit Statement issued. A copy of the Site Audit Statement is to be provided to the Certifying Authority and Council (if Council is not the Certifying Authority). The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement must be complied with at all times.~~

~~(Reason: To ensure the land is suitable for its intended purpose)~~

LPP06: 12 Aubin Street, Neutral Bay - DA 25/23

Applicant: Kara Moeller

Report of Robin Tse, Senior Assessment Officer

This development application seeks approval for alterations and additions to an existing heritage listed semi-detached dwelling including a two-storey rear addition.

The application is reported to North Sydney Local Planning Panel for determination as the proposal involves demolition/removal of building fabric

within a heritage listed item which requires determination of the application by the Panel as directed by the Director of Planning and Public Spaces.

Notification of the original and amended proposal has attracted a total of seven (7) submissions raising concerns about adverse heritage impacts, inappropriate bulk and scale of the proposed addition, the loss of amenity for the neighbouring properties. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposed alterations and additions to an existing heritage listed semi-detached dwelling is a permissible form of development in an R2 Low Density Residential Zone.

The proposal complies with the LEP's maximum building height standard and DCP's site coverage requirement.

The proposed development, particularly the two-storey rear addition, was found to be acceptable within the context of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

The design of the proposal would maintain the single storey presentation of the subject semi-detached dwelling because the setback of the proposed rear addition.

Council's Conservation Planner has raised no objection to the proposal subject to the imposition appropriate conditions of consent.

Following this assessment, the development application is considered 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 exercising the functions of Council as the consent authority grant consent to Development Application No.25/21 for alterations and additions to an existing heritage listed semi-detached dwelling to provide a two-storey rear addition on land at No.12 Aubin Street, Neutral Bay subject to the following site specific and standard conditions: -

Heritage Requirements

C21. The following heritage requirements are to be met:

- (a) The glazing to the new dormer is to be timber framed and the dormer window is to be amended to complement the Federation style and detailing of the existing building. The dormer window opening is to have two rectangular casement windows with no gable in the triangular portion of the gable.
- (b) The original exposed brickwork on the Federation style building is not to be painted or rendered.
- (c) Solar panels are to be laid parallel to the roof plane.
- (d) The new metal roofing is to have a corrugated profile (not standing seam).

Plans and specifications which comply 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 fully satisfy the requirements of this condition.
(Reason: To be sympathetic to the character of the heritage item)

External Finishes, Materials and Exterior Colour Scheme

C22. External finishes and materials must be in accordance with the submitted schedule on Drawing A-7001 Revision G, dated 29 January 2023, prepared by RFA Architects and received by Council on 15 August 2023 unless otherwise modified by Council in writing.

The exterior colour scheme is to match the existing scheme or any new scheme, shall either be a traditional colour scheme appropriate to Edwardian period dwellings or shall use neutral tones. White is not to be used for the wall colour.

Plans and specifications which comply 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 be sympathetic to the character of the heritage item)

Skylights

C23. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply 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 fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

Design Modifications

C24. The balustrade for the first-floor master bedroom Juliet balcony shall be setback from the northern building line by 500mm to minimise visual privacy impacts for the adjoining properties to the east and west of the subject site.

Plans and specifications which comply 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 fully satisfy the requirements of this condition.

(Reason: To minimise visual privacy impacts on the adjoining properties)

Structural Adequacy (Structural Support)

C25. A report prepared by an appropriately qualified and practicing structural engineer, certifying the structural adequacy of the independent structural support design, based on the statement and drawings and prepared by Engineering Studio dated 4 August 2023, to support the proposed addition and associated structures without any additional or altered structural loads, encroachment and/or

attachments to the existing common wall, associated footings and associated structures along the eastern property boundary with No.14 Aubin Street, Neutral Bay at all times during all stages of construction and after the completion of the proposed works.

The certified reports must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology and measures as outlined in the certified report must be complied with at all times.

The certified report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

(Reason: To ensure the structural adequacy of the independent structural support system and to minimise impacts on the common wall)

No encroachment of works

C26. The proposed works must not encroach onto any adjoining properties, in particular the adjoining property at No.14 Aubin Street, Neutral Bay including the common wall.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure no encroachment onto the adjoining properties)

LPP07: 451 - 455 Miller Street, Cammeray – DA 248/22

Applicant: Jack Prail

Report of Damon Kenny, Executive Assessment Planner

The purpose of this Addendum Report is to provide consideration for the additional information submitted by the applicant in response to the deferral by the North Sydney Local Planning Panel (NSLPP) on 5 July 2023 for site isolation, mechanical ventilation, vehicle access, structural independence, deletion of windows and screening.

Recommending:

THAT the Panel note this supplementary report and determine the application in accordance with the previous recommendation for approval subject to changes to conditions described below.

1. That Condition No. A1 be amended to reflect the amended plans as follows:-

Plan No.	Rev No.	Description	Prepared by	Dated
101	D	Site Plan	PA Studio	24.07.2023
102	D	Lower Basement & Basement Floor Plan	PA Studio	24.07.2023
103	D	Ground Floor & First Floor Plans	PA Studio	24.07.2023
104	D	Second Floor & Third Floor Plans	PA Studio	24.07.2023
105	D	Roof Plan	PA Studio	24.07.2023
201	D	Sections S-01 & S-02	PA Studio	24.07.2023
202	D	Sections S-03 & S-04	PA Studio	24.07.2023
301	D	Elevations West and North	PA Studio	24.07.2023
302	D	Elevations East and South	PA Studio	24.07.2023
401	B	Schedule of Finishes	PA Studio	05.12.2022

Plan No.	Rev No.	Description	Prepared by	Dated
402	A	Demolition & Excavation Plan	PA Studio	28.07.2022
403	A	Adaptable Unit Plans (U105 & 204)	PA Studio	28.07.2022
501	B	Landscape Plan	PA Studio	05.12.2022
36305-02/10	A	Basement Plan	ING Consulting Engineers Pty Ltd	27 June 2022
36305-03/10	A	Lower Basement Plan	ING Consulting Engineers Pty Ltd	27 June 2022
36305-04/10	A	Ground Floor Plan	ING Consulting Engineers Pty Ltd	27 June 2022
36305-05/10	A	Floors and Roof Plan	ING Consulting Engineers Pty Ltd	27 June 2022
36305-06/10	A	Site Plan	ING Consulting Engineers Pty Ltd	27 June 2022
36305-07/10	A	Pipe Longitudinal Section	ING Consulting Engineers Pty Ltd	27 June 2022
36305-08/10	A	Notes & Details	ING Consulting Engineers Pty Ltd	27 June 2022
36305-09/10	A	Notes & Details 2	ING Consulting Engineers Pty Ltd	27 June 2022
36305-10/10	A	Notes & Details 3	ING Consulting Engineers Pty Ltd	27 June 2022

2. That an additional condition be imposed as follows: -

Covenant on title

G15. Prior to the issue of an occupation certificate the developer shall create a covenant on the title of each of the units with windows abutting the northern boundary upon strata subdivision (and until such time as separate titles are created for the units, on the site as a whole) advising of the requirement for the windows to be removed or fire rated in accordance with BCA requirements, should redevelopment of the adjoining property to the north occur.

Documentary evidence of registration of the covenant with the Land and Property Information shall be submitted to the Principal Certifying Authority.

(Reason: To ensure owners, or intending owners of the subject property are aware of future development impacts on the building)



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
AT 2PM WEDNESDAY 13 SEPTEMBER 2023**

PRESENT

Chair:

Jan Murrell

Panel Members:

Tony Caro (Panel Member)

James Harrison (Panel Member)

Virginia Waller (Community Representative)

Staff:

Annelize Kaalsen of AK Planning

Michael Hornery, Executive Assessment Planner

Administrative Support:

Miranda Shoppee, Team Meeting Administrator (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.

Apologies

Nil

Declarations of Interest

The Chair declared a non-significant, non-pecuniary interest in Item 1 due to knowledge of one of the Objectors and did not participate in the inspection, public meeting, or deliberations for that matter.

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.

Following the public meeting the Panel considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

The Chair left the meeting at 1.25pm due to a non-significant, non-pecuniary interest, and Panellist James Harrison took the Chair.

DA No:	93/23
ADDRESS:	Adjacent to 63 Willoughby Road, Crows Nest
PROPOSAL:	Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	JC Decaux Australia Trading Pty Ltd

Two Written Submissions

Registered to Speak:

Applicant/Representative
John Wynne – JCDecaux Planning Consultant – Urbis
Cordelia Maxwell-Williams – Applicant - JCDecaux Australia & New Zealand
Jocelyn Moorfoot - Applicant - JCDecaux Australia & New Zealand

Panel Decision

The Panel members undertook a group site inspection prior to the meeting and have considered all written and oral submissions.

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

The Planning Consultant for the Applicant requested that this and the other DAs on the agenda be deferred to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA.

The Applicant seeks the additional time to address issues as to the community benefits of the provision of street furniture, and the reasons for the stand-alone structures including criteria for the location of same.

The issues raised in the assessment reports could be further considered. The Applicant raised the contractual agreement with the Council, however this agreement is not a matter for this Panel.

The Panel agreed to the deferral of the application.

Panel Reason:

While the Panel has agreed to defer this item, together with the others. Nonetheless for this matter it is worthwhile providing feedback to the Applicant that the Panel is not satisfied that the location of the structure is acceptable for traffic safety reasons, and the fact it is located within the visual catchment of a heritage item.

The Panel recommends that the Applicant should consider withdrawing this application and identify another location within the commercial centre, as this would possibly constitute a new development application especially if part of the package the Applicant referred to.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Tony Caro	Y		Virginia Waller	Y	
James Harrison	Y				

ITEM 2

Jan Murrell returned to the meeting at 1.53pm and resumed the Chair.

DA No:	96/23
ADDRESS:	Land adjacent to 79-81 Berry Street, North Sydney
PROPOSAL:	Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	JC Decaux Australia Trading Pty Ltd

Two Written Submissions

Registered to Speak:

Applicant/Representative
John Wynne – JCDecaux Planning Consultant – Urbis
Cordelia Maxwell-Williams – Applicant - JCDecaux Australia & New Zealand
Jocelyn Moorfoot - Applicant - JCDecaux Australia & New Zealand

Panel Decision

The Panel members undertook a group site inspection prior to the meeting and have considered all written and oral submissions.

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

The Planning Consultant for the Applicant requested that this, and the other Development Applications on the agenda, be deferred to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA. The Applicant seeks the additional time to address issues as to the community benefits of the provision of street furniture and the context for the stand-alone structures including criteria for the location of same.

The issues raised in the assessment reports could be further addressed by the Applicant. The Applicant raised the contractual agreement with the Council, however this agreement is not a matter for this Panel.

The Panel agreed to the deferral of the application.

Panel Reason:

The Panel is persuaded by the applicant to allow deferral of this development application, together with the other three development applications before the Panel.

Deferral will allow the Applicant to provide comprehensive background information and a masterplan for the applications as a package for a merits assessment. In this regard, the Panel recommends consultation with the Council planners to include appropriate criteria such as: not to be located within the visual catchment of civic buildings and public spaces, schools, and heritage items; and locations where pedestrian movement and safety is not compromised.

On a more specific scale urban design matters also need to be addressed by a site analysis to provide context, such as the placement of the stand-alone signs relative to commercial and retail buildings, shop windows and doors, awnings, laneways, landscape elements including trees, and other signage and elements in the vicinity. Clearly the footpaths must be of sufficient width to accommodate the stand-alone signs and maintain two-way universal pedestrian access.

The community information panel of the stand-alone sign, Side B, should be increased in size commensurate with the overall size of the panel. It is also noted that community messages could be placed on Side A from time to time and the duration of this and frequency needs to be provided.

With respect to the period of the consents, consideration should be given to the possibility of providing a mechanism for the relocation of the structures where they are found to be dangerous for traffic reasons, or pedestrian congestion and safety.

The Applicant is to commence discussions with the relevant Council officers within the next week and the package, to include a masterplan for the 13 stand-alone structures and 13 bus shelters, is to be submitted to Council within three months.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Tony Caro	Y				
James Harrison	Y				

ITEM 3

DA No:	102/23
ADDRESS:	Land adjacent to 306 Military Road, Cremorne
PROPOSAL:	Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	JC Decaux Australia Trading Pty Ld

Two Written Submission

Registered to Speak:

Applicant/Representative
John Wynne – JCDecaux Planning Consultant – Urbis
Cordelia Maxwell-Williams – Applicant - JCDecaux Australia & New Zealand
Jocelyn Moorfoot - Applicant - JCDecaux Australia & New Zealand

Panel Decision

The Panel members undertook a group site inspection prior to the meeting and have considered all written and oral submissions.

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

The Planning Consultant for the Applicant requested that this, and the other Development Applications on the agenda, be deferred to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA. The Applicant seeks the additional time to address issues as to the community benefits of the provision of street furniture and the context for the stand-alone structures including criteria for the location of same.

The issues raised in the assessment reports could be further addressed by the Applicant. The Applicant raised the contractual agreement with the Council, however this agreement is not a matter for this Panel.

The Panel agreed to the deferral of the application.

Panel Reason:

The Panel is persuaded by the applicant to allow deferral of this development application, together with the other three development applications before the Panel.

Deferral will allow the Applicant to provide comprehensive background information and a masterplan for the applications as a package for a merits assessment. In this regard, the Panel recommends consultation with the Council planners to include appropriate criteria such as: not to be located within the visual catchment of civic buildings and public spaces, schools, and heritage items; and locations where pedestrian movement and safety is not compromised.

On a more specific scale urban design matters also need to be addressed by a site analysis to provide context, such as the placement of the stand-alone signs relative to commercial and retail buildings, shop windows and doors, awnings, laneways, landscape elements including trees, and other signage and elements in the vicinity. Clearly the footpaths must be of sufficient width to accommodate the stand-alone signs and maintain two-way universal pedestrian access.

The community information panel of the stand-alone sign, Side B, should be increased in size commensurate with the overall size of the panel. It is also noted that community messages could be placed on Side A from time to time and the duration of this and frequency needs to be provided.

With respect to the period of the consents, consideration should be given to the possibility of providing a mechanism for the relocation of the structures where they are found to be dangerous for traffic reasons, or pedestrian congestion and safety.

The Applicant is to commence discussions with the relevant Council officers within the next week and the package, to include a masterplan for the 13 stand-alone structures and 13 bus shelters, is to be submitted to Council within three months.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Tony Caro	Y				
James Harrison	Y				

ITEM 4

DA No:	104/23
ADDRESS:	Land adjacent to 476 Miller Street, Cammeray
PROPOSAL:	Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	JC Decaux Australia Trading Pty Ltd

Two Written Submissions

Registered to Speak:

Applicant/Representative
John Wynne – JCDecaux Planning Consultant – Urbis
Cordelia Maxwell-Williams – Applicant - JCDecaux Australia & New Zealand
Jocelyn Moorfoot - Applicant - JCDecaux Australia & New Zealand

The Panel members undertook a group site inspection prior to the meeting and have considered all written and oral submissions.

Panel Decision

The Panel members undertook a group site inspection prior to the meeting and have considered all written and oral submissions.

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

The Planning Consultant for the Applicant requested that this, and the other Development Applications on the agenda, be deferred to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA. The Applicant seeks the additional time to address issues as to the community benefits of the provision of street furniture and the context for the stand-alone structures including criteria for the location of same.

The issues raised in the assessment reports could be further addressed by the Applicant. The Applicant raised the contractual agreement with the Council, however this agreement is not a matter for this Panel.

The Panel agreed to the deferral of the application.

Panel Reason:

The Panel is persuaded by the applicant to allow deferral of this development application, together with the other three development applications before the Panel.

Deferral will allow the Applicant to provide comprehensive background information and a masterplan for the applications as a package for a merits assessment. In this regard, the Panel recommends consultation with the Council planners to include appropriate criteria such as: not to be located within the visual catchment of civic buildings and public spaces, schools, and heritage items; and locations where pedestrian movement and safety is not compromised.

On a more specific scale urban design matters also need to be addressed by a site analysis to provide context, such as the placement of the stand-alone signs relative to commercial and retail buildings, shop windows and doors, awnings, laneways, landscape elements including trees, and other signage and elements in the vicinity. Clearly the footpaths must be of sufficient width to accommodate the stand-alone signs and maintain two-way universal pedestrian access.

The community information panel of the stand-alone sign, Side B, should be increased in size commensurate with the overall size of the panel. It is also noted that community messages could be placed on Side A from time to time and the duration of this and frequency needs to be provided.

With respect to the period of the consents, consideration should be given to the possibility of providing a mechanism for the relocation of the structures where they are found to be dangerous for traffic reasons, or pedestrian congestion and safety.

The Applicant is to commence discussions with the relevant Council officers within the next week and the package, to include a masterplan for the 13 stand-alone structures and 13 bus shelters, is to be submitted to Council within three months.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Tony Caro	Y				
James Harrison	Y				

The meeting concluded at 2.29pm.

The Panel Determination session commenced at 2.30pm.

The Panel Determination session concluded at 3.42pm.

Endorsed by Jan Murrell
 North Sydney Local Planning Panel
13 September 2023