



**NORTH SYDNEY COUNCIL**

Council Chambers  
29 May 2024

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday, 5 June 2024.

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 COLE**  
**CHIEF EXECUTIVE OFFICER**

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**BUSINESS****LPP01: 184B, 186 and 190 Kurraba Road, Kurraba Point – DA 343/22**

Applicant: PB & Co

Report of Jonathan Joseph of Planning Ingenuity

This development application seeks approval for the demolition of existing structures and construction of two x residential flat buildings, two x dual occupancies, basement parking, landscaping, internal boundary realignment and subdivision. During the assessment process, a Request for Additional Information Letter was issued, and the proposal was amended.

Following receipt of an amended proposal, the application was assessed and recommended for refusal to the North Sydney Local Planning Panel ('NSLPP' or 'Panel'). On the 6 December 2023, the NSLPP deferred the application and requested the Applicant provide additional information responding to the reasons for refusal. The Panel provided the following direction:

**Panel Determination**

*The Panel has resolved to defer the application to allow the Applicant the opportunity to address issues of concern. The applicant has until 31 January 2024 to submit further information, including amended plans. In the event further information is not received by Council the Panel will determine the application on the basis of the information at hand by electronic means.*

**Panel Reason**

*The Panel notes the applicant advised that despite the dual zoning of R2 and R4 the ultimate built form is proposed as a single integrated development, and the fact the development is permissible this doesn't preclude the RFB being considered as part of a mixed use development that would include the dual occupancies. The Applicant indicated the site will be consolidated but the panels notes that this cannot occur as the dual occupancies need to stand on their own allotments for them to be permitted, otherwise the built form on the R2 land would be otherwise categorised as multi-unit housing, which is prohibited development.*

*Given the development cannot be consolidated as one development, each lot must be assessed individually in reference to the landscaping and site coverage. In addition, the panel considers that the car lift should be integrated into building B.*

The amended documentation incorporates a number of changes in response to the NSLPP deferral, including the following:

- Car lift integrated into Building B to accommodate an on-site waiting bay serving Buildings B and D;
- Building A and B reduced in size to improve landscaping, un-built upon area and site coverage;
- Entry to Buildings A and B revised to improve landscaping and un-built upon area compliance;
- Building C and D amended to ensure no encroachment into foreshore area;
- Separate calculations provided for each allotment as it relates to landscaping, un-built upon area and site coverage; and

- Additional information provided, including building height plane measurement, calculations.

Overall, the proposal seeks approval for the following:

- Site preparation works, including demolition of existing structures and excavation;
- Construction of two x residential flat buildings containing 1 x 2 bedroom, 4 x 3 bedroom and 1 x 4 bedroom apartments;
- Construction of two x dual occupancies (attached), containing 4 x 3 bedroom dwellings;
- Construction of one level of basement parking below each residential flat building and secure parking garages for each dual occupancy;
- Landscaping and associated works;
- Internal boundary realignment; and
- Subdivision.

Prior to and following the NSLPP deferral, Council's notification of the proposal attracted seventy-six (76) submissions in total raising concern with regard to various non-compliances, including permissibility, building height, building envelope, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

**Determination of the application by the North Sydney Local Planning Panel is required due to the application receiving 10 or more unique objections.**

The proposed development has been assessed with respect to the objects and relevant Sections of the EP&A Act, as well as the objectives, merit-based provisions, development standards and prescriptive controls of various State Environmental Planning Policies, the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013. Other plans and policies were also considered such as the North Sydney Section 7.11 Contributions Plan.

The development complies with the majority of relevant development standards in North Sydney LEP 2013. However, the proposal seeks a minor variation to the maximum building height development standard where both the 8.5m and 12m standard applies within the site.—The development is generally consistent with the North Sydney DCP, however, there are a number of key non-compliances as discussed in this Report, which are made further inconclusive due to the lack of sufficient information.

Council's Design Excellence Panel has considered the proposal and the Panel's advice has generally been adopted in the amended development. It is noted that *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) does not apply to the subject development. That is, whilst each residential flat building exceeds three storeys in height, each building does not contain four or more dwellings. As such, SEPP 65 and the Apartment Design Guide (ADG) do not apply.

For the purposes of this Report, each lot has been assessed individually to avoid any jurisdictional permissibility issue and as directed by the NSLPP. Following

the initial NSLPP deferral, a strict timeframe was provided for the Applicants to provide additional information which was extended by Council by one week at the request of the applicant based on consultant availability given the time of year. As outlined below, a number of critical documents have not been provided which does not allow for the full assessment of the application. Additionally, and as discussed throughout this Report, a number of key items are yet to be resolved. These are summarized as follows:

- Lack of sufficient information with regards to the North Sydney Local Environmental Plan 2013, most importantly as it relates to site isolation under Clause 6.12;
- Non-compliance and lack of sufficient information as it pertains to site coverage, landscaped area and rear setback and incline plane requirements (for the R4 zone) within the North Sydney Development Control Plan 2013;
- Insufficient information to approve the development and allow for the thorough and robust assessment of matters relating to the application, including;
  - No Valuation and Letter of Offer provided for No. 184A Kurraba Road, therefore not satisfying all requirements of Clause 6.12 of NSLEP;
  - No valid BASIX Certificate has been prepared and submitted with the amended proposal per the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, and cannot be approved;
  - No amended Survey Plan has been provided detailing the location and dimensions of the revised easements and as such, the proposal cannot be approved;
  - No swept paths have been provided to demonstrate that the vehicular entry and exit, including waiting bay for Buildings B and D, complies with the relevant Australian Standards;
  - No amended View Loss Assessment has been provided for the revised proposal, and does not account for the view impacts of a number of properties raised in the original assessment report and objections;
  - Amended Stormwater Plans have not been provided; and

The Amended Landscape Plan does not reflect the revised building design, namely, the modified car lift and vehicular access arrangement for Building B and D.

**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 refuse Development Application No.343/22 for the demolition of a dwelling house, two (2) dual occupancies and a swimming pool and construction of two x residential flat buildings and 2 x dual occupancies, with basement parking and access provided by car lifts, associated landscaping and civil works and internal boundary realignment and subdivision, for the following reasons:

- 1. The proposed development fails to satisfy Clause 1.2(2) Aims in Part 1 of the North Sydney Local Environmental Plan 2013**

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- a) The application does not demonstrate the development will enhance the amenity of the community and environment and is inconsistent with Clause 1.2(2)(a);
  - b) The application exceeds the maximum site coverage and is deficient in landscaped area resulting in an overdevelopment of the site which is incompatible with the desired future character of the area and inconsistent with Clause 1.2(2)(b)(i);
  - c) The application fails to ensure that new development does not adversely affect residential amenity in terms of view sharing and is inconsistent with Clause 1.2(2)(c)(i); and
  - d) The application fails to protect the natural qualities of North Sydney and does not ensure that development does not adversely affect its significance and is inconsistent with Clause 1.2(2)(f).
- 2. The proposed development does achieve the objectives of the zone**
- a) The proposal does not satisfy the objectives of the R4 High Density Residential zone as:
    - i. The proposed residential flat buildings do not demonstrate that a reasonably high level of amenity to the neighbouring properties are achieved, particularly in relation to view loss impacts; and
    - ii. The proposed residential flat buildings compromise the natural landscaped character of the area as the development does not satisfy the relevant built form controls as required within the R4 zone.
- 3. The proposed development does satisfy Clause 6.12 of the North Sydney LEP 2013.**
- a) The development does not satisfy Clause 6.12 Residential flat buildings as it has not been adequately demonstrated that amalgamation has been considered for No. 184A Kurraba Road to the north. As such, the consent authority cannot be satisfied that land is capable of being redeveloped as a residential flat building.
- 4. The proposed development does not comply with the following provisions pursuant to the North Sydney DCP 2013.**
- a) O2 and P2, P4 of Part B, Section 1.3.6 Views in NSDCP 2013;
  - b) O2, O3, O4 and P2, P6 of Part B, Section 1.4.6 Setbacks in NSDCP 2013;
  - c) O1 and P1 of Part B, Section 1.4.7 Form, massing and scale in NSDCP 2013;
  - d) O1 and P8 of Part B, Section 1.4.8 Built form character in NSDCP 2013;
  - e) O1, O2, O3, O4 and P1, P2, P3 of Part B, Section 1.5.5 Site Coverage in NSDCP 2013; and
  - f) O1 and P1, P2 of Part B, Section 1.5.6 Landscape Area in NSDCP 2013.
- 5. The application does not satisfy the provision of State Environmental Planning Policy (Biodiversity and Conservation) 2021**

- a) The application does not satisfy the provisions of SEPP (Biodiversity and Conservation) 2021, specifically, Chapter 6 Water catchments in that the development does not protect or enhance terrestrial vegetation.

**6. Insufficient information**

Insufficient information has been provided to allow for the robust and thorough assessment of the application in accordance with Section 4.15 of the EP&A Act, 1979, as follows:

- a) The calculations for site coverage, landscaped area and un-built upon area are inaccurate and do not allow for a full and thorough assessment;
- b) The rear setback and building height plane of the R4 High Density Residential zone has not been measured from the proposed internal lot boundaries;
- c) The extent of view impact cannot be robustly assessed as insufficient information is provided to determine the extent of non-compliances to built form, particularly as it pertains to site coverage, landscaping and rear setback, incline plane;
- d) The view impact does not provide an assessment of a number of surrounding properties, including;
  - i. No. 143 Kurraba Road (Unit 43);
  - ii. No. 145 Kurraba Road (Units 1 and 6);
  - iii. No. 182 Kurraba Road (Units G01, 101, 201 and 301);
  - iv. No. 192 Kurraba Road (Units 2 and 4);
- e) No Valuation or Letter of Offer has been evidenced for the potential amalgamation of the property to the north at No. 184A Kurraba Road, Kurraba Point;
- f) No amended BASIX Certificate in relation to the amended development;
- g) No swept paths provided in relation to the revised vehicular access arrangement for Building B and D;
- h) No amended survey documentation for the revised easements as it pertains to Buildings B and D;
- i) No amended stormwater plans for the revised development;
- j) The amended landscaped documentation does not reflect the revised vehicular access arrangement of Building B and D; and
- k) The Amended Clause 4.6 Written Request does not address Objective (f) of Clause 4.3. The Clause 4.6 Written Request cannot be technically upheld as the Applicant has not demonstrated that this Objective will be satisfied.

**7. Not considered to be in the public interest or suitable for the subject site.**

- a) The proposed development is not considered suitable for the subject site nor in the public interest and does not satisfy Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as

amended) due to a lack of information to enable a thorough assessment.

**LPP02: 42 & 42A Milson Road, Cremorne Point – DA 302/23**

Applicant: Amrit Pal Singh

Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions to a dual occupancy (attached). The works sought are to 42 & 42A Milson Road, Cremorne Point which is situated within the Cremorne Point Conservation Area.

The development application is reported to the North Sydney Local Planning Panel for determination as the proposed development contravenes a development standard imposed by an environmental planning instrument by more than 10% in accordance with the Ministers Direction “Local Planning Panel Direction – Development Applications” dated 30 June 2020, published to the NSW Planning Portal.

The development seeks an over scaled roof addition greater than the maximum height limit not retaining or sharing views from Milson Road, not maintaining existing solar access to neighbouring properties and not maintaining the characteristic scale and density of development within the Cremorne Point Conservation Area and R2 Low Density Residential Area. The height exceedances are therefore not supported contrary to objectives in Cl 4.3 ‘Height of Buildings’ of NSLEP 2013 and there are insufficient planning grounds to justify the variation.

The Sections within the architectural plans are insufficient to determine the full extent of height exceedance. Both Long Sections and Cross Sections contain insufficient detail in relation to existing ground level to enable a full assessment to interpret the height of building above the existing ground level. The height of building is not supported and the written request to justify the contravention of the development standard is not well founded.

The application is recommended for refusal because the development has an excessive bulk and scale with a large roof addition and dormer addition and a large building footprint resulting in a significant exceedance in site coverage.

The development does not conserve the heritage significance of the surrounding Cremorne Point Conservation Area because the proposed dormer is over scaled covering more than one third of the western roof plane and the extent of glazing facing Cremorne Reserve is excessive and overly contemporary. The lower ground glazing facing the Cremorne Reserve is excessive comprising of large glazed window panes.

The development does not satisfy subclauses in Cl. 6.6(2)(b) of NSLEP 2013 because the increase in the bulk and scale of the building is not substantially within the fabric of the existing building, and the appearance of the building would substantially change not conserving the appearance of the existing building.

The form, massing and scale of the building subject to alterations and additions is not of a size consistent with adjoining properties and the scale of additions is excessive not compatible with the R2 Low Density Residential Zone and an uncharacteristic element within the Cremorne Point Conservation Area. The proposed site coverage is excessive and a significant exceedance indicative of a development that has excessive bulk and scale and an overdevelopment for the site and its low density surrounds.

**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, resolve to refuse development consent to Development Application No. 302/23 for development of alterations and additions on land at 42 & 42A Milson Road, as shown on plans DA-A000 – DA-A-075 Rev G dated 14 August 2023, for the following reasons:-

**1. Heritage Impacts**

The subject property is a Neutral Item located in the Cremorne Point Conservation Area. The 1912 building was built for Hugh MacCallum who established MacCallum's Pool in Cremorne Reserve but has been divided into a duplex with alterations and additions. The house is designed in the Arts and Crafts style and is two storey in scale with rooms in the attic. The proposed development does not contribute to the heritage significance of the site and surrounding Cremorne Point Conservation primarily due to the size of the dormer and excessive glazing to the lower ground of the property which faces Cremorne Point.

The below particulars do not include retention of leadlight windows, battened ceilings and wainscoting on the upper ground and attic level as well as the design of the first floor balcony facing Cremorne Reserve as these elements can be satisfied based on receipt of amended plans (Rev H).

Particulars

- a) The proposed dormer is over scaled in that it will cover more than one third of the roof plane being a dominant addition highly visible from the street and detrimental to the significance of the Cremorne Point Conservation Area contrary to Provision P3, P6 and P12 and O1 in s13.9.2 'Dormer windows' of the NSDCP 2013.
- b) The lower ground floor large glazed window (LG13) facing Cremorne Reserve is excessive not vertically proportioned, multipaned and sympathetic to Federation Arts and Crafts style fenestration. The glazing has a detrimental impact upon the heritage conservation area and it is encouraged the balcony is reinstated to that of the original to satisfy Objectives O1 and O2 in s13.9.3.
- c) The dormer windows are also contemporary in appearance and excessive highly visible from the street. Extensive glazing for the dormer and lower ground floor window facing Cremorne Reserve are uncharacteristic elements as stipulated in Section 6.4.7, Part C of the NSDCP 2013.
- d) The characteristic siting for buildings in the Cremorne Point Conservation



Area as stipulated in s6.4.6, Part C of the DCP is to the middle of the lot with gardens to the front and rear. The development comprising of additional building footprint to the front of the lot and a new larger roof form with additional bulk and scale to the front of the site does not uphold the characteristic siting of buildings in the conservation area.

- e) The proposed dormer addition, scale and contemporary design of the dormer windows, bulk, scale and siting of the development and the extensively glazed lower ground facing the Cremorne Reserve will detract from the significance of the heritage conservation area contrary to Aims of Plan 1.2(2)(f), Objective 1(b) in Clause 5.10 in NSLEP 2013.

## **2. Height of Building**

The site is subject to a maximum height of buildings standard of 8.5 metres. The proposed additions as stipulated in the Cl. 4.6 exception statement would have a height of 12.4m being a variation of 3.9m (46%) of the standard. The height of building is not supported and the written request to justify the contravention of the development standard is not well founded.

### Particulars

- a) The building has a maximum height of 12.4m (46% exceedance) as stipulated within the supporting Clause 4.6 exception statement prepared by Lance Doyle. The height of building at 12.4m is not annotated or detailed within any corresponding Sections or annotated on the Height Plane Diagram.
- b) The Sections provided within the architectural set prepared by Quattro Architecture are insufficient in determining the extent of height exceedance and both Long Sections and Cross Sections must detail the existing ground level to fully interpret the height of building above the existing ground level.
- c) The Clause 4.6 Exception to a Development Standard variation request includes minimal view analysis not satisfying Clause 4.3, Objective 1(b) of NSLEP 2013. The development subject to increased bulk and scale predominantly due to the large roof addition is considered to have a significant impact to existing views especially water and iconic views from Milson Road.
- d) The alterations and additions to the roof of the building would cast additional shadow impact to the adjoining property 40 Milson Road notably impacting upon an additional window on the first floor on the western elevation of 40 Milson Road in mid-winter at 3pm. The roof which exceeds the maximum 8.5m has an additional shadow impact not maintaining solar access to existing dwellings therefore the development does not comply with objective (1)(c) of Cl. 4.3 'Height of Buildings' in NSLEP 2013 which seeks the maintenance of existing solar access and no additional shadow impact to neighbouring properties.
- e) The alterations to the roof to provide additional habitable floor space including the large dormer is excessive impacting upon the built form of the existing dual occupancy so that the building is more apparent as a three storey building not 1 or 2 storeys which is contrary to both the

characteristic number of storeys for buildings within the Cremorne Conservation Area and contrary to objective (1)(g) of Clause 4.3 'Height of Buildings' in NSLEP 2013.

- f) The height of building is not supported and the written request to justify the contravention of the development standard is not well founded. The written request does not demonstrate compliance with the development standard would be unreasonable and there are insufficient planning grounds to justify the variation. In particular the development does not comply with the following objectives in Clause 4.3 'Height of Buildings' of NSLEP 2013.

### 3. Clause 6.6 – Dual Occupancy

The Statement of Environmental Effects and Heritage Impact Statement do not satisfactorily address the Cl. 6.6 provisions. The statements have not contended with Cl. 6.6(2)(b) in a detailed sense, and the plans and written statement have not substantiated the works will be situated 'substantially within' the fabric of the building and 'conserve the appearance' of the building.

#### Particulars

Clause 6.6(2)(i) 'Dual Occupancies'

**(2) A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—**

*(b) the dual occupancy—*

*(i) will be situated substantially within the fabric of an existing building.*

- a) substantial partitions would remain for the lower ground floor, however more substantial demolition is proposed to the ground level, including demolition of the existing garage and a larger roof form is proposed.
- b) Insufficient reasoning is provided that the scope of works is substantially within the fabric of the existing building and a particular challenge the Applicant faces with this subclause is the additional bulk and scale and scope of additions transforming the design and bulk and scale beyond that of the existing building.
- c) The subclause restricts the scope of work to more minor alterations and additions compared to that currently proposed therefore the works are deemed not to be substantially within the fabric of the building to satisfy Cl. 6.6(2)(b)(i) of NSLEP 2013.

**(2) A dual occupancy must not be erected on land that is located within a heritage conservation area or on which a heritage item is located unless—**

*(b) the dual occupancy—*

*(ii) will conserve the appearance of the existing building, as visible from a public place.*

- d) The works proposed comprise substantial alterations to the existing roof enlarging the existing roof line of the building and providing an extended roof projecting in line with the principal elevation of the dual occupancy. The alterations to the roof combined with the size of

dormer proposed is not supportable not conserving the appearance of the existing building from Milson Road.

- e) The application seeks alterations to the façade facing Cremorne Reserve that although seek to alter the appearance of the existing building are supportable most notably changes detailed in the amended set of architectural plans within set of plans in revision H dated 03 April 2024 apart from the excessive glazing to the lower ground floor window LG 13.

#### **4. Site Coverage & Un-built Upon Area**

The set of architectural plans (Rev G) includes a Proposed Calculations Diagram (DA-A-022 Rev G) detailing the proposed building footprint (site coverage) and the landscaped area. The proposed calculations diagram does not detail the proposed un-built upon area noting proposed pathways within the setbacks of the site particularly the eastern and southern setback are not accounted for as un-built upon area.

The proposed site coverage of 56% (294.5m<sup>2</sup>) is considered a significant exceedance greater than the maximum 45% stipulated in s1.5.5 of NSDCP 2013.

##### Particulars

- a) The proposed calculations diagram comprises errors or discrepancies detailing the site coverage and landscaped area but not the un-built upon area. It is unclear whether the development complies with the un-built upon area requirements stipulated in Table B-1.7, P1 in s1.5.6 of NSDCP 2013.
- b) The site coverage shown in DA-A-022 Rev G does not accurately show the full extent of proposed site coverage for instance it appears the lower ground floor is utilised to measure the site coverage/building footprint but the additional site coverage from the garage within the front setback, the covered porch on the eastern elevation and covered terrace to the rear northern elevation also needs to be accounted which would increase the extent of site coverage.
- c) The proposed building footprint/site coverage stipulated in the Proposed Calculations Diagram (DA-A-022 Rev G) of 294.5m<sup>2</sup> (56%) is excessive and a substantial exceedance compared to the minimum 45% stipulated in Table B-1.6, Provision P1, s1.5.5 of NSDCP 2013.
- d) The development is not balanced and in keeping with the optimum capacity of the site and is considered over development not controlling site density contrary to Objectives O1 and O3 in s1.5.5 of NSDCP 2013.
- e) The substantial exceedance in site coverage does not maintain the low density character of the zone and the additional building footprint and built form to the front of the site affects the siting of the property contrary to Objective O2 in s1.5.5 of NSDCP 2013.
- f) It is required that careful consideration and design amendments are required to not increase additional site coverage but have a net reduction in site coverage to ensure an improved site coverage outcome to control site density and limit the building footprint to ensure a development more

commensurate to its Low Density Residential Zoning.

**5. Public Interest**

- a) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is not considered to be within the public interest and is likely to set an undesirable outcome due to the detrimental impact to the heritage conservation area and due to the non-compliances with objectives and controls under Council policy including the NSLEP 2013 and NSDCP 2013.

**LPP03: 114 Atchison Street, Crows Nest – DA 355/23**

Applicant: The Trustee for Paul O’Keefe Architects Trust  
Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions to a heritage listed dwelling including a two storey rear addition, alterations to an existing two storey ‘Barn’ outbuilding and landscaping works. The works sought are to 114 Atchison Street, Crows Nest which is a Local Heritage Item situated within the Holtermann Estate A Conservation Area.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves part demolition/removal of building fabric within a heritage listed item which requires determination by the Panel in accordance with the Minister of Planning’s Directions issued under s.9.1 of the EP & A Act 1979.

Council’s Conservation Planner has considered the proposal and concludes that the development would not conserve the heritage significance of the heritage item and would involve excessive demolition and loss of heritage fabric to the single storey Victorian cottage. The proposed two storey addition is of excessive scale, height and massing compared to the existing single storey, has insufficient separation with the single storey cottage, requires excessive demolition and would detract from the conservation area due to its visibility above the roof of the cottage. The over scaled two storey addition is an uncharacteristic element for the Holtermann Estate A Conservation Area and fails to conserve the heritage significance of the conservation area.

The additions are also non-compliant with minimum side setback requirements and substantially exceeds maximum permissible site coverage. The resultant development does not comply with key development controls within the North Sydney DCP that concerns bulk and scale and site density. The development seeks an over scaled two storey rear addition which contributes to a site with excessive bulk and scale not of a low density compatible with the surrounding R2 Low Density Residential Zone.

No information has been provided in support of the use of the Barn as a secondary dwelling, or to confirm the use of this premises is lawful given secondary dwellings are prohibited in the R2 Low Density Residential Zone.

Insufficient detail is provided regarding proposed landscaping and tree canopy. Further reduction of current landscaping within the front setback and loss of tree canopy is not appropriate for the site.

The applicant has been requested to withdraw the application pending submission of a revised proposal, however at the time of writing, has not agreed to this request. An assessment of the development application has now been completed and the development recommended for refusal for the reasons detailed within the report.

**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, resolve to refuse development consent to Development Application No. 355/23 for development of alterations and additions including a two storey rear addition on land at 114 Atchison Street Crows Nest, as shown on plans DA00 – DA15, for the following reasons:-

**1. Heritage Impact**

The proposed development does not conserve the heritage significance of the heritage item proposing excessive demolition and loss of heritage fabric to the single storey Victorian cottage. The two storey addition has insufficient separation with the single storey cottage and requires excessive demolition to provide a staircase to from the main dwelling to the two storey addition. The two storey rear addition is excessive in scale, height and massing compared to the existing single storey and too prominent from the streetscape and conservation area. The two storey addition would be uncharacteristic in the Holtermann Estate A Conservation Area and fails to conserve the heritage significance of the conservation area.

Particulars

- a) The site contains a single storey Victorian rendered cottage with a barn at the rear. The site is a local heritage item (I0140) which is sited within the Holtermann Estate A Conservation Area.
- b) The development proposes removal of fabric including partitions and partial demolition to the rear roof of the single storey dwelling to provide stair access between the principal dwelling and the rear addition.
- c) The works do not maintain the principal rooms and partitions of the single storey Victorian cottage not retaining significant fabric that represents the key period of the item's history contrary to Objective O1 and Provision P5 in Section 13.5.1 'Protecting Heritage Significance' of NSDCP 2013 and contrary to Objective O1 in Section 13.5.5 'Interior Layouts' of NSDCP 2013. Further, the proposed stairs would adversely alter and not retain the roof of the heritage item contrary to Section 13.5.4 'Roofs' of NSDCP 2013.
- d) Insufficient separation is provided between the single storey cottage and two storey addition and the scale of the two storey addition is excessive higher than the roof ridge of the existing dwelling impacting upon the heritage significance of the dwelling contrary to Objective O1 'Form, massing and scale' of NSDCP 2013.

- e) The overall scale of the two storey addition is excessive and is higher than the roof ridge of the existing dwelling making it visible from the conservation area as viewed from Atchison Street. The scale of the two storey addition does not minimise the visual dominance of when viewed from a public place contrary to Objective O1, Section 13.5.1 'Protecting Heritage Significance' of NSDCP 2013.
- f) The proposed two storey addition is over scaled and an uncharacteristic element within the Holtermann Estate A Conservation Area. The two storey addition has non-compliant side setbacks and excessive floor to ceiling heights particularly the first floor with a floor to ceiling height of 3.7m resulting in a two storey addition which would be visible from the street and surrounding conservation area and a dominant addition in context with the primary single storey dwelling. The over scaled two storey addition is an uncharacteristic element not supportable as stipulated in s3.4.7 in Part C of the NSDCP 2013.
- g) The proposed two storey addition and alterations to the single storey dwelling will detract from the significance of the heritage item and heritage conservation area contrary to Aims of Plan 1.2(2)(f), Objective 1(b) in Clause 5.10 in NSLEP 2013.

## **2. Bulk and Scale of the Rear Addition**

The two storey addition and associated non-compliant setbacks, site coverage and excessive floor to ceiling heights do not control the bulk and scale of the building resulting in a two storey addition which would be visible from the street and contributes to a site with excessive bulk and scale not of a low density compatible with the surrounding R2 Low Density Residential Zone.

### Particulars

- a) The proposed two storey rear addition is designed with a nil side setback to the western side boundary and a 430mm side setback to the eastern side boundary not compliant with the minimum 900mm setback requirement stipulated in Table B-1.5. The first floor also has non-compliant side setbacks 1.3m from the western boundary and 1.28m from the eastern boundary not compliant with the minimum 1.5m stipulated in Table B-1.5, Provision P2, s1.4.6 of NSDCP 2013. The two storey rear addition is therefore not supportable due to the non-compliant side setbacks on both levels and resulting insufficient separation and excessive bulk and scale contrary to Objectives O2 and O3 in s1.4.6 of NSDCP 2013.
- b) The two storey addition is excessive in height proposing reduced floor to ceilings heights especially the first floor which currently has a 3.7m floor to ceiling height. Additionally, the two storey addition does not have compliant side setbacks for either the ground or first floor. The bulk and scale of the rear addition is excessive and cannot be supported visible from the street and surrounding conservation area contrary to P1, s1.4.8 of NSDCP 2013.
- c) The proposal involves a total site coverage of 63.6% (177m<sup>2</sup>) including the existing barn and dwelling subject to alterations and additions. A maximum site coverage of **50%** applies to the proposed development in

accordance with exclusions expressed in P2 to s1.5.5 of DCP 2013. The proposed site coverage of 63.6% is an exceedance of 13.6% more than the maximum 50% permitted and is a substantial exceedance in site coverage and is over development, not controlling site density and not promoting the low density character of the neighbourhood contrary to Objectives O1, O2 and O3 in s1.5.5 of NSDCP 2013.

- d) The development seeks an over scaled two storey rear addition which contributes to a site with excessive bulk and scale not of a low density compatible with the surrounding R2 Low Density Residential Zone. The development therefore does not contribute a low density residential property contrary to objective (bullet point one) of the R2 Low Density Residential Zone.

### **3. Proposed Use of the Barn**

Insufficient information has been provided to confirm the existing use of the rear Barn as a secondary dwelling or dual occupancy (detached). The proposed alterations and additions seek consent to alter the existing structure as a separate dwelling but has not established the existing use is lawful and not otherwise prohibited in the R2 Low Density Residential Zone.

#### Particulars

- a) The Statement of Environmental Effects (SEE) refers to the Barn as containing an existing secondary dwelling and it appears this use is sought to remain for the Barn. Secondary dwellings are prohibited in the applicable R2 Low Density Residential Zone and although secondary dwellings are permitted with consent subject to Chapter 3, Part 1 of the State Environmental Planning Policy (Housing) 2021 the site area is less than 450m<sup>2</sup> and the floor area of the secondary dwelling is greater than that permitted. The secondary dwelling has a large floor area which is more than 60m<sup>2</sup> and greater than 30% of the total floor area of the principal dwelling therefore the development cannot rely on Division 2, Cl. 52(2)(c) of SEPP (Housing) 2021.
- b) The development application contains insufficient information confirming whether the existing use of the Barn as a secondary dwelling is a lawful use pursuant to Division 4.65 – 4.67 ‘Existing uses’ of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and whether the alterations is permitted with consent pursuant to directions in Part 7 ‘Existing uses’ of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021).
- c) The size of the Barn the development excludes reliance on Division 2, of Part 1 in Chapter 3 of the SEPP (Housing) 2021 relating to secondary dwellings.

### **4. Landscaping**

Insufficient detail is provided regarding proposed landscaping and no tree canopy is proposed therefore the current landscaping is insufficient and not appropriate for the site. Insufficient information is also provided confirming retention or replacement landscaping within the front setback and whether

the landscaping would soften the built form of the dwelling and complement the landscaped character of the street.

Particulars

- a) The existing front and rear garden contain a mixture of grasses, shrubs, and small trees proposed for removal to be replaced with a new landscaped rear garden. The ground floor plan provides insufficient detail regarding landscaping and no tree canopy is proposed therefore the current landscaping is insufficient and not appropriate for the site contrary to Objective O1 and contrary to Provision P9 in s1.5.7 of NSDCP 2013.
- b) The existing planter bed within the front setback is to be demolished along with the existing brick boundary wall as detailed in the Demolition Plan Issue B. It is unclear from the proposed plans whether the existing landscaping within the front garden would remain or be replaced. Insufficient information is provided confirming landscaping within the front setback would soften the built form of the dwelling and complement the landscaped character of the street contrary to Objective O2 and Provisions P3, P4, P5 and P6 in s1.5.8 of NSDCP 2013.

**5. Public Interest**

- a) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is not considered to be within the public interest and is likely to set an undesirable outcome due to the detrimental impact to the heritage item and heritage conservation area and due to the non-compliances with objectives and controls under Council policy including the NSLEP 2013 and NSDCP 2013.

**LPP04: 40 Brightmore Street, Cremorne - DA 409/22**

Applicant: ABC Planning Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for demolition of an existing residential flat building and the construction of a four (4) storey residential flat building containing four (4) apartments, a mechanical parking system for six (6) cars and associated landscaping works on land at No. 40 Brightmore Street, Cremorne.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10% and attracted more than 10 submission by way of objection. A public determination meeting is required in accordance with the Ministers Direction.

The subject site is located on land zoned R2 (Low Density Residential) where residential flat building is a form of development prohibited within the zone. However, the subject site benefits from existing use rights because the circumstances of the subject site and the proposed development are generally consistent with Sections 4.65 - 4.70 of the EP&A Act 1979 and Sections 162 - 167 in Part 7 of EP&A Regulations 2021.



Consideration has been given to the relevant planning controls and the submission seeking a variation to the LEP maximum building height control for the proposed works. It is concluded that the proposal is unlikely to give rise to material amenity impacts, including significant views as seen for the adjoining properties subject to the imposition of a deferred commencement condition requiring design modifications to the height of the apartment building and a reduction in the bulk/scale, height and setback of the garbage bin enclosure adjacent to the western property boundary. The design, height, bulk and scale of the proposed development, as amended by conditions, are considered to be acceptable and is reasonably consistent with potential outcomes anticipated by the relevant controls.

In addition, a further deferred commencement condition is recommended requiring the submission of a works and management plan detailing the type of works and protection measures for Trees T1 and T2 during all phases of demolition, excavation and construction works and a revised arborist report incorporating an assessment of the proposed works/protection measures affecting Trees T1 and T2 to ensure the protection of significant trees (**Condition AA2**).

Notification of the original and amended proposals has attracted sixteen (16) submissions raising particular concerns about the bulk/scale, amenity impacts, traffic/parking, impacts on existing vegetation and drainage. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is recommended to be approved subject to the imposition of deferred commencement conditions and appropriate standard/site specific 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 Director General of the Department of Planning 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 deferred commencement consent to Development Application No. 409/22 for 40 Brightmore Street, Cremorne, subject to the following site specific and attached standard conditions

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

**Deferred Commencement Matters****Design Modifications**

AA1. The design of the proposed development must be modified as follows:  
Apartment Building:

- (a) The height of the proposed apartment building be lowered by 500mm to minimise the building height and bulk/scale of the building with the roof parapet at to RL50.200 and the lift overrun at RL50.600; and
- (b) The floor levels/RLs of the lower levels of the proposed apartment building be revised accordingly.

Garbage Bin Storage Enclosure:

- (c) The design of garbage bin storage and bulky waste storage enclosures, located to the west of the proposed mechanical car stacker facility be modified to provide an integrated waste materials store room;
- (d) The western wall of this modified structure shall provide a minimum 500mm setback from the western property boundary;
- (e) The external length of this modified structure shall not exceed 4m maximum as measured from the southern (front) building line; and
- (f) The maximum height of this modified structure shall not exceed RL 49.50. Plans/drawings showing the modified design must be submitted for the written approval of Council's Manager Development Services.

(Reason: To minimise building height, bulk and scale of the proposed development)

**Works and Management Plan for Tress T1 and T2 and Addendum to Arborist Report**

AA2. The preparation and submission of a plan detailing the following:

- (a) The types and scope of works to be carried out affecting Trees T1 and T2 during all phase of demolition, excavation and construction works (such works include, but not limited to, changes to the existing ground levels within the TPZ, encroachment of any works within the TPZ etc);
- (b) Any pruning or similar works to Trees T1 and T2 during all phases of demolition, excavation and construction works;
- (c) Use of the ground surface within the TPZ of Trees T1 and T2 including, but not limited to, temporary storage/stockpiling of materials/equipment during all phases of demolition, excavation and construction works;
- (d) Tree protection measures for Trees T1 and T2 during all phases of demolition, excavation and construction works;
- (e) No suspended loading platform shall not be located in close proximity to Trees T1 & T2; and
- (f) Stockpile location adjacent to Tree 10 shall be relocated to provide at least 1m from the boundary fence avoid potential damage to roots of Tree 10.

The submission of an addendum to the submitted arborist report, prepared by Urban Forestry Australia dated October 2023, including an assessment of the likely impacts on Trees T1, T2 and T10 during the demolition, excavation and

construction phase of the development with recommendations detailing the necessary actions required to adequately protect Trees T1, T2 and T10.  
(Reason: To protect existing significant vegetation)

## NORTH SYDNEY LOCAL PLANNING PANEL

### DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 1 MAY 2024, AT 2.00PM.

#### PRESENT IN THE SUPPER ROOM

##### Chair:

Dr Gary Shiels AM

##### Panel Members:

Lindsay Fletcher (Panel Member)

Lloyd Graham (Panel Member)

John Bohane (Community Representative)

##### Staff:

Stephen Beattie Manager Development Services

David Hoy, Team Leader Assessments

##### Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Zoom) means.

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

##### Apologies:

Nil

#### 1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 3 April 2024 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**

<b>DA No:</b>	353/23
<b>ADDRESS:</b>	Units 9 and 9A - 50 Milson Road, Cremorne Point
<b>PROPOSAL:</b>	Consolidation of two units, alterations and additions including internal demolition and reconfiguration, landscaping and addition of pergola on existing roof terrace.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Robert Furey C/- Walter Barda Design

**Registered speakers**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Robert Furey - Walter Barda Design - Architect
	Walter Barda - Walter Barda Design - Architect

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions and the oral representations of the applicant at 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 for the exceedance 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. Additionally, the Panel considers that the development is in the public interest and is consistent with the objectives of the standard and the zone objectives.

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel subject to a minor modification to Condition C1, removing the requirement for a qualified horticulturist person to prepare the landscape plans.

**Panel Reason:**

The Panel heard from the applicant's representatives and considered that the application should be approved subject to amended conditions

The Panel accepted the assessment, conclusion and the conditions contained in the Council Officer's report.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 2**

<b>DA No:</b>	290/23
<b>ADDRESS:</b>	1/19 Lavender Street, Lavender Bay
<b>PROPOSAL:</b>	Alterations and additions to a dwelling in an attached dual occupancy and associated works.
<b>REPORT BY NAME:</b>	Jim Davies, Executive Planner
<b>APPLICANT:</b>	Mrs J Shetty – C/- McKendry Hunt Architects

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Eleanor M Purcell - Resident	Debra McKendry-Hunt - McKendry Hunt Architects - Architect

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions, the petition, and the oral submissions to the panel meeting.

The applicant's representatives requested in writing, that the application be deferred to allow the council to consider the amended plans submitted on the 15 April 2024. The Panel was advised that the amended plans did not adequately address the key concerns identified by Council officers. Accordingly, the Panel was of the opinion that the Council Officer's recommendation is appropriate.

Pursuant to the provisions of Clause 4.6 of the *North Sydney Local Environmental Plan 2013* ("the LEP"), the Panel is not satisfied that the written request for the exceedance 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. The Panel was not satisfied that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case or that the written request identified sufficient environmental planning grounds to justify the contravention. The Panel considered that approval of the development would not be in the public interest and would be inconsistent with the provisions and objectives of the standard and the zone objectives.

The Council Officer's Report and Recommendations are endorsed by the Panel.

**Panel Reason:**

The Panel was of the opinion that the application should not be approved in its present form.

Note: It is open to the applicant to revise the submitted plans addressing the reasons for refusal and submit those for consideration of the Panel in accordance with the provisions of s8.2 of the EPA Act 1979.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 3**

<b>DA No:</b>	10/24
<b>ADDRESS:</b>	2 Waiwera Street, Lavender Bay
<b>PROPOSAL:</b>	Alterations and additions to the existing dwelling and includes a new lift and internal reconfiguration.
<b>REPORT BY NAME:</b>	Rachel Wu, Assessment Officer
<b>APPLICANT:</b>	Daniel Barber

**Registered to speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Miguel Paredes - Paredes Design - Architect
	Daniel Barber – Paro Consulting - Applicant

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, and the oral submission from the applicant at the panel 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 for the exceedance 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. Additionally, the Panel considers that the development is in the public interest and is consistent with the objectives of the standard and the zone objectives.

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

**Panel Reason:**

The Panel considered that the application was acceptable and should be approved subject to conditions.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 4**

<b>DA No:</b>	345/23
<b>ADDRESS:</b>	70 Carabella Street, Kirribilli
<b>PROPOSAL:</b>	Alterations and additions to dwelling including demolition, new garage and associated landscape works.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Senior Assessment Officer
<b>APPLICANT:</b>	Christopher Raddatz – Raddatz-Keuber Pty Ltd

No persons have elected to speak on this item.

**Panel Determination**

The Panel members have undertaken a site inspection 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 for the exceedance 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. Additionally, the Panel considers that the development is in the public interest and is consistent with the objectives of the standard and the zone objectives.

The Council Officer’s Report, Recommendation and conditions are adopted by the Panel.

**Panel Reason:**

The Panel considered that the Council Officer’s report should be endorsed, and the application should be approved subject to conditions.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				



**ITEM 5**

<b>DA No:</b>	338/23
<b>ADDRESS:</b>	340 Pacific Highway, Crows Nest
<b>PROPOSAL:</b>	Use of premises as sex service premises with operating hours 10am and 10pm 7 days a week.
<b>REPORT BY NAME:</b>	Damon Kenny, Executive Assessment Planner
<b>APPLICANT:</b>	Douglas Hor

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Warwick Gosling of DFP Planning - representing applicant

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the submissions.

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel subject to an amendment to the deferred commencement condition. The Panel considered that the BCA and Fire Safety Measures should be identified and implemented prior to the consent becoming operative. Therefore, the deferred commencement conditions are modified as follows:

**Category 1 Fire safety measures**

AA2. All Category 1 fire safety measures required to be provided are to be implemented.

(Reason: To ensure the building complies with the category 1 fire safety provisions that are applicable to the building's proposed use

**This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of these conditions have been satisfied.**

**Panel Reason:**

The Panel was advised that the use had been operating for over 20 years and had not been the subject of any significant objections. The Panel noted that the deferred commencement provided the opportunity to identify and/or upgrade the fire and BCA provisions and to impose the conditions relating to the ongoing management of the use.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

The public meeting concluded at 2.25pm.

The Panel Determination session commenced at 2.30pm.

The Panel Determination session concluded at 3.30pm.

Endorsed by Dr Gary Shiels AM

Chair

North Sydney Local Planning Panel

**1 May 2024**