

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 5 JUNE 2024, AT 2.00PM.

PRESENT IN THE SUPPER ROOM

Chair:

Dr Gary Shiels AM

Panel Members:

Brendan Randles (Panel Member)

Robert Montgomery (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

David Hoy, Acting Manager Development Services

Isobella Lucic, Team Leader Assessments

Kim Rothe, Acting 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, 1 May 2024 were confirmed following that meeting.

2. Declarations of Interest

Meredith Trevallyn-Jones declared an interest in Item No. 4, 40 Brightmore Street, Cremorne.

No Council Officers were present during the public meeting or deliberations for Item 1 other than the minute taker.

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

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

ITEM 1

DA No:	343/22
ADDRESS:	184B, 186 and 190 Kurraba Road, Kurraba Point
PROPOSAL:	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.
REPORT BY NAME:	Jonathan Joseph of Planning Ingenuity
APPLICANT:	PB & Co

Three Written Submissions**Registered speakers**

Submitter	Applicant/Representative
Christine Covington - Submitter	Tina Christy - Gyde
Jason Perica - Perica and Associates - representing 184A Kurraba Rd	Rafe Wilson - Koichi Takada
Thomas Beregi - Submitter	Micheal Pesochinsky - Pezo
Davide Foti - Submitter	Jane Maze-Riley - Urbis
Sean Barrett - Submitter	
Renee Stavroulakis - Ethos Urban - representing 192 and 192a Kurraba Rd	

Panel Determination

As there was a potential conflict, an independent consultant was engaged by Council to assess the development application. All Council Officers were absent for the site inspection and the deliberation of this item.

The Panel members have undertaken a site inspection prior to the meeting and inspected the proposed development from the objector's adjoining property. The Panel considered a number of written submissions and heard from six submitters as well as the applicant's representatives during the meeting.

The Independent Consultant's Report, and Recommendations are endorsed by the Panel and the application is refused for the reasons included in the consultant's report and the additional reason below.

The Panel noted that it is not able to approve the development application in its current form as there are aspects of the development which are prohibited by the zoning.

Panel Reason:

The Panel notes that there are a number of unresolved issues and therefore agrees with the independent consultant’s report and recommendation.

It has been brought to the Panel’s attention that part of the residential flat building component encroaches on the R2 zone, and therefore the Panel is without power to do anything other than refuse the application.

The Panel also noted that an additional reason for refusal should be added to the recommendation identifying the legal impediments for its approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles	Y				
Robert Montgomery	Y				

ITEM 2

DA No:	302/23
ADDRESS:	42 and 42A Milson Road, Cremorne Point
PROPOSAL:	Substantial alterations and additions to lower ground, ground level and first floor additions and demolition of garage and replacement with a three bay garage with green roof.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Amrit Pal Singh

One Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Peter Hosking - Architect
	Samantha Polkinghorne - Heritage consultant
	Lance Doyle - Doyle Consulting

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 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 and the application is refused for the reasons stated in the report.

Panel Reason:

The Panel would like to identify the following matters which have not been properly addressed by the applicant, including:

- Insufficient and conflicting details on plans and documentation;
- Extended glazing facing the foreshore reserve;
- Excessive bulk of the roof when viewed from Milson Road;
- The unrefined nature of the dormer;
- The design fails to capture the arts and crafts character of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles	Y				
Robert Montgomery	Y				

ITEM 3

DA No:	355/23
ADDRESS:	114 Atchison Street, Crows Nest
PROPOSAL:	Alterations and additions to an existing dwelling including two storey rear addition and alterations to an existing outbuilding 'Barn'
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	The Trustee for Paul O'Keefe Architects Trust

One Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Paul O'Keefe - O'Keefe Architects

Panel Determination

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

The Council Officer's Recommendation is endorsed by the Panel and the application is refused for the reasons set out in the report.

Panel Reason:

The panel would like to identify the following matters which have not been properly addressed by the applicant, including:

1. The Panel was concerned with the legal status of the barn and considered that it should be regularised.
2. The proposed staircase should be contained wholly within the fabric of the new addition.
3. The eastern side setback on the first-floor level should comply with the DCP.
4. The western side setback should be justified in heritage terms.
5. The site coverage be justified in heritage terms.
6. Insufficient and conflicting details on plans and documentation.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles	Y				
Robert Montgomery	Y				

ITEM 4

DA No:	409/22
ADDRESS:	40 Brightmore Street, Cremorne
PROPOSAL:	Demolition of an existing apartment building and construction of a new four (4) storey apartment building with associated parking and landscaping.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	ABC Planning Pty Ltd

Meredith Trevallyn-Jones declared an interest in this item and did not attend the site inspection or the deliberations.

Two Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
Tamina Mistry - Submitter	Anthony Betros (planner) - ABC Planning - applicant
Mark Walsh - Submitter	

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions and the oral representations by the submitters and the applicant's consultant 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 amendments to condition AA1:

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 200mm to minimise the building height and bulk/scale of the building with the roof parapet at RL50.500 and the lift overrun at RL50.900; and

- (b) The floor levels/RLs of the lower levels of the proposed apartment building be revised accordingly.

Integrated Waste Storage Facility:

- (c) The garbage bin storage and bulky waste storage rooms, located to the west of the proposed mechanical car stacker facility, shall be deleted and replaced with a garbage bin storage cabinet along the western wall of the proposed car stacker structure;
- (d) The cabinet shall provide storage for general waste and recycle materials bins for the proposed development and accessed from the inside of the car stacker structure;
- (e) A 2m landscape strip shall be provided between the western building line of the proposed car stacker structure and the western property boundary of No. 40 Brightmore Street.

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 and to protect the amenity of the surrounding properties.)

Panel Reason:

The Panel agrees with the officer’s assessment and has taken into consideration the concerns of the neighbouring property owners to the west in relation to impact on their amenity. Accordingly, the Panel has required a setback of the structure of 2m with the appropriate landscaping. The Panel also considers the height of the building should be lowered by 200mm rather than the 500mm as recommended in the assessment report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Absent	
Brendan Randles	Y				
Robert Montgomery	Y				

The public meeting concluded at 3.40pm.
 The Panel Determination session commenced at 3.50pm.
 The Panel Determination session concluded at 5.23pm.

Endorsed by Dr Gary Shiels AM
 Chair
 North Sydney Local Planning Panel
5 June 2024