

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 5 FEBRUARY 2025, AT 2.00PM.

PRESENT IN SUPPER ROOM

Chair:

Dr Robert Stokes

Panel Members:

Jeremy Swan (Panel Member)

Sue Weatherley (Panel Member)

Lindsey Dey (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Isobella Lucic, 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. The Chair further noted that the proceedings were being recorded and reminded speakers that neither the Panel nor the Council assumed liability for any statements made by speakers.

Apologies:

Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday 4 December 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

DA No:	253/24
ADDRESS:	47 Union Street, McMahons Point
PROPOSAL:	Alterations and additions including a first floor addition and dormer window.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Contour Landscape Architecture

No Persons 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 endorsed by the Panel.

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel agrees with the Assessment Officer’s Report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 2

DA No:	288/24
ADDRESS:	34 Euroka Street, Waverton
PROPOSAL:	Alterations and additions to a heritage listed dwelling
REPORT BY NAME:	Rachel Wu, Assessment Officer
APPLICANT:	Sandbox Studio

2 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
Ken Robinson - Resident	Luke Carter - Sandbox Studio
Di Haskell - Resident	

Panel Determination

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

The Council Officer's Report, Recommendations and Conditions are endorsed by the Panel subject to the following additional conditions:

Dilapidation Survey Private Property (Neighbouring Buildings)

- C2. A photographic survey and dilapidation report of adjoining properties **No. 36 Euroka Street, No. 30 Euroka Street, and No.21 Clifton Street, Waverton** detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, **MUST BE** submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person and a copy to be given to the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest, for it to be as full and detailed as possible.

(Reason: Proper management of records)

Works within Site Boundary

C20. All building and construction works must be carried out wholly within the confines of the site, as defined by the Peg-Out Survey required as part of this consent.

(Reason: To ensure compliance with approved plans)

Peg Out Survey

C21. A peg out survey, prepared by a Registered Surveyor must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate and prior to the commencement of any physical works for the approved staircase.

The peg out survey must include the following details:

- (a) Clear delineation of the boundaries of the subject site, in particular, the northern boundary along the area of the approved staircase
- (b) Clearly mark out the 100mm setback from the northern boundary along the area of the approved staircase

A copy of the survey is to be provided to Council for record keeping purposes, if Council is not the Principal Certifier, prior to the issue of any Construction Certificate. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

(Reason: To ensure compliance with approved plans)

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel recommends approval of the application subject to the conditions outlined in the report for the reasons outlined in the report, subject to the additional conditions to address issues raised in submissions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 3

DA No:	75/24
ADDRESS:	16 Illiliwa Street, Cremorne
PROPOSAL:	Demolition of an existing dual occupancy and construction of a new dual occupancy.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	ABC Planning Pty Ltd

4 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
Stephen Fraser - Resident	Anthony Betros - ABC Planning
John Lawrence - Resident	Richard Verzi - MAP Architects
Meredith Trevallyn-Jones - Brightmore Precinct	

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, and the oral submissions 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 Panel was asked to clarify the distance of the front building setback, and notes the setback from the front wall and the front (Illiliwa Street) boundary is 8 metres. A reference to 7 metres in the officer’s report is a typographical error.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel subject to an additional condition requiring the installation of solar arrays to a capacity of not less than 5kW to enhance the energy efficiency and sustainability of the proposed development.

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel additionally noted concerns raised by submitters including shadowing impacts on the kitchen within the adjoining property to the west of the subject site. The Panel noted that shadowing impacts on the kitchen window relate to building elements within the LEP maximum height limit, and are not caused by any exceedance of this development standard.

The Panel considers that the design modifications as recommended in the deferred commencement conditions and the conditions of consent, are sufficient to mitigate the impacts associated with the proposed development.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 4

DA No:	261/23
ADDRESS:	55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay
PROPOSAL:	Alterations and additions to a dwelling house and associated works
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	Domenic Ciccio, Archer Design

4 Written Submissions

Registered to Speak

Submitter	Applicant/Representative
Chris and Danielle Sprangers - Resident	Domenic Ciccio - Archer Design
Annette Gero - resident	Alan Liao - Applicant
Kate Keddie - representing neighbour	
Richard Lewarne - representing neighbour	

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, and the oral submissions 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 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 Recommendation is endorsed by the Panel.

Panel Reasons:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel further noted that should the applicant decide to make further application to Council, the Panel encourages submission of amendments to the design and/or the property title to address the following matters:

- a) Provision of legal access to occupants of 55A, 57 and 60A Wycombe Road Neutral Bay, so they may manoeuvre their vehicles to and from the parking spaces on their property, by maintaining the manoeuvring area in the same or similar configuration at the rear of the subject site, as shown in the diagram attached to the letter submitted to the Panel by Archer Design, dated 5 February, 2025.
- b) Retain the northern boundary fence between the subject site and 60A Shellcove Road Neutral Bay and reduce the height of any hedge planted adjacent to the fence so the hedge does not grow taller than the fence.
- c) Redesign the proposed west-facing dormer so it has reasonable and acceptable impacts on neighbourhood privacy and in terms of the building's bulk and scale and the shape and proportions of the roof. This could be achieved by reducing the bulk (height, width and depth) of the dormer and reducing the amount of, and/or relocating the glazing to enable adequate daylight, while providing adequate headroom to comply with the National Construction Code.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 5

DA No:	122/24
ADDRESS:	36 Cremorne Road, Cremorne Point
PROPOSAL:	Alterations and additions to existing terrace dwelling including addition of attic level, rear facing dormer, internal reconfigurations and new rear lane garage.
REPORT BY NAME:	Jack Varka, Assessment Officer
APPLICANT:	Natalie Anderson

Registered to Speak

Submitter	Applicant/Representative
	Natalie Andersen - Look Architecture

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral submissions 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 based its decision on the reasons outlined in the Assessment Report.

Condition A5 can be deleted as the Panel considers that the northern window in the gable end cannot be seen from the street.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 6

DA No:	289/24
ADDRESS:	34-36 Whaling Road, North Sydney
PROPOSAL:	Torrens title subdivision of a dual occupancy (attached) from one lot into two and subsequent change of use to two semi-detached dwellings.
REPORT BY NAME:	Luka Abramovic, Graduate Assessment Officer
APPLICANT:	Paul Cechellero

Registered to Speak

No Persons elected to speak on this item.

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral submissions 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 exception to the minimum lot size development standard in clause 4.1 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 based its decision on the reasons outlined in the Assessment Report.

The Panel commended the Assessment Officer on the clarity of the report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

ITEM 7

DA No:	233/24
ADDRESS:	42 Jeffreys Street, Kirribilli
PROPOSAL:	Alterations & additions to an existing dwelling, including alterations to the internal layouts, conversion of the existing attic space into a habitable living space and general maintenance works.
REPORT BY NAME:	Jack Varka, Assessment Officer
APPLICANT:	Sandbox Studio

Registered to Speak

Submitter	Applicant/Representative
	Patrick Wilson - Touring the past - Heritage Consultant
	Luke Carter - Sandbox Studio

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral submissions 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 based its decision on the reasons outlined in the Assessment Report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Lindsey Dey	Y	
Jeremy Swan	Y				
Sue Weatherley	Y				

The public meeting concluded at 3:05pm.

The Panel Determination session commenced at 3:15pm.

The Panel Determination session concluded at 3:50pm.

Endorsed by Dr Robert Stokes

Chair

North Sydney Local Planning Panel

5 February 2025