



NORTH SYDNEY COUNCIL

Council Chambers
17 February 2025

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room, Council Chambers North Sydney at 10:30am on Friday, 21 February 2025.

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

BUSINESS**LPP01: 1 Warung Street, McMahons Point - DA 85/24 – Supplementary Report**

Applicant: Highbury Warung Pty Ltd

Report of Thomas Holman, Senior Assessment Officer

The application is an amended application which seeks development consent from the North Sydney Local Planning Panel (NSLPP) for demolition of an existing residential flat building, construction of a new residential flat building, excavation and construction of basement, new basement entry from Henry Lawson Avenue and new landscaping on land identified as No 1 Warung Street, McMahons Point.

The application was previously considered by the North Sydney Local Planning Panel (NSLPP) at its meeting held on 4 December 2024. The Panel considered the report and representations of the applicant and resolved to defer the application for amended plans and additional information to be provided addressing *Building Design and Privacy; Site Coverage and Landscaping*; and for an *Updated Geotechnical Report*.

Amended plans and information addressing the Panel's decision were submitted to Council on 17 December 2024 and have been notified to previous submitters to the application for fourteen days.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the development application has attracted 10 or more unique submissions by way of objection; involves a departure from a development standard that is greater than 10%; and is considered sensitive development which State Environmental Planning Policy Housing 2021 – Chapter 4 Design of Residential Apartment Development applies.

The amended application was notified to previous submitters in accordance with Council's Community Consultation Plan. The notification was between 17 January and 31 January 2025 and a total four (4) further submissions were received in addition to the previous twenty (20) submissions received to the original proposal.

This supplementary report considers the performance of the amended application against applicable planning requirements and has had regard for the Panel's previous decision and the further submissions received.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval subject to conditions.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, as the consent authority, assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 –maximum building

height and grant consent to development consent to Development Application No. 379/21 for demolition of existing structures and erection of a new residential flat building and ancillary works, on land at No. 1 Warung Street, McMahons Point subject to the attached Standard conditions and following site specific conditions:

SITE SPECIFIC CONDITIONS

Privacy

C41. The following privacy amendments are to be provided:

- a) The windows on the eastern elevation that serve Level 2 living room clouded in red on Dwg No. DA-102 Issue D and DA-206 Issue D Fixed should have attached bronze restricted louvres or the windows should be amended to have a minimum sill height of 1.6m above the Level 2 finished floor level.
- b) A planter with screen planting or privacy louvres are to be sited on the eastern side of the Level 3 balcony. The location of the screen planting or privacy screen is clouded in red on the Level 3 Floor Plan, DA-103 Issue E.

Screen planting must consist of suitable screening species capable of attaining a mature height of 2.0 metres above finished floor levels. Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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 an adequate level of privacy is provided to adjoining property located at 3 Warung Street)

Level 3 Balcony Design Amendment

C42. The following design amendments are required to the Level 3 balcony:

- a) The Level 3 balcony is to be amended to reduce the depth of the balcony to Henry Lawson Avenue. The eastern balcony is to be realigned to match that of the Level 3 western balcony. This design change does not permit a further increase in the size of the balcony to compensate for the amendments to the eastern Level 3 balcony. The part of the balcony subject to this condition is clouded in red on the Level 3 Floor Plan, DA-103 Issue E.

Plans and specifications complying with this condition must be submitted for the written approval of Council's Manager of Development Services prior to the issue of any Construction Certificate. The Principal Certifier 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 an adequate level of privacy is provided to adjoining property located at 3 Warung Street)

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, NORTH SYDNEY, ON WEDNESDAY 4 DECEMBER 2024, AT 2.00PM.

PRESENT IN THE SUPPER ROOM

Chair:

Rob Stokes

Panel Members:

Kara Krason (Panel Member)

Greg Woodhams (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

Isobella Lucic A/Manager Development Services

David Hoy, Team Leader Assessments

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Teams) 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, 6 November 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 6

DA No:	85/24
ADDRESS:	1 Warung Street, McMahons Point
PROPOSAL:	Demolition of existing structures and erection of a new residential flat building and ancillary works.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Theo Paradisis

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Tony Moody – Representing 3 Warung Street	Joe Vescio - Planning Consultant
David Uther - Resident at 3 Warung Street	Vince Squillace - Architect
Jo Gilmour- neighbour at 42 Blues Point	

Panel Determination

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

The Council Officer's Report and Recommendations have been noted by the Panel, however the Panel considered that the applicant could be provided further opportunity to address the reasons for refusal.

Panel Reason:

The Panel considers that the application should be deferred to allow the applicant the opportunity to submit amended plans and additional information addressing the following matters:

1. **Building Design and Privacy:** The splayed balcony and living room on levels 1, 2 and 3 are to be realigned to the eastern wall of the northern portion of the residential flat building and whilst maintaining the recessed wall displayed on the current plan in order to achieve a rectilinear form. The balcony is not to project further toward Henry Lawson Avenue than the furthest point shown in the current design.
2. **Site Coverage and Landscaping:** The basement footprint is to be setback an additional 1 metre from the western boundary and the basement footprint is to be setback an additional 1 metre from the eastern boundary. There should be no further increase in the basement footprint to compensate the 1 metre offset from both the eastern and western boundaries.
3. **Updated Geotechnical report:** Provision of an updated geotechnical report based on the plans as revised, these should include but not be limited to, a more detailed response to the matters raised in Council's assessment report.

That plans and information addressing the above be submitted to Council within 30 days from date of publication of the Meeting minutes. A supplementary report is to be prepared by Council addressing the above changes and providing draft conditions of consent facilitating approval of the development.

The matter is to be returned to the panel for determination by electronic means.

Should amended plans not be provided addressing the above, the recommendation for Refusal is to be confirmed.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

The public meeting concluded at 4.00pm.
The Panel Determination session commenced at 4.10pm.
The Panel Determination session concluded at 7.21pm.

Endorsed by Rob Stokes
Chair
North Sydney Local Planning Panel
4 December 2024