



NORTH SYDNEY COUNCIL

Council Chambers
26 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 2:00pm on Wednesday 5 March 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: 5 Wallaringa Avenue, Kurraba Point - DA 163/24

Applicant: Sean Johnson from Lucas Stapleton Johnson Architects
Report of Annelize Kaalsen of AK Planning

This development application seeks approval from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to the heritage item known as Nutcote to facilitate the reconfiguration of the tea room, allowing for new ablution facilities, accessibility changes, a new lift and new display/gallery space, at No. 5 Wallaringa Avenue, Kurraba Point.

Generally, development for which the land owner is the Council, is reported to the North Sydney Local Planning Panel (NSLPP). Accordingly, the application requiring determination by NSLPP under the Minister's Directions.

The subject lot is identified as a State Heritage listed item (I0730) known as Nutcote as well as being on the Register of the National Estate and classified by the National Trust. The state heritage listing is limited to the May Gibbs dwelling and associated gardens. The remainder of the lot (the original garage converted to the museum, tea room and shop) the subject of this application, is an item of local heritage significance pursuant to in Part 1 of Schedule 5 in NSLEP 2013. In addition, the lot is located within the Kurraba Point Conservation Area.

The proposal is supported by Councils Heritage Officer, noting that the existing terrace is assessed as being of little significance. As such the extension of the terrace to facilitate equitable access is acceptable and consistent with Policy 81 of the CMP. The proposal satisfies Clause 5.10 of the NSLEP 2013, as the proposed alterations and additions will not detract from the significance of the heritage item and will continue to positively contribute to the character of the Kurraba Point Conservation Area.

The notification period attracted a single submission. In summary the submission raised particular concerns with impact on acoustic and visual privacy and obscuring existing views.

The assessment has considered these concerns as well as the performance of the application against the North Sydney LEP 2012 and North Sydney DCP. In this regard, the application does not result in any adverse impact on either acoustic or visual privacy and allows for reasonable sharing of views.

The proposal allows for equitable and dignified access for people with disabilities to the tea room/cafe, new gallery and accessible sanitary facilities on the lower ground floor by virtue of the proposed new lift.

There is an increase to patron numbers (from 38 to 44) including 18 new seats on the ground floor terrace. An increase of 6 seats is a minor intensification of the existing approved use, and the impacts of the proposed intensification are considered acceptable.

In conclusion, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, it is

recommended that the proposed development be **approved subject to conditions** as set out in this report.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning and Environment, and grant consent to Development Application DA168/2024 for alterations and additions to the heritage item to facilitate the reconfiguration of the existing tea room, ablution facilities, accessibility changes, a new lift and display space at No. 5 Wallaringa Avenue, Kurraba Point, subject to the attached standard conditions of consent.

Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation are materially unchanged from that of the Independent Assessment Officer.

LPP02: 26 Milson Rd, Cremorne Point - DA 177/24

Applicant: Vigor Master Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for alterations and additions for change of use from a dual occupancy to a detached dwelling including internal and external re-configuration, installation of lift and associated site works at No. 26 Milson Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application involves a variation to the LEP maximum building height development standard by more than 10%. Therefore, the application is referred to the Local Planning Panel for determination in accordance with the Ministers Direction.

The notification of the original and amended proposal has attracted two (2) submissions raising concern about the impact of the proposed development on the adjoining properties including impacts of excavation/construction works, construction management/traffic/parking issues, privacy impacts on the adjoining properties and request for access/examination of certain documents from the applicant/developer. The issues raised in the submissions received have been addressed in this report.

The development application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and was found to be unsatisfactory.

Consideration has also been given to the Clause 4.6 request for a variation to the LEP's building height development standard as submitted by the applicant. The variation to the building height development standard is not supported because the uncharacteristic design of the building elements, including those above the LEP maximum building height limit, that would result in a further erosion of the character of the subject Contributory item. Furthermore, the uncharacteristic nature of the proposal and its impacts on the conservation area do not demonstrate public benefit. Therefore, a variation to the LEP

building height control is not considered to be well-founded and strict compliance with the standards is necessary.

The proposed development is contrary to the objective of the R2 (Low Density Residential) zone because the proposal would detract from the significance of the conservation area.

The proposal does not comply with DCP's maximum site coverage requirement, nor it is consistent with the DCP site coverage objectives.

The application was referred to Council's Conservation Planner who considered the proposal unsatisfactory because of the characteristic nature of the proposal and the adverse impacts on the significance of the subject Contributory item.

Accordingly, the proposed development is recommended for **refusal**.

RECOMMENDATION

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, resolve to refuse development consent to Development Application D177/24 for alterations and additions for change of use from a dual occupancy to a detached dwelling at No.26 Milson Road, Cremorne Point for the following reasons:-

1. The written request pursuant to clause 4.6 of NSLEP is not supported

The written request pursuant to clause 4.6 of NSLEP seeking a variation to the height of building development standard in clause 4.3 of NSLEP is not considered to be well founded.

Particulars:

- (i) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development breaches the 8.5m maximum height of building development standard specified in clause 4.3(2) in NSLEP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the written request submitted with the application seeking a variation to the maximum height of building development standard has inadequately addressed the matters required to be addressed in subclause (3) in clause 4.6 in NSLEP 2013.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the written request has failed to adequately demonstrate that compliance is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the height of building development standard.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a) of the Environmental Planning and Assessment Act 1979 in that the proposed development is not

considered to be in the public interest as the development is not consistent with the objectives of the height of building standard in clause 4.3(1) in NSLEP 2013 and the objectives of the R2 (Low Density Residential) zone (dot point 4) under NSLEP 2013.

2. Unacceptable Heritage Impacts

The proposed development is unacceptable because of the adverse impacts on the subject dwelling and the conservation area.

- (i) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy Clause 5.10(1)(a), Clause 5.10(1)(b) and Clause 5.10(4) in Part 5 of NSLEP 2013 because the bulk, scale, character of the new works and the loss of open space to the street will further detract from the significance of the subject contributory item.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not satisfy the aims of North Sydney Local Environmental Plan 2013 (NSLEP 2013) as listed in Clauses 1.2 (2)(a), (2)(b)(i), and (2)(f) in Part 1 of NSLEP 2013.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that The proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the adverse impacts of the proposed development on the significance of the conservation area, particularly dot point 3.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development does not satisfy the Area Character Statement for South Cremorne Planning Area in Section 6.0 in Part C of North Sydney DCP 2013 (NSDCP 2013) given that the proposal does not promote the character within the conservation area because the design of the proposal fails to reflect and reinforce the characteristic built form as identified in the Area Character Statement.
- (v) The application fails to satisfy the development controls for the following sections in Part B of the NSDCP 2013 and is therefore considered unacceptable:
 - a. Part B - Section 13.6.1 – General Objectives
 - b. Part B – Section 13.6.2 – Form Massing and Scale
 - c. Part B – Section 13.6.3 – Roofs
 - d. Part B – Section 13.9.4 – Materials
 - e. Part B – Section 13.9.5 – Garages and Carports
 - f. Part B – Section 13.9.6 – Fences
 - g. Part B – Section 13.9.7 – Gardens
 - h. Part B – Section 13.10.4 – Two Storey Detached and Attached

Dwellings

- i. Part C – Section 6.4.6 – Characteristic Built Elements
- j. Part C – Section 6.4.7 – Uncharacteristic Elements

3. Inappropriate context, excessive height, bulk and scale and built form

The proposed development is unacceptable because of the proposed works will result in an appropriate built form within the locality.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is inappropriate to its context being a dwelling within a conservation area with uncharacteristic building elements which is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as section 1.4.1 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.4.5 in Part B of NSDCP 2013 because the uncharacteristic siting of a pair of double garages and the loss of a garden setting along the road frontage.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.4.7 and 1.4.8 in Part B of NSDCP 2013 because the proposed link addition will further increase the bulk and scale of the existing building with an uncharacteristic built form.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Sections 1.4.10 in Part B of NSDCP 2013 because of the inappropriate roof form of the proposed link addition.

4. Overdevelopment

The proposed development is an overdevelopment of the subject site because of the non-compliance with site coverage requirements.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development is an overdevelopment of the subject site and is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as sections 1.5.5 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 in that The proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the proposed development with a non-complying site coverage does not promote

a high level of residential amenity.

- (iii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.5.4 in Part B of NSDCP 2013 because the proposal does not comply with the maximum parking rate requirement and does not maintain a garden setting for the subject property.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is contrary to Section 1.5.5 in Part B of NSDCP 2013 because the proposal is not consistent with the objectives of site coverage and does not comply with the maximum site coverage requirements.

5. Public Interest

The proposed development 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 approval of the proposed development is not in public interest because of the adverse impacts on the significance of the subject contributory item/conservation area and the adverse impacts on the residential amenity of the locality.

LPP03: 4 Alfred Street South, Milsons Point - DA 370/24

Applicant: North Sydney Council

Report of Jeremy Swan, Consultant Town Planner

This development application seeks consent for fit out works within the Level 3 Kiosk space at 4 Alfred Street South, Milsons Point.

The application is reported to the North Sydney Local Planning Panel for determination as North Sydney Council is the owner of the land. In accordance with the Ministerial Directions, the application must be determined by the Local Planning Panel.

The subject application was not required to be notified to adjoining properties pursuant to Section 3.4.1(a) of the North Sydney Council Community Engagement Protocol which states that development applications for 'alterations and additions to existing buildings where the proposed works will not change the height, external shape or façade of the building' do not require notification.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013. The North Sydney Olympic Pool is currently the subject of a redevelopment project which was approved by the Sydney North Planning Panel on 1 July 2020 (DA347/19), which granted consent for alterations and additions to the North Sydney Pool complex across the following land:

- Lot 100 DP 875048;
- Lot 101 DP 880236;

- Lot 102 DP 854064; and
- Lot 103 DP 1007291.

DA347/19 granted consent to a kiosk shell on Level 3 of the building and its use as a café. Consent is sought for the fit-out of this kiosk with this development application.

Figure 1 below identifies the location of the kiosk on Level 3 of the building, as approved under DA347/19.

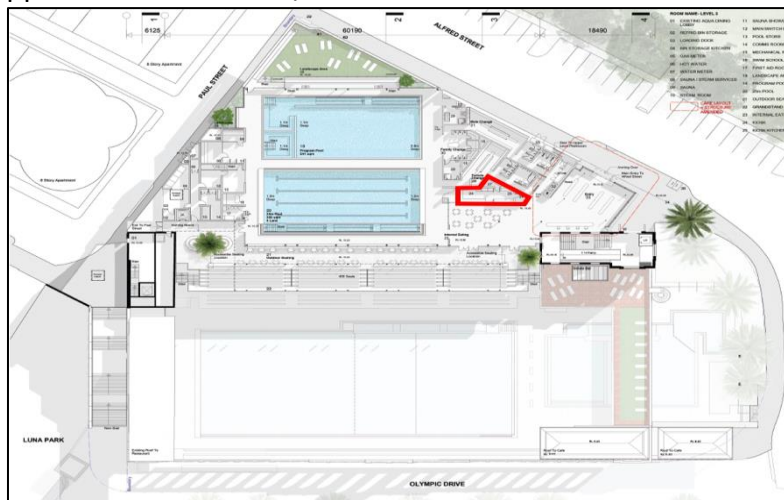


Figure 1: Extract of DA347/2019 endorsed Level 3 Plan showing location of approved kiosk outlined red (Source: Brewster Hjorth Architects, 2020)

The development application has been assessed against relevant State Planning Polices, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act 1979*, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 370/2024 for fit out works of a café kiosk space at 4 Alfred Street South, Milsons Point. Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation is materially unchanged from that of the Independent Assessment Officer.

LPP04: 4 Alfred Street South, Milsons Point - DA 328/24

Applicant: BJB Architects Pty Ltd

Report of Jeremy Swan, Consultant Town Planner

This development application seeks consent for alterations and additions to an existing restaurant premises including demolition of the existing fit-out and replacement of existing glazing, extension to internal dining areas, installation

of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday, consistent with previous operation, at 4 Alfred Street South, Milsons Point.

The application is reported to the North Sydney Local Planning Panel for determination as North Sydney Council is the owner of the land. In accordance with the Ministerial Directions, the application must be determined by the Local Planning Panel.

The subject application was notified to adjoining properties inviting comment between 5 December 2024 and 19 December 2024. There were no submissions received in response to the notification of the development application.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013. The North Sydney Olympic Pool and the adjoining land to the north-east, is currently the subject of a redevelopment project which was approved by the Sydney North Planning Panel on 1 July 2020 (DA347/19), which granted consent for alterations and additions to the North Sydney Pool complex across the following land:

- Lot 100 DP 875048;
- Lot 101 DP 880236;
- Lot 102 DP 854064; and
- Lot 103 DP 1007291.

Figure 1 below identifies the above lots in relation to the development approved under DA347/19.

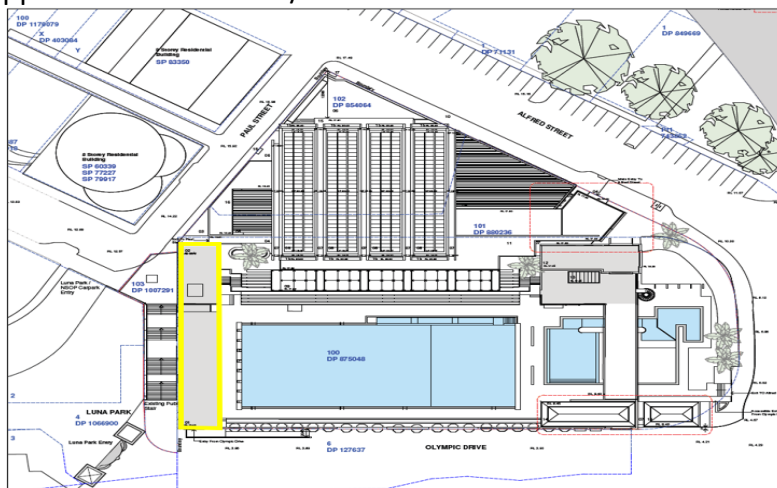


Figure 1: Extract of DA347/2019 Site Plan showing location of existing restaurant building the subject of this DA outlined yellow (Source: Brewster Hjorth Architects, 2020)

Whilst DA347/19 included works to the ground level of the existing building on Lot 100 DP 875048 (outlined yellow in **Figure 1**), it is acknowledged that no works were proposed or approved to the restaurant premises on Levels 1 and 2 of the building. These works are proposed under this current development application.

The development application has been assessed against relevant State Planning Polices, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development

Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act 1979*, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 328/2024 for alterations and additions to an existing restaurant premises including demolition of the existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday, consistent with previous operation, at 4 Alfred Street South, Milsons Point.

Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation is materially unchanged from that of the Independent Assessment Officer.

LPP05: 184 Kurraba Road, Kurraba Point – DA 266/23/3

Applicant: Maryann Beregi

Report of Jeremy Swan, Consultant Town Planner

The North Sydney Local Planning Panel (NSLPP) granted consent to DA266/3 on 6 December 2023 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works at 184 Kurraba Road, Kurraba Point.

This s.4.55(2) modification application seeks consent for alterations and additions to the development approved under DA266/23.

The application is reported to the North Sydney Local Planning Panel for determination as the wand the modifications include amendments to conditions of development consent that were amended / added by the NSLPP. A total of two (2) submissions were received raising objections in relation to privacy and overlooking impacts generated by the enlarged first floor balcony, insufficient information in relation to the extent of the balcony extension, overshadowing, materiality and tree retention/removal, the potential for the development to be converted to units and the proposal comprising an overdevelopment of the site that is visually out of character with Kurraba Point. The key issues in the assessment of this Modification Application are the view impacts of the proposed changes to the built form and privacy impacts generated by the introduction of a balcony on the first floor level.

The Modification Application was assessed against relevant State Planning Polices, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act*

1979, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification to amend DA266/3 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works at 184 Kurraba Road, Kurraba Point under the provisions of Section 4.55 of the Environmental Planning and Assessment Act as detailed below:

Amend Condition A1. as follows:

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Drawing No.	Rev	Description	Prepared by	Dated
Architectural Plans				
2205.4.2	-	Stormwater Drainage Plan – Proposed	Antonio Caminiti Design P/L	10/08/2023
2205.6.0	-	-3 Lower Ground (1500) Pool Plan – Demolition		10/8/2023
2205.6.1	-	-2 Lower Ground (7300) Plan – Demolition		10/8/2023
2205.6.2	-	-1 Lower Ground (10030) Plan – Demolition		10/8/2023
2205.6.3	-	Ground Floor (13260) Plan – Demolition		10/8/2023
2205.6.4	-	First Floor (16370) Plan – Demolition		10/8/2023
2205.6.5	-	Roof Plan – Demolition		10/8/2023
2205.6.6	-	Garage Level Plan – Demolition		10/8/2023
2205.7.1	-	Site Plan – Proposed		17/11/2023
2401.7.1	-	Site Plan – Proposed		20/1/2025
2205.7.2	-	Lower Ground Floor – (Pool) Plan		17/11/2023
2205.7.3	-	Lower Ground Floor – (Games) Plan		17/11/2023
2401.7.3	-	Lower Ground floor – (Games) Plan		3/10/2024
2205.7.4	-	Lower Ground Floor – (Bar Room) Plan		17/11/2023
2401.7.4	-	Lower Ground floor – (Bar Room) Plan		3/10/2024
2205.7.5	-	Ground Floor Plan		17/11/2023
2401.7.5	-	Ground Floor Plan		3/10/2024
2205.7.6	-	First Floor Plan		17/11/2023
2401.7.6	-	First Floor Plan		3/10/2024
2205.7.7	-	Second Floor Plan		17/11/2023
2401.7.7	-	Second Floor Plan	20/1/2025	

2205.7.8	-	Second Floor – Garage Footbridge Plan		17/11/2023
2401.7.8	-	Second Floor – Garage Footbridge		7/7/2024
2205.7.9	-	Roof Plan		17/11/2023
2401.7.9	-	Roof Plan		7/7/2024
2205.8.1	-	West Elevation		17/11/2023
2401.8.1	-	West Elevation		7/7/2024
2205.8.2	-	North Elevation		17/11/2023
2401.8.2	-	North Elevation		9/10/2024
2205.8.3	-	East Elevation		17/11/2023
2401.8.3	-	East Elevation		7/7/2024
2205.8.4	-	South Elevation		17/11/2023
2401.8.4	-	South Elevation		7/7/2024
2205.8.5	-	East Elevation (Towards Garage)		17/11/2023
2205.9.1	-	Section A-A		17/11/2023
2205.9.2	-	Section B-B		17/11/2023
2401.9.1	-	Section B-B		3/10/2024
2205.9.3	-	Section C-C		17/11/2023
2205.9.4	-	Section D-D		17/11/2023
2205.10.1	-	BASIX Requirements		10/8/2023
2205.11.1	-	Material Selections		10/8/2023
2401.11.1	-	Material Selections		20/1/2025
L01/1-K26714	A	Landscape Planting Plan	Michael Siu Landscape Architects	26/10/2023
Documents				
-	-	Request to Contravene the Building Height Standard (Clause 4.6)	Perica & Associates Urban Planning Pty Ltd	21/11/2023
A500038 A500038_02	-	BASIX Certificate	Antonio Caminiti Design P/L	05/07/2023 23/08/2024
-	1	Arboricultural Impact Assessment	Treeism Arboricultural Services	07/2023

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

Amend Condition C12. as follows:

Privacy Measures

C12. The following privacy measures are to be incorporated into the development prior to the issue of a Construction Certificate.

- (a) ~~The size of the upper balcony on the second floor level is to be reduced in size to a maximum of 18m² and is not to project beyond the northern wall of the upper wall of the upper level extension.~~
- (b) ~~The proposed works to the driveway and turning bay are to be deleted and do not form part of the approval of this application for the subject site.~~
- (c) **1.6m high privacy screens are to be provided to the northern and southern elevations of the balcony on the first-floor level.**

(Reason: To maintain visual amenity and privacy between the subject dwelling and adjoining properties ~~and to remove works outside the description of the subject site~~ Furthermore, the height of the ~~extended driveway works are over 3 metres above natural ground in part and would have unreasonable impacts on the adjoining property~~)

Insert Condition C25. as follows:

Western Elevation

C25. The western building elevation is to be amended to articulate the external western wall of the relocated bathroom on the second-floor level, through variations in materials and colours.

(Reason: To enhance the presentation of the development to Kurraba Street)

Insert Condition C26. as follows:

Tree Retention

C26. Tree T5 an '*Acer palmatum*' Japanese Maple is to be retained.

(Reason: To enhance the existing landscape)

Directors's note: This report has been reviewed for quality and completeness only. The content and recommendation are materially unchanged from that of the Independent Assessment Planner.

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