

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 2 APRIL 2025, AT 2.00PM.****PRESENT IN SUPPER ROOM****Chair:**

Vince Hardy

Panel Members:

Judy Clark (Panel Member)

Gerard Turrisi (Panel Member)

Karla Castellanos (Community Representative)

Staff:

Stephen Beattie Manager Development Services

Jim Davies, Executive Planner

Damon Kenny, Executive Planner

Administrative Support:

Peita Rose, Governance Officer (Minutes)

The Panel was assisted by Consultant Planner John McFadden regarding Item 2.

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 5 March 2025 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:	175/24
ADDRESS:	35 East Crescent Street, Lavender Bay
PROPOSAL:	Demolition of a dwelling house, construction of a new dwelling house and associated works.
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	Craft Architecture - C/- GSA Planning

3 Written Submissions**Registered to speak**

Submitter	Applicant/Representative
Pam Wood, Secretary SP21014 33 East Crescent St	N/A
Victoria Walker - Resident	
Peter Clarke - Hones Lawyers representing 37 East Crescent Street	
Devendra Gupta - Resident	
Fiona Stephenson - Resident	

Panel Determination

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

The Council Officer's Report and Recommendations 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
Vince Hardy	Y		Karla Castellanos	Y	
Judy Clark	Y				
Gerard Turrisi	Y				

ITEM 2

DA No:	60/22/2
ADDRESS:	58 Cowdroy Avenue, Cammeray
PROPOSAL:	Section 8.2(1) review of S4.55(2) Determination for the DA 60/22/2 for modification of consent for demolition of existing dwelling and ancillary structures and construction of a dwelling house and associated site works including a swimming pool.
REPORT BY NAME:	John McFadden, Consultant Planner
APPLICANT:	P & R Etherington - C/- COSO Architecture

3 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
Tim Keith - Resident	Paul Etherington - Applicant
	Peter Tomasetti - representing applicant Renata Etherington

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting, considered the Consultant planner's report as well as the written submissions, and the oral submissions from the applicant and the submitters at the panel meeting.

The Panel notes the Consultant Planner's recommendation to change the previous panel's decision and refuse Development Consent DA No.60/2022/2. The Panel were of the opinion that they were not of the view to refuse the modification application as per the Consultant Planner's recommendation.

After conducting a review of the determination of the previous panel decision, pursuant to S8.4 of the *Environmental Planning & Assessment Act*, 1979 the Panel determined that it confirms the determination of the previous panel.

The Panel also noted the following:

- The applicant did not articulate clearly what was sought in their review request as to the proposal.
- It was also evident that there were inconsistencies in the documentation which made it difficult for the Panel to make a proper assessment.
- The existing development consent provides an extensive scope of works across the site inclusive of numerous non-compliances with development standards and controls. The Panel can't see justification for granting further non-compliances.
- During the site inspection the applicant provided amended architectural plans, however, they were not formally submitted through the planning portal and therefore were not considered by the panel.

Panel Reason:

The Panel based its decisions based primarily on the reasons outlined in the Assessment Report and these are reflected below:

1. Bulk and Scale

- a. The application is unacceptable pursuant to the provisions of s.4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979* as the height of the pergola of 11.13 metres would result in excessive bulk and scale and a breach of the maximum 'height of building' standard of 2.63m which would also impact on views (particularly from 56 Cowdroy Avenue to Middle Harbour), cause additional overshadowing and create /amenity/visual impacts.
- b. The application is unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979* as the increase in the height of the pool will create unacceptable visual impacts when viewed from Middle Harbour and does not comply with Part B of NSDCP 2013.

2. Content of Application

- a. The application is unacceptable pursuant to the provisions of s.4.15(1)(a)(i), (iii), (iv) and (b) of the *Environmental Planning and Assessment Act 1979* having regard to clause 24 of the *Environmental Planning and Assessment Regulation 2021* and NSDCP 2013 as it contains inaccuracies and errors in the submitted review plans with respect to site coverage, landscaped area and unbuilt upon area.

3. Site Suitability

- a. The application is unacceptable pursuant to the provisions of s.4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* taking into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified, the site is no longer considered suitable for the development.

4. Public Interest

- a. The application is unacceptable pursuant to the provisions of s.4.15(1)(b)(e) of the *Environmental Planning and Assessment Act 1979* , particularly due to its impact on the public domain when viewed from the waterway and on surrounding development, including, but not limited to, No. 56 Cowdroy Avenue, Cammeray and the modified proposal does not satisfy the Objects of the EP&A Act.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Karla Castellanos	Y	
Judy Clark	Y				
Gerard Turrisi	Y				

ITEM 3

DA No:	90/24
ADDRESS:	1/33 Grasmere Road, Cremorne
PROPOSAL:	Alterations and additions to a semi-detached dwelling
REPORT BY NAME:	Damon Kenny, Executive Planner
APPLICANT:	Larissa Lopes – Group Architects

Registered to Speak

Submitter	Applicant/Representative
Ruth O'Neill - iObject	Julian Brenchley - Group Architects
Matthew Powell - iObject	
James Plunkett-Cole - Resident	
Jeremy Maspero - Resident	

1 Written Submission**Panel Determination**

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

The Council Officer's Report, Recommendation and Conditions are generally endorsed by the Panel.

The Community Representative, Karla Castellanos, was of the view that the proposed development will be an unsympathetic addition to the existing building, that does not exhibit good quality design, will be highly visible from the public domain, and therefore will have adverse impacts to the character of the street.

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
Vince Hardy	Y		Karla Castellanos		N
Judy Clark	Y				
Gerard Turrisi	Y				

The public meeting concluded at 2.56pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 4.00pm.

Endorsed by Vince Hardy
Chair
North Sydney Local Planning Panel
2 April 2025