



NORTH SYDNEY COUNCIL

Council Chambers
28 May 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 4 June 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: 47 Devonshire Street, Crows Nest - DA 420/24**

Applicant: Tony Polvere

Report of Jack Varka, Senior Assessment Officer

This development application seeks consent for a Torrens title subdivision of a dual occupancy (attached) from one lot into two and subsequent change of use to two semi-detached dwellings at 47 Devonshire Street, Crows Nest.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%.

The subject site, legally described as Lot B DP 338733 is known as 47 Devonshire Street, Crows Nest and is currently occupied by a single storey dual occupancy. The site is located at the “elbow” of Devonshire Street where it intersects Huntington Street.

The proposal seeks the legal Torrens subdivision of the site into two separate lots, with no physical works proposed. As a result of the subdivision, the land use would change to that of a pair of semidetached dwellings based on the definition in the standard instrument. The development is permitted within the R2 Low Density Residential zone.

The proposed subdivision results in a non-compliance with the minimum subdivision lot size development standard in Clause 4.1 of the *North Sydney Local Environmental Plan 2013*. The existing lot has an area of 385.7m² and the resultant lot size for proposed Lot 1 is 191.5m², and 194.4m² for Lot 2. The proposal results in a variation to both Lots 1 and 2 of 15% and 16% respectively. A written request has been submitted pursuant to clause 4.6 in *NSLEP 2013* which demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case.

The proposal was notified between 7 to 21 March 2025 and no submissions were received in response.

As the proposal does not include any physical works to the dwelling and reflects the existing subdivision pattern there would be no significant impact on the existing amenity levels of neighbouring dwellings in terms of overshadowing, view loss and acoustic and visual privacy. Moreover, the proposal would be consistent with the subdivision pattern of the street. This is discussed further herein.

Following this assessment the development application is considered to be reasonable in the circumstances and 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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.1 and grant consent to Development Application No. 420/2024 for the Torrens title subdivision of a dual occupancy (attached) from one lot into two and subsequent change of use to a pair of semi-detached dwellings to on land at 47 Devonshire Street, Crows Nest subject to the following standard conditions.

LPP02: 44 Ellalong Road, Cremorne - DA 142/22/7

Applicant: Corona Projects Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This S4.55(2) application seeks consent for modifications to DA 142/22 for the deletion of deferred commencement condition AA1 for the alterations and additions to an existing detached dwelling.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to modifications to the deferred commencement conditions that were previously imposed by the Local Planning Panel in the original deferred commencement consent in accordance with the Minister directions.

The proposal, as modified by condition, is considered to be generally consistent with the originally approved development application and s.4.55 of the *EP & A Act 1979*.

The proposed design modifications required under the amended condition AA1 would result in a development which is substantially the same development as originally approved in the deferred commencement consent.

Consideration has been given to the applicant's submission/justifications and nearby single dwelling developments on land zoned C4 (Environmental Living). The recommended design modifications would be consistent with the original determination in reducing in bulk of scale of the development with an improved level of compliance with site coverage requirements.

The recommended design modifications would maintain the level of compliance with the LEP maximum building height development standard as previously determined and would not cause additional adverse amenity impacts for the neighbouring properties.

It is recommended that the subject Section 4.55(2) application be approved with modifications the deferred commencement condition AA1.

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 of a deferred commencement consent **D142/22** dated 1 February 2023 in respect of a proposal for alterations and addition to an existing detached dwelling at No.44 Ellalong Road, Cremorne under the provisions of Section 4.55 of the Environmental Planning and Assessment Act

only insofar as will provide for the following:

1. *To modify the condition AA1 of (D142/22) to read as follows:*

Design Amendments – Carport and First Floor Bedrooms

AA1. Within three (3) years of the date of this consent, plans are to be submitted to Council for the approval of the Manager, Development Services, to make the following amendments to the proposed development:

- The first floor bedroom 2 must be reduced to delete the northern hipped roof and to align the northeastern (side) wall of the first floor with the adjacent landing wall and a reconfiguration of the upper floor area to accommodate the proposed bedrooms/bathrooms.
- The carport shall be deleted to improve compliance with DCP site coverage requirements.

(Reason: To reduce the bulk and scale of the roof and to improve compliance with site coverage requirements)

LPP03: 93 Kurraba Road, Kurraba Point - DA 128/24

Applicant: Gyde

Report of Michael Hornery, Executive Assessment Planner

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for the demolition of the existing residential flat buildings, construction of a new residential flat building, excavation and construction of basement, new basement entry from Wallaringa Avenue and new landscaping on land identified as No 93 Kurraba Road, Kurraba Point.

The site is zoned R4 High Density Residential under the provisions of North Sydney Local Environmental Plan 2013. The proposal in its amended form now satisfies the R4 zone objectives. The proposed application is for the demolition of existing residential flat buildings and the construction of a residential flat building which is a permitted land use within the R4 High Density Residential zone under NSLEP 2013.

The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The NSLEP identifies a maximum height control of 12m. The building is proposed to have a maximum building height of 14.76m, which exceeds the maximum building height by 2.76m, a variation of 23% to the development standard.

In addition to the redesign and submission of amended plans, a new and updated Clause 4.6 written request has been submitted seeking a variation to the Building Height development standard contained within Clause 4.3 of NSLEP 2013, to justify and support the non-compliance.

The written request has been assessed, and it is considered that the clause 4.6 request demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The

variation is consistent with the objectives of the building height development standard and the objectives of the R4 High Density Residential zone.

The proposed development responds to the topography and the constraints of the site by reducing the site coverage and unbuilt upon area through the redesign and amendments made to the building. The building will be highly articulated, and the massing will be perceived as being broken into four smaller masses that are similar in volume to the large dwellings and Interwar apartment buildings in the area. The perceived scale of the south-western elevation is adequately ameliorated by the stepped form.

The application was twice notified to adjoining properties and the Kurraba Precinct. The first notification was between 12 July and 26 July 2024 and upon receipt of amended plans the development was notified between 18 April and 2 May 2025. Council received in total fifty two (52) submissions over the two notification periods. The concerns raised including the new location of the car park entrance and traffic generation within Wallaringa Avenue, the height and bulk and scale, the loss of on street parking and pedestrian safety.

The development application is reported to the North Sydney Local Planning Panel for determination as the proposed development contravenes a development standard imposed by an environmental planning instrument by more than 10%, the development has received 10 submissions by way of objection and is development subject to chapter 4 of SEPP (Housing) in accordance with the Ministers Direction "Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents" dated 6 March 2024, published to the NSW Planning Portal

The proposal has been assessed against the relevant provisions of the retention of existing affordable housing under the SEPP (Housing) 2021 and a monetary contribution of \$988,412.00 is required under Section 48 of the SEPP. A condition of consent is recommended requiring the monetary contribution in accordance with the SEPP to mitigate the loss of low rental housing units as the result of the proposed redevelopment.

The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plans.

The proposal is an appropriate response to the site. As a result, the application is recommended for approval subject to conditions of consent.

RECOMMENDATION

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

- A. **THAT** the North Sydney Local Planning Panel exercising the functions of Council 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 non-compliance with Clause 4.3 of NSLEP 2013 and grant consent as the variation sought is considered to be well founded and in the public interest as there will not be

any direct or adverse environmental impacts generated by the variation sought.

- B. **THAT** pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the North Sydney Local Planning Panel grant consent to Development Application No. 128/24 for Demolition of the existing residential flat buildings, construction of a new residential flat building, excavation and construction of basement, new basement entry from Wallaringa Avenue and new landscaping at 93 Kurraba Road, Kurraba Point subject to the following site specific and standard conditions.

LPP04: 20 Bay View Street, Lavender Bay - DA 275/24

Applicant: Ming Hao Wu

Report of Rachel Wu, Assessment Officer

This development application seeks consent for the demolition of an existing dwelling and the construction of a new dwelling at 20 Bay View Street, Lavender Bay.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10% and attracted more than 10 submissions by way of objection.

Development for the purpose of a detached dwelling is permitted within the R3 Medium Density Residential zone.

The proposed building results in a non-compliance with the height of buildings development standard in Clause 4.3 of the *North Sydney Local Environmental Plan 2013*. The proposed development results in a maximum building height of 10m at the northeastern corner of the new dwelling which represents a height exceedance of 15% above the maximum 8.5m height control. A written request has been submitted pursuant to clause 4.6 in *NSLEP 2013* which demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case including consistency with the objectives of the standard and the objectives of the R3 Medium Density Residential zone.

Notification of the proposal has attracted seventeen (17) submissions raising particular concerns about height non-compliance, solar access, visual privacy, view loss and uncharacteristic development. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is considered to be reasonable in the circumstances and 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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 Height of Buildings and grant consent to Development Application No.275/24 for the construction of a detached dwelling on land at 20 Bay View Street, Lavender Bay, subject to the following site specific and standard conditions:-

Proposed Master Bed Level WIR Reduced from the south

A5. The setback of the WIR on the master bed level is to be increased by 3.5m along both the southern and western elevations as identified in **Figure 1** below. The grey area in Figure 1 is to be deleted and must not be reconfigured or converted into usable GFA due to the view corridor.

(Reason: To ensure the composition of iconic view of the Sydney Harbour Bridge is protected for 19 King George Street; To ensure view sharing in accordance with *NSLEP 2013* and *NSDCP 2013*)

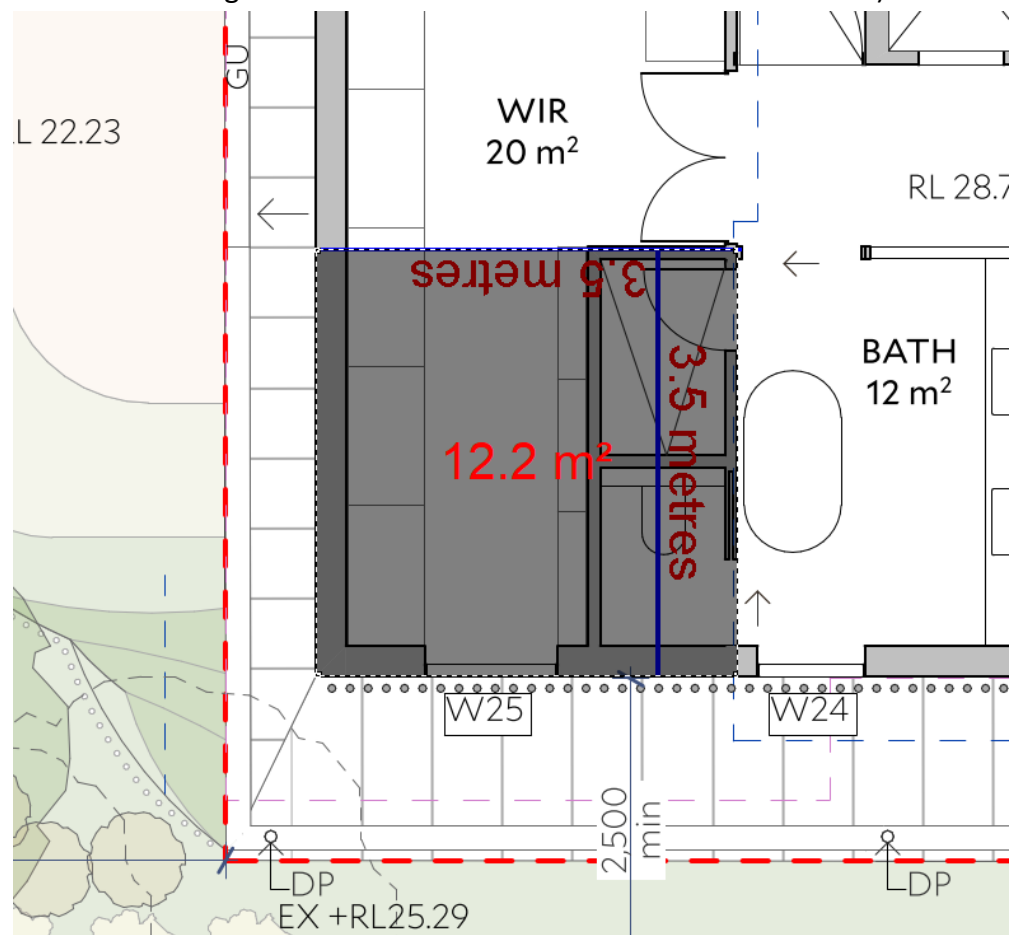


Figure 1: Delete portion of WIR and bathroom as shaded in grey
Obscure Glazing W26

A6. The window W26 on the rear elevation of the Walk-in-Robe is utilise obscure glazing only.

(Reason: To ensure appropriate visual privacy for subject site and 17 Waiwera Street)

BASIX Certificate

C26. The original BASIX Certificate No. **1757453S**, dated **26 July 2024** is required to be updated in accordance with the stamped plans and conditions of consent.

Under section 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in updated BASIX Certificate for the development are fulfilled. 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.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Height

G6. Upon completion of the works and prior to the issue of any Occupation Certificate, the RL of the development measured at 32.35 must be surveyed and certified by an appropriately qualified and practising surveyor as compliant with the maximum approved levels in accordance with the approved plans. This survey and certification must be submitted to the Principal Certifier with the application for an Occupation Certificate and a copy provided to Council (if it is not the Principal Certifier).

(Reason: To ensure compliance with the terms of this development consent)

LPP05: 115 Blues Point Road, McMahons Point - DA 205/23/2

Applicant: James Hundt

Report of Ben Rourke, Consultant planner

Modification of consent is sought to DA 205/2023 for alterations and additions to a 3 storey dwelling including rear ground floor garage additions, new lift, formal vehicular access from rear lane, and new landscaping.

DA 205/2023 was approved on 12 February 2024 by the North Sydney Planning Panel subject to conditions of consent. Additional conditions of consent imposed by the Panel include design amendments being required with regards to wall setbacks, wall cladding, lift setback, landscaping the roof area, roof materials and extent of demolition.

Works have commenced under a Construction Certificate issued 29/01/2025, whilst noting during a site inspection that works associated with the lift have been placed on hold pending the approval of the current S.4.55 application as assessed in this report.

The modification application is submitted pursuant to *S.4.55(1A)* - *Modifications involving minimal environmental impact* of the EP&A Act and seeks specifically to realign the approved position of the lift to protrude 450mm from the northern side wall.

Modification is also sought to delete condition C18(iv) regarding lift setback. This condition requires the approved lift to be relocated to within the building thereby maintaining the existing northern side setback, rather than the lift protruding beyond the north side wall and extending to the north side boundary. One minor internal design modification is also sought with realignment of the bedroom 1 door entry. Modification is also sought to condition A1 to refer to the amended plans under the current S.4.55 application.

The modification application is required for referral to the NSPP for determination as it includes modifications to condition C18 as imposed by the Panel.

Notification of the proposed modification for 14 days between 18/04/25 – 2/05/25 resulted in nil submissions being received.

The proposed design modifications are considered to be satisfactory, resulting in *substantially the same development* compared with the development as originally approved. No adverse impacts are considered to result from the modifications with regards to amenity, streetscape and the McMahons Point North Heritage Conservation Area. Accordingly, the application of modification of consent is recommended to the NSPP for approval.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, as the Consent Authority, approve the modification of Development Consent No. 205/23 dated 12/02/2024 in respect of a proposal for alterations and additions to a dwelling including new lift, formal vehicular access from lane, and new landscaping; proposing changes to lift arrangements and external design refinements to the approved development at 115 Blues Point Rd, McMahons Point under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. Amend condition A1 as follows:

Approved plans

A1.

Plan No.	Rev	Description	Prepared by	Dated
A101	E	Existing Ground Floor and Demolition Plan	Barbara Architecture & Interiors	24/10/23
A102	E	Existing First Floor Plan and Demolition Plan	Barbara Architecture & Interiors	24/10/23
A103	E	Existing Second Floor Plan and Demolition Plan	Barbara Architecture & Interiors	24/10/23
A104	E	Existing Roof and Demolition Plan	Barbara Architecture & Interiors	24/10/23
A111	E	Proposed Ground Floor Plan	Barbara Architecture & Interiors	24/10/23
A112	E	Proposed First Floor Plan	Barbara Architecture & Interiors	24/10/23
A113	E	Proposed Second Floor Plan	Barbara Architecture & Interiors	24/10/23
A114	E	Proposed Roof Floor Plan	Barbara Architecture & Interiors	24/10/23
A211	E	Proposed Elevations 01	Barbara Architecture & Interiors	24/10/23
A212	E	Proposed Elevations 02	Barbara Architecture & Interiors	24/10/23
A311	E	Proposed Sections	Barbara Architecture & Interiors	24/10/23
A312	E	Proposed Sections 2	Barbara Architecture & Interiors	24/10/23

MDA200	A	Proposed Ground Floor	Henry May Projects	14/02/2025
MDA201	A	Proposed First Floor	Henry May Projects	14/02/2025
MDA202	A	Proposed Second Floor	Henry May Projects	14/02/2025
MDA203	A	Proposed Roof Plan	Henry May Projects	14/02/2025
MDA300	A	Proposed West/South Elevation	Henry May Projects	14/02/2025
MDA301	A	Proposed East/North Elevation	Henry May Projects	14/02/2025
MDA400	A	Section A & B	Henry May Projects	14/02/2025
MDA401	A	Section C & D	Henry May Projects	14/02/2025
A705	E	Schedule of Materials and Finishes	Barbara Architecture & Interiors	24/10/23
L/01	A	Proposed Landscape Plan	A Total Concept Landscape Architects & Swimming Pool Designers	16/01/24

2. Condition C18 – delete subclause (iv)

Design Amendments

C18. The plans referred to in condition A1 are to be amended to provide for the following changes:

- i. The wall return on the southern elevation at Level 1 is to be reduced to have a minimum 1 metre set back from the rear elevation and is to be finished in traditional masonry to match existing;
- ii. The cladding to the second-floor balcony is to be of solid masonry form to match the masonry cladding;
- iii. The wall return on the eastern elevation of the proposed Bin and Bike Store is to increase in rear setback by a minimum of 0.5m from that proposed.
- iv. ~~The proposed lift on the northern boundary is to be constructed within the building in the approximate location between the proposed Ground Floor Bath 1 and Laundry.~~
- v. The non-trafficable pebble roof proposed above the ground floor rear portion of the dwelling is to be converted into a green roof.
- vi. The section of the northern wall to the existing Ground Floor Storage proposed for demolition is to be retained commencing at the landing of the existing stairs.
- vii. The proposed roofing for the first-floor stair addition to the southern elevation is to be *changed to corrugated metal roof*.

The Certifying Authority must ensure the amendments required by this condition are included in the Construction Certificate Drawings.

(Reason: To reduce the impact of the contemporary built form to the laneway and to ensure development minimises impact on heritage significance of the contributory building and consistency with DCP objectives and controls)

LPP06: 89 Union Street, McMahon's Point – DA 397/24

Applicant: Laurence Laveau

Report of Jack Varka, Senior Assessment Officer

This development application seeks consent for alterations and additions to the attached dwelling at 89 Union Street, McMahon's Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to the building height development standard by more than 10%. In accordance with the Minister's Directions the application must be determined by the Local Planning Panel.

The application was notified to adjoining properties and the Euroka Precinct Committee inviting comment between 7 – 21 March 2025. There were three (3) submissions received in response to notification.

The site is identified as Lot 4 DP 437049. The site is rectangular in shape and has an area of 181m². The site is occupied by a two storey attached terrace which is one of a group of five two-storey terraces (Nos. 83, 85, 87, 89, 91 Union Street) circa 1880. The dwelling is a contributory item and is located within the Union, Bank, and Thomas Street Conservation Area.

No significant trees or vegetation is proposed to be removed as a result of the proposed alterations and additions. Standard conditions have been imposed in the determination of the application.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 9.61m. Whilst the proposal does not change the existing maximum height of the dwelling, the construction of a new rear dormer is located above the maximum building height of 8.5m.

The proposal also creates new habitable living space within the attic level above the maximum building height. The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. The proposal will create only minor increases in shadow impacts to 91 Union Street to the rear private open space; however, the property retains 3 hours solar access in mid-winter.

Council's Heritage Officer considers that the infill of the rear breezeway would not reinforce the characteristic pattern of setbacks and building orientation as well as creating substantial additional bulk at the side boundary, which will impact upon the amenity of the neighbouring property at 87 Union Street and negative impact upon the conservation area. As detailed in this report, the proposal is to be amended by way of condition that ensures the retention of the original breezeway whilst retaining part of the rear addition, in an effort to minimise both heritage and amenity impacts without significantly compromising upon the effective design of the rear addition.

Design changes are recommended to improve the legibility of the original breezeway, which largely retains the pattern of development seen in the group of terraces. It will also allow for reasonable contemporary additions at the ground floor level without significantly compromising the heritage character of the contributory item and conservation area.

Subject to the recommended design changes, the development application is considered to be reasonable in the circumstances and 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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 397/24 for alterations and additions on land at 89 Union Street subject to the following site specific and standard conditions:

Design Amendments

A5. The following design amendments are required to improve the response to heritage context and to address amenity impacts:

- a) The western wall of the existing kitchen in the rear service wing is to be retained;
- b) The north facing side window opening of the service wing is to be retained;
- c) The proposed light court is to be extended to the full extent of the service wing's northern side wall to the point of the proposed living space addition;
- d) The proposed kitchen is to be reconfigured and incorporated into the retained service wing and increase breezeway courtyard;
- e) A corner wall nib is to be retained, to a width of 150mm, at the north-western extent of the service wing and will serve to reinforce the original heritage character of the dwelling.

Amended plans incorporating the above design amendments must be prepared and submitted with the Construction Certificate. The Certifying Authority must also 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 retain the heritage significance of the dwelling, to preserve residential amenity and character of the conservation area.)

Operable Awning

A6. The proposed operable awning over the rear deck area to be limited to the width of the opening provided for Window 1 only. No consent is granted for a permanent awning in this location.

Amended plans incorporating the above design amendments must be prepared and submitted with the Construction Certificate. The Certifying Authority must also 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 minimise associated impacts of additional bulk and overshadowing to preserve residential amenity.)

LPP07: 18 Larkin Street, Waverton - DA 61/25

Applicant: Martin Taylor

Report of Rachel Wu, Assessment Officer

This development application seeks approval for alterations and additions to an existing dwelling and is reported to North Sydney Local Planning Panel for determination for the breach of Clause 4.3 Height of Buildings development standard by more than 10%.

Notification of the proposal has attracted five (5) unique submissions raising particular concerns about Clause 4.3 height breach, uncharacteristic development, visual and acoustic privacy impact, view loss, solar access impact, overdevelopment, non-compliance with side setbacks; and potential use as a dual occupancy.

The Applicant has previously had a PreDA meeting and lodged two development applications (DA78/24 and DA120/22) for a similar proposal. The two application were withdrawn on the request of Council due to inadequate and insufficient documentation and plans. The PreDA meeting as well as both of the withdrawn development applications stated the need for view impact assessment to be submitted for adjoining dwellings as the development is likely to impact on views of adjoining dwellings towards McMahons Point, as well as views to the Sydney Harbour Bridge.

Other issues identified in previous development applications include inadequate Clause 4.6; excessive height, bulk and scale; non-compliant setbacks, inadequate shadow diagrams to assess solar access impacts to 16 Larkin Street at winter solstice; limited landscaping detail/landscape coverage in a Bushland Buffer Area A (100m); impact on amenity by the size of the roof deck; lack of geotechnical report providing details as to how matters of vibration, dilapidation reporting, groundwater (including shallow hydrological conditions) and excavation support would be addressed for the excavation of 450mm from the Lower Ground Floor extending to 200mm from the northern boundary; lack of a preliminary engineering report providing confirmation that the proposed works are possible without causing unreasonable damage to the subject dwelling and/or adjoining properties.

A view impact assessment was not included in the subject development application. On the request by Council Officer for a view impact assessment for this development application, the submission for the view impact assessment exceeded the 'stop the clock' deadline and is also deficient as it fails to consider the view impact of the roof deck balustrades to the Sydney Harbour Bridge Pylon from the adjoining property at No.25 Balls Head Road. The amendment of the development application is therefore rejected under Clause 38 of the Environmental Planning and Assessment Regulation 2021 and along with other deficiencies in the development application is recommended for refusal.

The assessment has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment the development application is recommended for refusal due to the reasons detailed herein.

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, resolve to refuse development consent to Development Application No.78/24 for development relating to alterations and additions on land at 18 Larkin Street, Waverton, as shown on plans dated 10 October 2024, for the following eight (8) reasons:-

1. Insufficient information

The proposal is unacceptable because the applicant failed to submit sufficient information to support the application.

A. View Impact Assessment for 19 – 25 Larkin Street

B. Architectural Plans:

- (i) The floor plans on the Ground Floor do not contain its uses.
- (ii) The height (RL) of the roof ridge, roof balustrades and the depth of excavation (RL) are not clearly detailed on the plans.
- (iii) The height (RL) of each existing and proposed level are not annotated clearly on the floor plans and elevations.

C. Landscape Details/Plan

D. BASIX Certification

E. Geotechnical Report

F. Preliminary Engineering Report

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 does not provide sufficient information to allow for a proper assessment against *NSLEP 2013* in regard to:
 - (a) Part 1, s1.2(2a), (2bi), (2bii), (ci), (ei) in the Aims of Plan including ensuring that new development does not adversely affect residential amenity, and the objectives of Part B, s1.4.6 (O4) Setbacks with NSDCP 2013 to preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of privacy and views.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i), (1)(a)(iii) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not provide sufficient information to allow for a proper assessment against *NSLEP 2013* in regard to the satisfaction of the objective of the C4 (Environmental Living) zone in the Land Use Table in Part 2 of *NSLEP 2013*.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i), (1)(a)(iii) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not provide sufficient information to allow for a proper assessment against *NSLEP 2013* in regard to the satisfaction of the type of development (attached dual occupancy or detached dwelling) and

its permissibility in the C4 (Environmental Living) zone in the Land Use Table in Part 2 of *NSLEP 2013*.

- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not provide sufficient information to allow for a proper assessment against *NSLEP 2013* in regard to:
 - (b) Part 4 Principal Development Standards Cl4.3(1)(a – g), with exception of e) and Cl4.3(2)
- (v) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not provide sufficient information to allow for a proper and complete assessment of Cl4.6 Exceptions to development standard objectives against *NSLEP 2013* in regard to the achievement of better outcomes in the contravention of development standards.
- (vi) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the Applicant's Clause 4.6 statement is not acceptable as it has not properly assessed the impact of the proposal on the residential amenity of adjoining dwellings and therefore cannot demonstrate that the exception to the height of building development standard is unreasonable and unnecessary.

2. Inconsistent/Inaccurate Information

The inconsistency and inaccuracies in the plans package dated 31 January 2025 is unacceptable because it does not allow for an accurate assessment of the proposal.

Particulars:

- (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 inconsistent or inaccurate across the architectural plans set.
- (ii) The proposed eastern elevation incorrectly included the approved design of No.20 Larkin Street (DA88/21/4) that has not commenced construction.
- (iii) The rooftop balustrades in Section AA are inaccurate and inconsistent with the rest of the plans.
- (iv) The diagonal lines under the Ground Floor southern elevation cladding in Section AA and across the architectural plans package are inaccurate and inconsistent with the floor plans, appearing as a cantilever to the proposed development.

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

The proposed development is unacceptable because of its inappropriate design with excessive height, bulk and scale within the context of the C4 Environmental Living zone and the Waverton Neighbourhood.

Particulars:

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy the objectives (1a, b, c, d, f, g) and (2) of the height of building control with the breach of the maximum height of building control (8.5m) stipulated in Cl4.3 in *NSLEP 2013* by 2.3m (27%) measured from the existing lower ground floor to the proposed roof balustrades (total 10.8m) in a C4 Environmental Living zone that seeks to maintain a built form of mainly 1 or 2 storeys in the zone.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not achieve the objectives of the C4 Environmental Living zone in regard to low impact residential development and ensuring a high level of residential amenity is achieved and maintained.
- (iii) 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 Waverton Neighbourhood in Section 10.6 in Part C of *NSDCP 2013* given that the proposal does not promote the desired form, massing and scale as identified in the Area Character Statement for low density and scaled development located along the ridge tops of the area.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy Part 1, Cl1.2(2)(a) to promote development appropriate to its context, and Cl1.2(2)(b)(i) to ensure new development is compatible with the desired future character of an area in terms of bulk, scale and appearance.
- (v) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy s1.4.6 Setbacks (Front) setback control on the Proposed First Floor to match the alignment of the primary facades of buildings on adjoining properties (O1), to control the bulk and scale of buildings (O2), to provide separation between buildings (O3), and to preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access (O4).
- (vi) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy s1.4.6 Setbacks (Side) setback control of 2.5m minimum setback requirement for development above 7m height caused by the proposed lift.

4. Overdevelopment

The proposed development is unacceptable because it constitutes overdevelopment on site and a poor landscaping and residential amenity outcome.

Particulars:

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and(iii) and (b) 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 and 1.5.6 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 s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy the objective of the C4 Environment Living zone in the Land Use Table in Part 2 of *NSLEP 2013* because of the proposed development with a non-complying and further exceedance of the site coverage control and 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)(iii) 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.
- (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 is contrary to Section 1.5.6 in Part B of North Sydney DCP 2013 because the proposal is not consistent with the objectives of landscaped area and does not comply with the minimum landscaped area and maximum unbuilt upon area requirements.

5. Unacceptable Visual and Acoustic Impact from Proposed First Floor Front Balcony

The proposed development is unacceptable because the amenity of the adjoining properties would be adversely impacted due to the proposed first floor front balcony.

Particulars:

- (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 consists of likely impacts to the social and built environments.
- (ii) The proposed development is unacceptable pursuant to the provisions of s. 4.15(1)(a) (i) of the *Environmental Planning and Assessment Act 1979* in that it fails to satisfy the objectives of *NSLEP 2013* C4 Environment Living zone as it does not ensure that the proposed development achieves and maintains the high level of residential

amenity for adjoining dwellings by the proposed first-floor front balcony and roof deck.

- (iii) 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 is contrary to Section 1.3.10 Visual Privacy in Part B of NSDCP 2013 because the proposal does not ensure that existing and future residents are provided with a reasonable level of visual privacy from the proposed roof deck.

6. Views

The proposed development is unacceptable as it does not ensure that a high level of residential amenity in terms of views identified in the Area Character Statement and towards the iconic view of Sydney Harbour Bridge are maintained and achieved on the site and adjoining dwellings.

Particulars:

- (i) The proposed development is unacceptable pursuant to the provisions of s. 4.15(1)(a) (b) (c) and (d) of the *Environmental Planning and Assessment Act 1979* to the objectives of NSLEP 2014 C4 Environmental Living zone as it does not ensure that the proposed development achieves and maintains the high level of residential amenity on the site and adjoining dwellings, and the provision of low impact residential development that ensures no adverse effect on the special ecological, scientific or aesthetic values.

7. Landscaping

The proposed development is unacceptable because of the poor landscaping outcome.

Particulars:

- (i) The proposed development is unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) and (1)(b) of the *Environmental Planning and Assessment Act 1979* because the proposal is not satisfactory regarding the likely environmental impacts on the natural environment in the C4 Environmental Living zone and the site zoned as Bushland Buffer Area A (100m). The proposal is unlikely to successfully retain the existing mature *Plumeria sp.* (frangipani) within the northeastern setback (side) of the site, proposes increased excavation of 450mm on the Lower Ground Floor and proposes development 200mm from the northern boundary. No landscape plan and Arborist Report are submitted to support the proposal.
- (ii) The proposed development is 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 is contrary to Section 1.5.6 Landscape Area and Section 1.5.7 Landscaping within NSDCP 2013 to promote substantial landscaping that includes the planting of trees that when mature will have a significant canopy cover (s1.5.6)(f), minimise site disturbance (s1.5.6)(h), contributes to

streetscape and amenity (s1.5.6)(i), encourage the provision of space for biodiversity conservation and ecological processes (k), landscaping and planting that satisfies minimum performance standards and is sustainable and appropriate to the site (s1.5.7)(O1), encourage biodiversity conservation and ecological processes (s1.5.7)(O3).

- (iii) The proposed development is unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.5.8 (O1) Front Gardens objective O1 to soften the built form.

8. Public Interest

The proposed development is 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 excessive height, bulk and scale and non-compliant front setback, side setbacks, poor landscaping outcome and the potential adverse impacts on the residential amenity of the adjoining properties.

Particulars:

- (i) The proposed development is 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 potential adverse impacts on the C4 Environmental Living zone, overdevelopment and the landscaping quality of the subject site and the locality and the adverse impacts on the residential amenity including potential impacts to views, solar access, visual and acoustic privacy, and streetscape of the locality.

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 7 MAY 2025, AT 2.00PM.****PRESENT IN SUPPER ROOM****Chair:**

Rob Stokes

Panel Members:

Ros Read (Panel Member)

John McInerney (Panel Member)

Ken Robinson (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader

Isobella Lucic, Team Leader

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 2 April 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:	270/24
ADDRESS:	11 King George Street, Lavender Bay
PROPOSAL:	Alterations and additions to existing dwelling house including partial demolition of dwelling including garage, addition of a pavilion and garage, new pool and alterations to landscaping.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Madelaine Blanchfield Architects Pty Ltd

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	Camille Dauty-Denis - Architect
	Yvette Middleton - Planner - GSA Planning

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations of the applicants at the meeting.

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel subject to the amendment of Condition C1 to read as follows:

Heritage Requirements

C1. The following changes must be made to the plans prior to the application for construction certificate and submitted to the certifying authority. The building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate must fully satisfy the requirements of this condition.

a) Ground Floor Fire Place

- i) The opening to the eastern side of the fire place clouded in red on the approved Ground Floor Plan is to retain an appropriately proportioned bulk head.

(Reason: To ensure the legibility of original interior room configuration and detailing so that the evolution of the building remains discernible)

b) East Elevation Windows

- i) The existing windows clouded red on the Proposed East Elevation which are either side of the chimney breast on both the Ground Floor and First Floor are to remain. No approval is granted for an increase to the size and proportion of the windows.

(Reason: To retain the character of the heritage item and ensure the balcony and verandah elements remain the prominent elements of the dwelling as viewed from the north western corner of the dwelling)

c) Front Boundary Sandstone Wall and Vehicular Gate

- i) The front boundary sandstone wall facing Waiwera Street either side of the approved demolition works for the vehicular entry shall be maintained to ensure the protection of the sandstone wall as per the directions of the commissioned heritage architect for the development.**
- ii) The architectural plans approved by this consent do not depict a new or replacement gate. If change to this gate is contemplated, this approval is required to be the subject of a modification application or a new development application submitted.**

(Reason: To ensure the preservation and character of the front west boundary wall and its contribution to the heritage significance of the site and surrounding conservation area)

Panel Reason:

The Panel considered the application to be of high design quality which respected existing heritage fabric. The Panel was satisfied that the solar impacts to neighbouring properties was negligible as these impacts related largely to an existing hard stand area.

The Panel otherwise 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		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 2

DA No:	182/22/5
ADDRESS:	1 Hayes Street, Neutral Bay
PROPOSAL:	To modify a consent for alterations and additions to a mixed use building and associated works, issued by the NSW Land & Environment Court.
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	7 Pty Ltd

One Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Rachael Nolan - Resident	Ryan Crosbie, Metis Group (Principal's Representative)
	Jeff Curnow, Metis Group (Principal's Representative)
	Christina Lucic, Popov Bass (Architect)
	Edward Wu - EMF Griffiths (ESD Consultant)

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, as well as the oral representations from the applicants and the submitter at the meeting.

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel subject to an amendment to Condition C22 to read as follows:

Location of Plant

- C22. Only plant and equipment as shown on the Roof Plan cited by the table to Condition A1 is to be located on the roof. All other plant is to be located within the basement of the building and is not to be located on balconies. The four exhaust fans (represented on the plans by a box with "EX" marked on the box) closest to the western edge of the roof and adjacent to the photovoltaic panels must be suitably screened on all four sides (and covered, if possible) using a material(s) and colour(s) which complement the building's architecture and heritage qualities. Such screening must also be designed to minimise any further view loss. Plans and specifications complying with this condition must be submitted to the Certifying Authority for Approval prior to the issue of any Construction Certificate. The Certifying Authority 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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report. The Panel is satisfied the application is substantially the same as the development application that was originally approved. Prior to determination the Panel received and had regard to the ADG Compliance Statement, and a letter advising the current BASIX and NatHERS Compliance Statements remain valid.

The Panel amended Condition C22 to address concerns related to potential view loss caused by the rooftop plant. The Panel further notes there is a need for additional bicycle parking at the southern end of Hayes Street which should be addressed in future strategic planning for the precinct.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 3

DA No:	137/23/4
ADDRESS:	5-7 Lower Wycombe Road, Neutral Bay
PROPOSAL:	Modification of DA 137/23 proposing various changes to basement, excavation methods, enclosure of car lift platform, window changes, changes to balconies and elevations, new plunge pool to eastern terrace, modified pool design and location, changes to landscaping and tree protection measures.
REPORT BY NAME:	Ben Rourke, Consultant Planner
APPLICANT:	Ingham Planning Pty Ltd

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Tom Virgona - Vergome - Developer
	Bill Clements - PBD Architects
	Felicia Huang- PBD Architects

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations from the applicants at the meeting.

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel subject to amendments to the following conditions concerning references to pools, filters and the number of bicycle parking spaces to reflect the changes shown in the modification plans.

Conditions C37, G7, G8, C44, I1, I5, K6.

The Panel notes the Council is to issue a consolidated set of conditions to reflect all the amendments.

Panel Reason:

The Panel was satisfied that the proposed modification results in substantially the same development compared with the development as originally approved.

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		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 4

DA No:	384/24
ADDRESS:	48 Raymond Road, Neutral Bay
PROPOSAL:	Alterations and additions to existing RFB, including internal and external changes to all four units.
REPORT BY NAME:	Rachel Wu, Assessment Officer
APPLICANT:	Keith and Wendy Mar, C/- MHDP Architects

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Benjamin Johnston – MHDP Architects

Panel Determination

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

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

The applicant is to provide a revised Clause 4.6 Exception to Development Standards that satisfies the legislative requirements.

With this further information the Panel is of the view that the proposed development could be appropriate for the site, and potentially consistent with Council's policy framework in the area.

Under the Provisions of S.2.20(8) of the E P & A Act the Panel Delegates to the Manager of Development Services the power to determine the application subject to the submission of additional information, specified above.

This information is to be submitted to Council no later than 14 days after the date of the advice to the applicant of the Panel's decision. Should the additional information not be submitted within this period or is not to the satisfaction of the Manager Development Services, the Panel is of the view the application warrants refusal.

Panel Reason:

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

The Panel is of the view the application may be meritorious but needs to satisfy the legislative requirements of clause 4.6 of the standard instrument.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 5

DA No:	104/24
ADDRESS:	1A Belgrave Street, Cremorne
PROPOSAL:	Alterations and additions existing residential flat building to facilitate the addition of a 3 bedroom apartment.
REPORT BY NAME:	Jack Varka, Senior Assessment Officer
APPLICANT:	Peter Anderson C/- COSO Architecture

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Anthony Solomon - COSO Architecture

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations from the applicant at the meeting.

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

Condition A1 updated to reflect amended plans.

Condition A3 updated to reflect amended scheduled materials and colours.

Panel Reason:

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

The Panel noted that while there were minor and technical non compliances in landscape and unbuilt upon areas, the application will enhance internal amenity whilst having no material adverse amenity impacts on adjoining properties.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 6

DA No:	40/21/3
ADDRESS:	1B Pine Street, Cammeray
PROPOSAL:	Section 4.55(2) modifications for various changes to a deferred commencement consent for a two storey detached dwelling.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	George Youhanna, Blue-Sky Urban

One Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Norah Zhang - Resident	George Youhanna - Bly-Sky Urban
Vitalii Tyshchenko - Resident	Raouf Saddeh - Resident

Panel Determination

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

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel subject to the amendments to conditions as follows:

- Condition A4 (e) to include amendments to landscaping as required under Condition C20;
- Condition C7 to include reference to the roofing material (colorbond or similar);
- Condition C18 to include the issue date for the BASIX Certificate;
- Condition C23 to require high sill height window for the first floor master bedroom window (W101) only;
- Renumbering of Condition G15 to G9;
- Condition I3 to include the submitted landscape plans and amendments to landscaping as required under Condition C20;

Insert a new condition C25 requiring the reissue of the dilapidation report for the neighbouring property prior to the issue of the construction certificate:

Dilapidation Reports

C25. The applicant shall re-issue the dilapidation reports prepared for No. 491 Miller Street (aka 1C Pine Street) and No. 495 Miller Street to the owners of these nominated adjoining properties.

The applicant shall provide documentary evidence that a copy of the report has been provided to the nominated properties within 28 days from the date of this consent.

The Principal Certifier must ensure that the requirements of this condition are fully satisfied prior to issue of any Construction Certificate.

(Reason: To ensure record keeping of the condition of the immediate adjoining properties)

Panel Reason:

The Panel was satisfied that the proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved in the original deferred commencement consent.

The Panel reflected on a submission relating to privacy and amended the size of a window on the northern side to address these concerns. The Panel considered that the proposed condition relating to the opacity of the stairwell window on the rear elevation was unnecessary, as it had negative amenity impacts to the proposed development without generating material privacy benefits to the neighbouring properties.

The Panel otherwise 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		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

ITEM 7

DA No:	363/24
ADDRESS:	111-115 Chandos Street, Crows Nest
PROPOSAL:	Demolition of existing building and construction of a 5 storey residential flat building with rooftop terrace.
REPORT BY NAME:	Rachel Wu, Assessment Officer
APPLICANT:	Equicentia Pty Ltd

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Jack Freckelton - Planning and Co - Urban Planner

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations from the applicant 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
Rob Stokes	Y		Ken Robinson	Y	
Ros Read	Y				
John McInerney	Y				

The public meeting concluded at 3.05pm.

The Panel Determination session commenced at 3.25pm.

The Panel Determination session concluded at 4.45pm.

Endorsed by Rob Stokes

Chair

North Sydney Local Planning Panel

7 May 2025