

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL  
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 4 JUNE 2025, AT 2.00PM.****PRESENT IN SUPPER ROOM****Chair:**

Rob Stokes

**Panel Members:**

Michael Ryan (Panel Member)

Vanessa Hotham (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services

Michael Hornery, Executive Assessment Planner

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 7 May 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**

<b>DA No:</b>	DA 420/24
<b>ADDRESS:</b>	47 Devonshire Street, Crows Nest
<b>PROPOSAL:</b>	Variation to Development Standard (>10%) (Min lot size)
<b>REPORT BY NAME:</b>	Jack Varka, Senior Assessment Officer
<b>APPLICANT:</b>	Tony Polvere

### **No Written Submissions**

### **Registered to speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Tony Polvere - Applicant

### **Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations of the applicant at 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 non-compliance with 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. The Panel was 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 inconsistent with the provisions and objectives of the standard and the zone objectives.

The Council Officer’s Report, Conditions 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:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 2**

<b>DA No:</b>	DA 142/22/7
<b>ADDRESS:</b>	44 Ellalong Road, Cremorne
<b>PROPOSAL:</b>	Section 4.55(2) modification to approved development including alterations and additions and amendments to deferred commencement conditions.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Corona Projects Pty Ltd

**No Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Matt Fortunato, Corona Projects - Project Manager/Town Planner
	Chris and Parissa Milne - Owner

**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 Panel has determined to approve the application by deleting Condition AA1 to the development consent.

**Panel Reason:**

The Panel is of the view that the deletion of Condition AA1 will not lead to any loss of green space and will not have any adverse impact on the streetscape. The Panel further noted that deletion of Condition AA1 will not create a precedent owing to the unique site conditions.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 3**

<b>DA No:</b>	DA 128/24
<b>ADDRESS:</b>	93 Kurraba Road, Kurraba Point
<b>PROPOSAL:</b>	Demolition of existing buildings and construction of a residential flat building for 19 units with basement parking
<b>REPORT BY NAME:</b>	Michael Hornery, Executive Assessment Planner
<b>APPLICANT:</b>	Gyde Consulting

**No Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Phil Vandervaere - Resident	David Maes, Architect (SJB)
Megan Sadler, Manager - MAY GIBBS' NUTCOTE	Stephen Kerr, Planner (Gyde Planning)
Sonia Berry, Chair - MAY GIBBS' NUTCOTE	Karl Davis - Development Manager
Lena Gupta - Resident	Jonathon Canvan - Development Manager
	Josh Milston, Traffic Consultant (JMT)
	Anna McLaurin - Heritage Consultant

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations of the submitters, and the applicants at 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, Conditions and Recommendations are endorsed by the Panel.

**Panel Reason:**

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

The Panel acknowledges that there are construction traffic matters that require consideration and notes that these matters have been addressed in Condition B1 - Construction Management Plan. The Panel further notes that any ongoing traffic matters post construction could be raised with the local Traffic Committee.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 4**

<b>DA No:</b>	DA 275/24
<b>ADDRESS:</b>	20 Bay View Street, Lavender Bay
<b>PROPOSAL:</b>	Demolition of an existing dwelling and construction of a new dwelling
<b>REPORT BY NAME:</b>	Rachel Wu, Assessment Officer
<b>APPLICANT:</b>	Ming Hao Wu

**3 Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Stuart Gordon of SJB Planning - Representing Resident	Penny Collins - Collins and Turner
	Andy Lee - Collins and Turner
	Annelize Kaalsen - AK Planning

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions as well as the oral representations of the submitter, and the applicants at 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, Conditions and Recommendations are endorsed by the Panel.

**Additional conditions are to be added as follows:****External Metal Screening**

- A7. The external metal screening in the approved External Materials and Finishes Schedule is to be fixed at a 45 degrees angle where it is proposed in the approved development.

(Reason: To ensure visual privacy for adjoining properties and the subject site)

**External metal screening on the southern elevation**

A8. The external metal screening proposed on the Master Bed Level southern elevation is to continue to the eastern edge of the proposed window W23.

(Reason: To mitigate visual privacy impact to existing and future residents of 18 Bay View Street)

**Relocation of glass balustrade on the Master Level Terrace**

A9. The glass balustrade located on the Master Level enclosing the northern, eastern and southern edges of the terrace must be relocated to the internal edge of the planter boxes shown in the plans.

(Reason: To ensure safety, mitigate visual privacy impact to adjoining properties and comply with BCA requirements)

**Damage to Adjoining Properties**

G9. On completion of the development the subject of this consent and prior to the issue of the relevant Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:

- a) whether any damage to adjoining properties has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Principal Certifier in accordance with this consent.

A copy of the report and certification required by this condition must be submitted to Council with the relevant Occupation Certificate. All costs incurred in achieving compliance with this condition shall be borne by the Applicant.

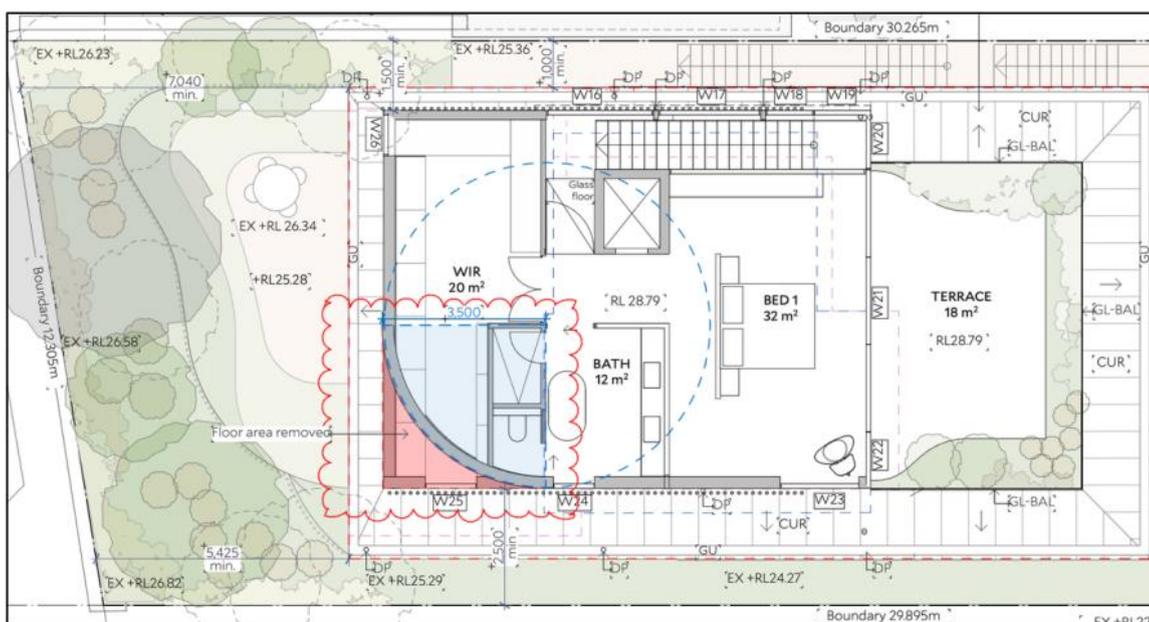
(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

Amended conditions are as follows:

**Proposed Master Bed Level WIR Reduced from the southwest**

A5. The red area in Figure 1 must be deleted and should not be reconfigured or converted into internal GFA due to the view corridor. The roof plan should be updated to reflect the new envelope.

(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. Area to be deleted shaded red.**

**Panel Reason:**

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

The Panel imposed the additional conditions based on the matters raised in the public hearing.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 5**

<b>DA No:</b>	DA 205/23/2
<b>ADDRESS:</b>	115 Blues Point Road, McMahons Point
<b>PROPOSAL:</b>	Section 4.55(1A) MOC for alterations and additions to a terrace dwelling - realign lift and amend conditions
<b>REPORT BY NAME:</b>	Ben Bourke, Assessment Officer
<b>APPLICANT:</b>	James Hundt

No Written Submissions

No person elected to speak on this item.

**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.

**Panel Reason:**

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

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 6**

<b>DA No:</b>	DA 397/24
<b>ADDRESS:</b>	89 Union Street, McMahons Point
<b>PROPOSAL:</b>	Alterations and Additions to existing terrace dwelling
<b>REPORT BY NAME:</b>	Jack Varka, Senior Assessment Officer
<b>APPLICANT:</b>	Laurence Laveau

**No Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Pierre Della-Putta - Architects Ink

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations of the applicant at 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, Conditions and Recommendations are endorsed by the Panel subject to the following additional condition:

**Design Amendments**

- A5. That the following design amendments are required to improve the response to heritage context and to address amenity impacts:
- a) The northwestern (side) wall and window of the service wing, corresponding to the current location of the kitchen, is to be retained so as to maintain the light-well area alongside of the service wing.
  - b) The new boundary-to-boundary ground level rear addition is to be set clear of the light-well area. A corner wall nib is to be retained, to a width of 150mm, at the southwestern corner extent of the service wing at the junction between the existing service wing and the new rear addition to enable the ongoing interpretation of the earlier dwelling and its layout.
  - c) The form of the ground floor addition is to be amended to delete the roof-top garden above and be redesigned with a pitched metal roof form.

Amended plans incorporating the above design amendments must be prepared and submitted to Council for approval by the Manager Development prior to the issue of the relevant 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 protect commonly shared features of the terrace group (which includes Nos. 83, 85, 87, 89 and 91 Unions Street) and that are collectively significant as contributory items within the Union Bank and Thomas streets conservation area)

**Panel Reason:**

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

The Panel replaced the proposed roof top garden with a pitched metal roof to ensure that the roof space remains non-trafficable to reduce potential privacy issues to the neighbour.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

**ITEM 7**

<b>DA No:</b>	DA 61/25
<b>ADDRESS:</b>	18 Larkin Street, Waverton
<b>PROPOSAL:</b>	Alterations and additions to existing dwelling including sub floor excavation and installation of lift.
<b>REPORT BY NAME:</b>	Rachel Wu, Assessment Officer
<b>APPLICANT:</b>	Martin Taylor

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Philip North - PCN Urban

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission as well as the oral representation of the applicant at the 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 inconsistent with the provisions and objectives of the standard and the zone objectives.

The Council Officer’s Report, Conditions and Recommendations are endorsed by the panel.

The reasons for refusal are as follows:

**1. 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.

## 2. 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.

## 3. 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.

**4. 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 Environmental 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.

**5. 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.

**6. 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.

## 7. 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.

## 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.

### **Panel Reason:**

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

The Panel notes the reorder of reasons does not constitute the need for a subsequent application to be reported to the panel.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Michael Ryan	Y				
Vanessa Hotham	Y				

The public meeting concluded at 3.10pm.

The Panel Determination session commenced at 3.13pm.

The Panel Determination session concluded at 4.32pm.

Endorsed by Rob Stokes

Chair

North Sydney Local Planning Panel

**4 June 2025**