



NORTH SYDNEY COUNCIL

Council Chambers
2 July 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 9 July 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: 43 Wonga Road, Cremorne (S) - DA 59/25 (PAN-516634)**

Applicant: Vaughan Milligan Development Consulting Pty Ltd

Report of Andrew Beveridge, Senior Assessment Officer

This development application seeks NSLPP approval for alterations and additions to an existing detached dwelling including the addition of double garage, rear extension, and associated site works, at 43 Wonga Road, Cremorne.

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

The proposed development breaches the maximum permitted building height of 8.5m by 2.93m or 34.47%. The applicant's submission has been considered with reference to the Land and Environment Court's decision in *Wehbe v Pittwater Council [2007] NSWLEC 827* in order to justify the proposed variation. The applicant's Clause 4.6 is considered to be satisfactory given the site circumstances and on the basis that it will not have a significant impact upon the general amenity of adjoining properties. In particular reasonable view sharing will be maintained for adjoining sites, and while some overshadowing is noted to the rear an adjoining site, the overall impact is considered to be acceptable on balance, when considering the overall solar access to the site.

The application was notified in accordance with the community engagement protocol and Council received three (3) submissions raising various matters, including view loss and solar access amenity impacts. The amenity impacts upon adjoining site have been assessed and are considered to be relatively minor and acceptable within the site circumstances. The works will also maintain a sympathetic scale that is consistent with the existing building and surrounding buildings, and accords with the built form of the neighbourhood and the sloping topography of the site. Conditions are recommended for the preparation of an appropriate landscape scheme for the site, including new landscaping for the driveway area, and for the protection of significant trees.

The works will also maintain a sympathetic scale that is consistent with the existing building and surrounding buildings, and accords with the built form of the neighbourhood and the sloping topography of the site. Conditions are recommended for the preparation of an appropriate landscape scheme for the site, including new landscaping for the driveway area, and for the protection of significant trees.

There would be no significant or unreasonable privacy loss and/or excessive bulk and scale as a result of the proposal given that the proposed alterations and additions will be relatively sympathetic to the surrounding area and are generally in-keeping with the character and scale of the neighbourhood.

On balance, the application is considered reasonable and is recommended for **approval** subject to site specific and standard 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, Housing and Infrastructure 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. 59/25 for alterations and additions to an existing detached dwelling, on land at 43 Wonga Road, Cremorne, subject to the attached standard conditions.

LPP02: 54 Victoria Street, McMahon's Point – DA 46/2025

Applicant: COSO Architecture

Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions to a building in use as an office premises. The works principally entail new internal layouts to the ground and first floor and alterations to the rear façade replacing the existing brick façade with aluminium framed glazing and fibre cement cladding. A new pedestrian entry lift and stair access from the rear car parking is proposed.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to alterations which exceed 10% of the height of building standard in accordance with the Minister's Directions.

The existing building height would remain however there are new works which exceeds the 8.5m maximum height of building being a variation in the height standard of 1.5m or 17.64%. 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 development has been subject to notification to adjoining properties and no submissions have been received. The development achieves a satisfactory outcome investing in the continued use of the building as an office premises providing a core facility and service in the E3 Productivity Support Zone.

The development proposes a compact provision of stairs and a wheelchair lift which is a supportable outcome achieving improved ease of access to the building and minimising the impact to manoeuvring and accommodation of vehicles in the car park.

The development application is supported by a BCA Upgrade Report and subject to conditions of consent the building will have an improved outcome in conformity with the current BCA in particular improving the safety of people using the building and adjoining buildings.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific 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, Housing and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.6 in NSLEP 2013 and grant consent to Development Application No. 46/2025 for alterations and additions including alterations to the rear façade, internal alterations and new entry to the rear on land at 54 Victoria Street, McMahon's Point subject to the following site specific and standard conditions:-

Fire protection and structural capacity

C11. Prior to a Construction Certificate being issued, building work plans and specifications must be submitted to the Certifying Authority to demonstrate how:

- a. the fire protection and structural capacity of the building will be appropriate to its new use, and
- b. the building will comply with the Category 1 fire safety provisions that apply to the new use.

(Reason: Ensure compliance with s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021)

Upgrade of building – complete upgrades

G5. Prior to an Occupation Certificate being issued, all upgrades and works required to be undertaken pursuant to s 64 of the Environmental Planning and Assessment Regulation 2021 must be completed.

(Reason: Ensure the upgrades required under s 64 of the Environmental Planning and Assessment Regulation 2021 are completed prior to use)

Fire protection and structural capacity – complete upgrades

G6. Prior to an Occupation Certificate being issued, all upgrades and works required to be undertaken pursuant to s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 must be completed.

(Reason: Ensure the upgrades and works required under s 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 are completed prior to use)

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD ONLINE AT 2.00PM, WEDNESDAY 25 JUNE 2025****PRESENT****Acting Chair:**

Michael Ryan

Panel Members:

Vanessa Hotham (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Administrative Support:

Peita Rose, Governance Officer (Minutes)

Michael Ryan chaired the meeting due to Rob Stokes being unable to attend the meeting. The required quorum of 3 panel members was maintained throughout the meeting.

This meeting was 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 4 June 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:	DA 95/21/5
ADDRESS:	313 Pacific Highway, North Sydney
PROPOSAL:	Section 4.55(2) modification application to modify the approved design, by revising floor to floor heights, relocating plant rooms and waste management facilities, increasing lift size, making internal adjustments to habitable spaces and room layouts, improving constructability, increasing the lift overrun's height, and amending certain conditions.
REPORT BY NAME:	Jim Davies, Executive Assessment Planner
APPLICANT:	The Trustee for North Sydney Asset Trust C/- B. Creighton, Think Planners

No Written Submissions

Registered to speak

Submitter	Applicant/Representative
	Ben Creighton - Think Planners

Panel Determination

The Panel members have been made aware of the individual sites and had the opportunity to conduct inspections prior to the meeting and consider the oral and written representations of the submitters and applicants.

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:

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

ITEM 2

DA No:	DA 27/25
ADDRESS:	65 Victoria Street, McMahon's Point
PROPOSAL:	Alterations and additions to an existing semi-detached dwelling.
REPORT BY NAME:	Rachel Wu, Assessment Officer
APPLICANT:	Barr Property & Planning

3 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
Michael Fremder - Resident	Tony Markey - Owner
Claire Fremder - Resident	Lachlan Rodgers - Barr Planning
Michael Gheorghiu - Urban Planner representing residents of 62,64, 68 Victoria Street and 48 Mitchell Street	

Panel Determination

The Panel members have been made aware of the individual sites and had the opportunity to conduct inspections prior to the meeting and consider the oral and written representations of the submitters and applicants.

Pursuant to the provisions of Clause 4.6 of the *North Sydney Local Environmental Plan 2013* ("the LEP"), the Panel is satisfied that the written request for the exceedance of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Additionally, the Panel considers that the development is in the public interest and is consistent with the objectives of the standard and the zone objectives.

The Panel acknowledged the points of submission raised by adjoining owners and the applicant. On balance, the panel is of the opinion that view sharing has been adequately assessed as being reasonable. The panel agrees with the assessment report.

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

Condition C22 is to be deleted.

Condition C23 is amended to read as follows:

First Floor Southern and Eastern Elevation Glazing

C23. All glazed openings on the proposed First Floor southern and eastern elevations represented in the approved plans on the southeast corner of the proposed development are to be amended as windows with a minimum sill height of 1m measured from the First-Floor finished floor level. The area beneath the window sill is to be solid wall. The top of the planter boxes proposed outside of these locations are to be relocated to match the revised window sill height, affixed externally of the window sill, and realigned to curve with the window glazing.

The glazed openings and planter boxes mentioned above do not include the glazed door and transom beneath the eastern elevation dormer.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of visual privacy, acoustic privacy, and noise mitigation is provided to the subject site and adjoining dwellings at No.176 Blues Point Road and 48 Mitchell Street, as well as future residents on adjoining sites)

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
Michael Ryan	Y		Meredith Trevallyn-Jones	Y	
Vanessa Hotham	Y				

ITEM 3

DA No:	DA 142/24
ADDRESS:	246 Miller Street, North Sydney
PROPOSAL:	Use of premises as business premises (pet grooming parlour and ancillary pet shop), including internal alterations and signage.
REPORT BY NAME:	Leena Sebastian, Consultant, Monteath & Powys
APPLICANT:	Misterdd Pty Ltd

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Nick Maric - Project Manager (Franklin Shanks)
	Richie Ke - Tenant/Occupier (UrbanAnimal Pet)

Panel Determination

The Panel members have been made aware of the individual sites and had the opportunity to conduct inspections prior to the meeting and consider the oral and written representations of the applicant.

The Consultant's Report, Conditions and Recommendations are endorsed by the panel subject to the following amendments:

Condition A4 is to be amended to read as follows:

Approved use

- A4. This consent permits use of the premises as a business premises (pet grooming business) only. Any animal care area provided within the development shall be associated with the grooming services offered at the premises only. No consent is granted or may be inferred under this approval for provision of veterinarian services or overnight animal boarding.

Appropriate information should be displayed within the building to ensure the staff and customers are aware of the restrictions on large dogs, as per the Plan of Management.

(Reason: To clarify the terms of this consent and ensure the development operates in accordance with the specified use without adverse impacts)

The addition of Conditions I9 and I10 are as follows:

Operation of machinery in grooming areas, laundry and bathing areas

- I9. The windows and external door(s) to the ground and first floor grooming areas and the laundry spaces of the business are to be kept shut during operation of the washing machine, blow dryer and cloth dryer.

(Reason: To ensure compliance with the Acoustic report recommendations)

No Access to the first-floor balcony

I10. The doors to the first-floor balcony are to be kept closed during business hours. Access to the balcony is not permitted for animals in the care of or otherwise associated with the operation of the business premises.

(Reason: Safety)

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
Michael Ryan	Y		Meredith Trevallyn-Jones	Y	
Vanessa Hotham	Y				

The public meeting concluded at 2:28pm.

The Panel Determination session commenced at 2:30pm.

The Panel Determination session concluded at 3:16pm.

Endorsed by Michael Ryan
Acting Chair
North Sydney Local Planning Panel
25 June 2025