



NORTH SYDNEY COUNCIL

Council Chambers
30 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 6 August 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: 29 Tobruk Avenue, Cremorne - DA 110/25**

Applicant: Oki Jahja

Report of Rachel Wu, Assessment Officer

This development application seeks approval for alterations and additions to a detached dwelling and is reported to North Sydney Local Planning Panel for determination due to exceedance of the Clause 4.3 Height of Building Standards by more than 10%.

The proposal involves the extension of the existing garage and vehicular crossing for two car spaces and terrace extension above; lift installation between the garage level to the First Floor; enclosure of the First and Second Floor front balconies, construction of a new entry deck; and rear extension of the First and Second Floor to the northeastern corner.

Notification of the original proposal has attracted five (5) submissions raising particular concerns about the front garage wall that extends corner to corner at a height of approximately 3.74m and the consequent removal of the existing hedges. The submissions raise the concern of uncharacteristic height, bulk and scale, removal of landscape elements to streetscape, uncharacteristic material and finish. The amended plans lowered the height of the garage wall to 2.8m and retain the height of the fence on either side with the existing hedges retained either side of the garage and pedestrian wall and additional landscape elements. As the plans are considered to have a lesser impact than the original proposal it does not require renotification, however the amended plans were sent to the submitters for comment and no further submissions/comments were received. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

A condition is recommended at the end of the report for the entry deck proposed on the First Floor to be reduced in width from 1.2m to 1m. The planter box proposed to be affixed to the entry deck is to increase in front setback in accordance with the reduction in width of the entry deck to comply with the minimum 3m front setback stipulated in the Area Character Statement.

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 as the consent authority grant consent to Development Application No. 110/25 for alterations and additions to a detached dwelling on land at 29 Tobruk Avenue, Cremorne, subject to the following site specific and attached standard conditions:-

Reduction in Width of Entry Deck

- A4. The proposed Entry Deck located on the First Floor is to be reduced in width from 1.2m to 1m. The proposed planter box affixed to the balustrade of the Entry Deck is to move east with the Entry Deck structure accordingly.

(Reason: To ensure the proposed development complies with the front setback control of 3m in accordance with the Area Character Statement within Part C, NSDCP 2013)

Updated BASIX Certificate

C24. The submitted BASIX Certificate (A1749740_02, dated 15 April 2025) is required to be updated in accordance with the approved plans and conditions within this 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 the 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)

LPP02: 9 Lodge Road, Cremorne - DA 118/25

Applicant: Look Design Group Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This development application seeks approval for alterations and additions to an existing detached dwelling at No.9 Lodge Road, Cremorne.

The application is referred to the North Sydney Local Planning Panel for determination because the proposal is subject to a variation to the building height development standard is greater than 10%, which requires determination of the application by the Panel in accordance with the directions from the Minister of Planning.

Notification of the proposal has attracted two (2) submissions raising particular concerns about impacts on significant views and privacy for nearby properties. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposal was considered under the relevant Environmental Planning Instruments and policies including *NSLEP 2013* and *NSDCP 2013* and general found to be satisfactory.

The proposed alterations and additions to an existing dwelling is a permissible form of development in a C4 (Environmental Living) zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

The proposal would maintain compliance with the DCP's site coverage requirement and improvements to the level of compliance with the landscaped area and unbuilt upon area requirements.

The issues raised in the submissions received were addressed in the assessment report.

Having regard to the merits of the proposal, the application is recommended for approval subject to the imposition of 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, 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. 118/25 for alterations and additions to a detached dwelling on land at No.9 Lodge Road, Cremorne subject to the following site specific and attached standard conditions:-

Amendments to the Landscape Plan

C25. The submitted landscape plan, Drawing numbered L-01 Rev A, dated 07.04.2025, prepared by Ecodesign, must be amended to incorporate the planter along the north-western edge of the first floor terrace.

The plant species for this planter shall be based on the plant species identified for the planter off the family room on the rear elevation of the subject dwelling.

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and maintaining landscape quality)

LPP03: 17 Bridge End, Wollstonecraft - DA 273/24

Applicant: Linfield Developments Pty Ltd

Report of Damon Kenny, Executive Assessment Planner

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units on land at 17 Bridge End, Wollstonecraft.

The application is reported to the North Sydney Local Planning Panel for determination as the

proposal seeks a contravention to a development standard by more than 10% and has attracted more than 10 submission by way of objection.

The site is zoned R4 High Density Residential under the provisions of North Sydney Local Environmental Plan 2013. The proposed application is for the demolition of existing 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 15.675m, which exceeds the maximum building height by 2.76m, a variation of 30.6% to the development standard. A written request has been submitted pursuant to Clause 4.6 in *NSLEP 2013* however, it fails to demonstrate that compliance with the development standard is both

unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention.

The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found not to be satisfactory.

The proposed development is considered to result in a built form in proportion to landscaped area which is inconsistent with the desired character of the locality. This is predominately predicated on non-compliances with site coverage and landscaped area. These non-compliances, combined with the lack of accurate information, not only results in a development which is out of character, but also does not allow for a thorough and robust assessment of the application. As outlined in this Report, the site coverage and landscaped area controls seek to manage the density of built form on the subject site, where no FSR standard applies.

The application has attracted a number of unique submissions raising particular concerns regarding building height, setbacks, landscaped area and site coverage, misleading or incorrect plans and documentation, traffic impacts and safety, construction traffic and safety, excavation impacts, stormwater impacts, privacy, solar impacts and view loss.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for **refusal**.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority, resolve to refuse Development Application No. 273/24 for demolition of all structures and the replacement of three residential apartment buildings containing a total of 12 dwellings with a single residential flat building containing 22 Units on land at 17 Bridge End, Wollstonecraft, for the following reasons:

1. The proposed development fails to satisfy Clause 1.2(2) Aims in Part 1 of the North Sydney Local Environmental Plan 2013

- a) The application does not demonstrate the development will enhance the amenity of the community and environment and is inconsistent with Clause 1.2(2)(a);
- b) The application exceeds the maximum site coverage and is deficient in landscaped area resulting in an overdevelopment of the site which is incompatible with the desired future character of the area and inconsistent with Clause 1.2(2)(b)(i);
- c) The application fails to ensure that new development does not adversely affect residential amenity in terms of view sharing and is inconsistent with Clause 1.2(2)(c)(i);
- d) The application fails to maintain and protect natural landscapes, topographic features and existing ground levels and is inconsistent with Clause 1.2(2)(e)(i); and
- e) The application fails to protect the natural qualities of North Sydney and does not ensure that development does not adversely affect its significance and is inconsistent with Clause 1.2(2)(f).

2. The proposed development does achieve the objectives of the zone

- a) The proposal does not satisfy the objectives of the R4 High Density Residential zone as:

- i. The proposed residential flat building does not demonstrate that a reasonably high level of amenity to the neighbouring properties are achieved, particularly in relation to solar access and view loss impacts; and
- ii. The proposed residential flat building compromises the natural landscaped character of the area as the development does not satisfy the relevant built form controls as required within the R4 zone.

3. The proposed development does achieve the objectives of the height of buildings development standard

- a) The proposal does not satisfy the following objectives of the R4 High Density Residential zone:
 - i. (b) to promote the retention and, if appropriate, sharing of existing views
 - ii. (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development
 - iii. (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area

4. The proposed development fails to satisfy the provisions of Clause 4.6

- a) The Clause 4.6 request has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify the contravention of the development standard.

5. The proposed development does not comply with the following provisions pursuant to the North Sydney DCP 2013.

- a) O1, O2, O4, O6 and P1, P3, P4, P6 of Part B, Section 1.3.1 Topography in NSDCP 2013
- b) O1 and P1 of Part B, Section 1.3.2 Properties in proximity to bushland in NSDCP 2013
- c) O2 and P2, P4 of Part B, Section 1.3.6 Views in NSDCP 2013;
- d) O1 and P1 of Part B, Section 1.3.8 Solar Access in NSDCP 2013;
- e) O1 and P1 of Part B, Section 1.4.1 Context in NSDCP 2013;
- f) O1 and P3 of Part B, Section 1.3.8 Streetscape in NSDCP 2013;
- g) O1 and P1 of Part B, Section 1.4.7 Form, massing and scale in NSDCP 2013;
- h) O1 and P8 of Part B, Section 1.4.8 Built form character in NSDCP 2013;
- i) O1, O2, O3, O4 and P1 of Part B, Section 1.5.5 Site Coverage in NSDCP 2013;
- j) O1 and P1, P2 of Part B, Section 1.5.6 Landscape Area in NSDCP 2013.
- k) O1, O3 and P1, P2, P7 of Part B, Section 1.5.7 Landscaping in NSDCP 2013;
- l) O2 and P1, P2, P6 of Part B, Section 15.2.1 Siting and design in NSDCP 2013;
- m) O1 and P1, P4, P7 of Part B, Section 15.3.2 Landscape design in NSDCP 2013; and
- n) P1, P2, P2 of Part C, Section 10.4.2 Desired built form in NSDCP 2013;

6. The application does not satisfy the provision of State Environmental Planning Policy (Housing) 2021

- a) The application does not satisfy the provisions of SEPP (Housing) 2021, specifically, Schedule 9 Design principles for residential apartment development:
 - i. Principle 1: Context and neighbourhood character, Principle 2: Built form and scale and Principle 3: Density as the proposal represents overdevelopment of the subject site due to its exceedance beyond the Council's statutory planning requirements including site coverage, landscaped area, structures within the bushland buffer zone and the failure to respond to the natural topography of the site. Further, the subterranean

habitable spaces within the development do not afford reasonable amenity for future occupants.

- ii. Principle 4: Sustainability as an amended BASIX certificate was not provided.
- iii. Principle 5: Landscape as The proposal fails to comply with the landscaped area in control (NSCP 2013) resulting in an inappropriate outcome for the site which fails to promote the character of the neighbourhood, fails to provide a landscaped buffer between adjoining properties and does not provide a buffer between bushland areas and development.
- iv. Principle 9: Aesthetics as the street elevation appears industrial and would benefit from further fine grain refinement suitable to the 3 storey pedestrian-friendly scale.

7. The application does not satisfy the provision of State Environmental Planning Policy (Biodiversity and Conservation) 2021

- a) The application does not satisfy the provisions of SEPP (Biodiversity and Conservation) 2021, specifically, Chapter 2 Vegetation in non-rural areas as insufficient information was provided to enable assessment for the protection and retention of trees.

8. The application does not satisfy the provision of State Environmental Planning Policy (Sustainable Buildings) 2022

- a) The application does not satisfy the provisions of SEPP (Sustainable Buildings) 2022, specifically, Chapter 2 Standards for residential development—BASIX as an invalid BASIX certificate was provided.

9. The application does not satisfy the provision of State Environmental Planning Policy (Transport and Infrastructure) 2021.

- a) The application does not satisfy the provisions of SEPP (Transport and Infrastructure) 2021, specifically, Clause 2.99 in that the consent authority cannot be satisfied that:
 - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:-
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

10. Not considered to be in the public interest or suitable for the subject site.

- a) The proposed development is not considered suitable for the subject site nor in the public interest and does not satisfy Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended) due to a lack of information to enable a thorough assessment.

LPP04: 6 John Street, McMahon's Point - DA 368/24

Applicant: NOAKES Group Pty Limited

Report of Damon Kenny, Executive Assessment Planner

This development application seeks consent for Installation of a Carbon Filtration System and minor demolition work to Shed 3 in association with existing marine repair facility at 6 John Street, McMahons Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application has attracted more than 10 submissions by way of objection. A public determination meeting is required in accordance with the Ministers Direction. Development for the purpose of ancillary development to a *boat building and repair facility* is permitted within the W4 Working Waterfront zone.

The matters for consideration as outlined in section 4.15(1) of the Act have been satisfied. The proposed development is permissible, meets the development standards and relevant provisions of NSLEP 2013.

A total of 17 unique submissions were received raising objections regarding issues including the operation and existing operation, noise, information. Conditions are provided where relevant.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate standard and site specific conditions/refusal for the reasons provided below.

Notification of the proposal has attracted seventeen (17) submissions raising particular concerns about operation and existing operation, noise, information. 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 as the consent authority grant consent to Development Application No. 368/24 for the installation of a Carbon Filtration System and minor demolition work to Shed 3 in association with existing marine repair facility on land at 6 John Street, McMahons Point subject to the conditions attached to the report.

LPP05: 79 Union Street, McMahons Point - DA 80/25

Applicant: Cracknell & Lonergan Architects Pty Ltd

Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions to a **heritage listed** semi-detached dwelling which includes demolition work to the rear ground floor of the service wing, demolition of rear bathroom and storage space and provision of a new ground floor the full width of the site. Internal alterations are also proposed to the first floor and a new larger window opening to serve the attic stairs. The works sought are to 79 Union Street, McMahons Point which is a Local Heritage Item situated within the Union, Bank, Thomas Streets Conservation Area.

The subject dwelling is one of a highly intact pair of heritage listed semi-detached dwellings designed in the Federation Filigree style. The dwelling comprise two storey front verandahs and attic verandahs with elaborate cast iron and decorative timber

detailing, a central bay to each dwelling with curved door entrances to ground floor verandahs with a stuccoed gable end and brick dividing wall. Ground floor additions to the rear are less prominent features but also are mirrored on each property.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves part demolition/removal of building fabric within a heritage listed item which requires determination by the Panel in accordance with the Minister of Planning's Directions issued under s.9.1 of the EP & A Act 1979.

The development was notified to the Euroka Precinct and adjoining properties for 14 days and no submissions have been received.

The development is not supported on heritage grounds because it proposes excessive demolition of the rear ground floor, removing the internal layout and walls to form a larger open plan ground floor which would remove the character of the rear service wing and associated breezeway. The substantial demolition and larger ground floor additions will remove substantial elements of the existing rear service wing and breezeway which currently contribute to the heritage significance of the heritage item. The substantial loss of these elements, including loss of windows, stairs changes and changes to the proportions of ground floor elements will substantially detract from the shared significance between the heritage item pair of dwellings 77 & 79 Union Street.

The alterations include minor works which exceed the maximum building height of 8.5m contrary to development standard Cl. 4.3 'Height of Buildings' of NSLEP 2013 principally due to alterations to a rear attic window providing a larger opening. There are no objections to these proposed works and the submitted Clause 4.6 Variation Request sufficiently provides reasoning that the departure is justifiable and that there are sufficient environmental planning grounds for the departure in height.

The applicant has been requested to provide an amended proposal to address concerns around demolition impact to the heritage item but has declined to provide amendments. Additional information has been provided in support of the proposed design including a fabric analysis. Given the heritage significance of the dwelling, as part of a listed pair of dwellings, the proposed design is not considered to be appropriate. The scope of demolition work is excessive and the scale and form of the rear additions is not of an appropriate scale and would not retain substantial design elements. The loss of significant features will also impact its partner dwelling and should not be repeated on this western façade.

Given the issues raised, the application remains unsatisfactory on heritage grounds and would not achieve the objectives to preserve heritage significance of the dwelling when assessed against Cl.5.10 'Heritage Conservation' of the NSLEP 2013 and Section 13 'Heritage & Conservation' of NSDCP 2013. The application is therefore recommended for refusal.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, resolve to refuse development consent to Development Application No. 80/2025 for development of alterations and additions including construction of a ground floor rear addition on land at 79 Union Street, McMahons

Point, as shown on plans prepared by Cracknell & Lonergan Architects Pty Ltd dated 18/03/25, for the following reasons:-

1. Heritage Impact - Protecting Heritage Significance, Form, massing and scale

The proposed scope of demolition and the form, scale of the ground floor addition and removal of the existing breezeway adversely impacts upon the heritage significance of the item. The alterations and additions to 79 Union Street does not retain the significance of the service wing and associated breezeway and does not retain a built form feature shared between 77 & 79 Union Street. The development is an unsatisfactory heritage outcome contrary to Objective (1)(b) in Cl. 5.10 'Heritage Conservation' of the NSLEP 2013 and applicable objectives and provisions in Section 13 'Heritage & Conservation' of NSDCP 2013 which is outlined in detail in the following particulars.

Particulars

- a) The subject site (79 Union Street) is identified as a heritage item (I0500) and forms a semi detached pair with 77 Union Street (I0499). 79 Union Street is one of an elaborate pair of two storey face brick semi-detached houses with attics. The building is designed in the Federation Filigree style. It is also located within the Union, Bank and Thomas Streets Conservation Area (CA 15).
- b) The development proposes alterations and additions primarily to the rear of the semi-detached dwelling. Works would entail demolition to the ground floor rear wing and outdoor laundry/store room spaces to allow for a new rear addition which extends to the eastern side boundary. Internal alterations to the first floor are proposed to construct a new bathroom and laundry and demolition of a partition wall to create a larger bedroom and a vaulted ceiling is sought for the first floor of the service wing. The sunroom is subject to alterations to become an ensuite. An existing window located on the upper level would be demolished and replaced with a larger window on the rear elevation to serve a stairway. The development also proposes landscaping to the rear of the site.
- c) The demolition of the existing ground floor of the service wing and proposed ground floor which is the full width of the site proposes an alternative built form character not maintaining the character of the existing service wing and associated breezeway. The loss of the existing ground floor service wing and associated breezeway is not supported as they contribute to the significance of the heritage item and a representation of a key period of the item's development contrary to Provision P1 and Provision P4, Section 13.5.1 'Protecting heritage significance' of the NSDCP 2013.
- d) The alterations and additions irreversibly alter the built form character of the service wing undermining an understanding of the heritage significance of the heritage item by removing the interpretation of the service wing. The development therefore is not supportable not meeting objectives O1, O3 and O8 in Section 13.5.1 'Protecting heritage significance' of the NSDCP 2013.
- e) Council adopts a "whole property" approach for heritage items and the significance of the heritage item extends beyond the street frontage of the building. The existing service wing and its associated breezeway is a highly intact unaltered building element of the semi-detached dwelling and

contributory to the heritage significance of 79 Union Street. Although objectives and provisions in Section 13 of NSDCP 2013 do allow for changes to the rear of heritage items the new work proposes excessive alterations and additions undermining the existing built form character of the service wing therefore impacting upon the heritage significance of the heritage item contrary to Objective O6, s13.5.1 'Protecting heritage significance' of NSDCP 2013.

- f) The service wing does play a role in the understanding of the heritage item being a subservient form with a subservient scale and the new rear ground floor irreversibly alters the form, massing and scale of the service wing to the detriment of the significance of the heritage item. The development therefore not satisfy Objective O1 and P4 in s13.5.2 'Form, massing, scale' of NSDCP 2013.
- g) The proposed alterations and additions affecting the existing ground floor service wing remove the built form features of the service wing that are common and significant built form elements shared between 77 & 79 Union Street which detracts from the shared significance between the pair of heritage items. The rear ground floor addition is therefore not supportable contrary to Objective O1 and P1 in s13.5.7 'Group Heritage Items' of NSLEP 2013.
- h) The proposed raked ceiling for the first floor is not supported being an uncharacteristic feature of the heritage listed dwelling which would alter the interpretation of the historic spatial qualities of the semi-detached dwelling. The existing ceiling shall remain to ensure Objective O1 and P5 of s13.5.5 'Interior layouts' in NSDCP 2013 are met.
- i) The development does not respond to the existing characteristics, opportunities and constraints of the site. The addition does not retain the semblance of the existing service wing and the development does not provide an improved outcome to the heritage significance of the heritage item or retain a significant shared feature (service wing) between the pair of heritage items 77 & 79 Union Street. The development is therefore contrary to Objective O1 in s1.4.1 'Context' of NSDCP 2013.
- j) The proposed alterations and additions to 79 Union Street does not retain the significance of the service wing and associated breezeway adversely impacting upon the heritage significance of the item and does not retain a built form feature shared between 77 & 79 Union Street. The proposed raked ceiling for the first floor is not supported being an uncharacteristic feature of the heritage listed dwelling which would alter the interpretation of the historic spatial qualities of the semi-detached dwelling. The development detracts from the significance of the heritage item and the pair of heritage items contrary to Aims of Plan 1.2(2)(f), Objective 1(b) in Clause 5.10 of NSLEP 2013.

2. Public Interest

- a) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is not considered to be within the public interest and is likely to set an undesirable outcome due to the detrimental impact to the heritage item 79 Union Street and adjoining heritage item at 77 Union

Street due to the non-compliances with objectives and controls under Council policy including the NSLEP 2013 and NSDCP 2013.

LPP06: 4 Holt Street, McMahons Point - DA 57/25

Applicant: Wenjing Shi C/- MAP Architects

Report of Jack Varka, Senior Assessment Officer

This development application seeks consent for part demolition of existing structure and erection of new 3-storey single dwelling with roof terrace and related landscaping at 4 Holt Street, McMahons 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 18 April – 2 May 2025. There was one (1) submission received in response to notification.

The site is identified as Lot 104, DP 1185623. The site is rectangular in shape and has an area of 266m². The site is occupied by a split level 1960's style industrial building. The building 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 proposal.

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 9.5m. This is a reduction in the height of the current approval (DA302/20) by approximately 500mm. The variation to the height standard is acceptable in this circumstance.

The development proposes the construction of a new dwelling house, and the works will not alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. It is noted however that view corridors are present across the site from properties located north along Union Street. A detailed Tenacity view impact assessment has been undertaken as part of this assessment and has deemed that the impact is non-material/negligible.

Council's Heritage Officer has not supported the application stating that the development does not provide an appropriate or sympathetic response to the heritage context of the site and that the proposal is not acceptable on heritage grounds and revisions are recommended to ensure the remnant portion of the original industrial building retains its character and contribution to the conservation area. These revisions have been imposed by way of condition.

These design changes are recommended to improve the legibility of the original facade, which largely retains the pattern of development seen in the locality. It will also allow for reasonable contemporary additions without significantly compromising the heritage character of the 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. 57/2025 for part demolition of existing structure and erection of new 3 storey single dwelling on land at 4 Holt Street, McMahon's Point subject to the attached Standard conditions and following site specific conditions:

Heritage Requirements

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

- a) The existing asymmetrical setting of the vehicular opening and secondary pedestrian entry and as framed by the box gutters and downpipes on either side as presented in the existing building façade of the light industrial building are to be retained.
- b) Details of a new garage door to fit into the existing opening and designed with a smaller secondary door set within it to access the garbage area are to be submitted to Council for approval.
- c) The proposed alignment of the new addition set behind the existing frontage of the light industrial building is to be compatible with the Holt Street alignment and complementary with the building at 6-8 Holt Street.
- d) The design of the new balconies are to be integrated to complement the industrial context and character of the host building and its setting amongst modern industrial buildings.
- e) The fenestration pattern of the new built form is to be rationalized to increase the solid-to-void ratio of the new built form and its fit with the host building and the industrial context of the site, particularly the adjacent building at 6-8 Holt Street.
- f) Details of the proposed conservation works to the front façade of the light industrial building are to be provided to Council including details of:
 - i. The removal of paint and making good of the brick façade and parapet form retention of the details of the corbelled brick edges.
 - ii. Retention of the box gutters and downpipes framing the original building and contributing to retaining its character.

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 building, to preserve the character of the conservation area)

Roof Terrace

I3. The approved roof terrace is restricted from installing any additional structures to the space including awnings, umbrellas, or similar, or any furniture which exceeds a height of 1.6m above FFL.

(Reason: To ensure view corridors and view sharing is upheld)

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD AT 2.00PM, WEDNESDAY 9 JULY 2025****PRESENT****Chair:**

Vince Hardy

Panel Members:

Scott Barwick (Panel Member)

Greg Woodhams (Panel Member)

Lindsey Dey (Community Representative)

Staff:

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 25 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:	59/25
ADDRESS:	43 Wonga Road, Cremorne
PROPOSAL:	Alterations and additions to an existing dwelling, including addition of double garage, rear extension, and associated site works.
REPORT BY NAME:	Andrew Beveridge, Senior Assessment Officer
APPLICANT:	Vaughan Milligan Development Consulting Pty Ltd

1 Written Submission

Registered to speak

Submitter	Applicant/Representative
Tip and Ellen Huizenga - neighbours at 41 Wonga Road	Vaughan Milligan - Vaughan Milligan Development Consulting
	Alex Zylberberg - Owner

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered both the written submission, as well as the oral representations from 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 subject to the following amendment.

Condition I1 to be replaced with the following:

Single Occupancy

I1. Nothing in this consent authorises the use of the premises other than for a single occupancy.

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

Panel Reason:

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

The Panel considered the submissions from the adjoining neighbours. The Panel also requested and had regard to additional plans provided by the applicant's architect, which modelled a skilion roof on the rear portion of the development. These plans were provided on the day of the panel meeting after the site visit. The additional plans did not indicate an appreciable change to solar access to the adjoining property. On that basis, the panel agreed with the officer's assessment and recommendation.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Lindsey Dey	Y	
Scott Barwick	Y				
Greg Woodhams	Y				

ITEM 2

DA No:	46/25
ADDRESS:	54 Victoria Street, McMahon's Point
PROPOSAL:	Alterations and additions to existing commercial premises.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	COSO Architecture

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	Anthony Solomon - Architect

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.

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 considered the matter raised by the applicant during the meeting.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Lindsey Dey	Y	
Scott Barwick	Y				
Greg Woodhams	Y				

The public meeting concluded at 2:23pm.

The Panel Determination session commenced at 2:25pm.

The Panel Determination session concluded at 2:45pm.

Endorsed by Vince Hardy
Chair
North Sydney Local Planning Panel
9 July 2025