

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING
PANEL MEETING HELD AT 2.00PM, WEDNESDAY 6 AUGUST 2025****PRESENT****Chair:**

Stuart McDonald

Panel Members:

John McFadden (Panel Member)

Michael Ryan (Panel Member)

Karla Castellanos (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader

Isobella Lucic, Team Leader

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Teams) means.

The Chair acknowledged the Cammeraygal people being the traditional owners of the land on which this meeting is held. The Chair further noted that the proceedings were being recorded and reminded speakers that neither the Panel nor the Council assumed liability for any statements made by speakers.

Note: Due to the availability of all nominated Panel and Alternate Chairs, Dr Robert Stokes nominated Stuart McDonald to fill the role of Acting Panel Chair on the day.

Apologies:

Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday 9 July 2025 were confirmed following that meeting.

2. Declarations of Interest

Stuart McDonald declared an interest in Item 3 and left the room for the deliberation of this item and took no part in the associated site inspection.

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:	110/25
ADDRESS:	29 Tobruk Avenue, Cremorne
PROPOSAL:	Part demolition, extension, renovation and lift installation to an existing three storey house and garage extensions.
REPORT BY NAME:	Rachel Wu, Assessment Officer
APPLICANT:	Oki Jahja

No Written Submissions

Registered to speak

Submitter	Applicant/Representative
	Mia Kusen - Resident

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representation 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 subject to Condition C5 being amended as follows:

Structural Adequacy of Existing Building

- C5. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property (including the front wall along the western elevation) and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of the relevant Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

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
Stuart McDonald	Y		Karla Castellanos	Y	
John McFadden	Y				
Michael Ryan	Y				

ITEM 2

DA No:	118/25
ADDRESS:	9 Lodge Road, Cremorne
PROPOSAL:	Alterations and additions to an existing detached dwelling
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Look Design Group Pty Ltd

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	Natalie Andersen - Look Design Group

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.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Stuart McDonald	Y		Karla Castellanos	Y	
John McFadden	Y				
Michael Ryan	Y				

ITEM 3

DA No:	273/24
ADDRESS:	17 Bridge End, Wollstonecraft
PROPOSAL:	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.
REPORT BY NAME:	Damon Kenny, Executive Assessment Planner
APPLICANT:	Lindfield Developments Pty Ltd

One Written Submission**Registered to speak**

Submitter	Applicant/Representative
Chloe Chen - Neighbour	Ben Greighton - Arch LFD One
Chris Sanders - Resident	Vanessa Younan - LFD Assistant Development Manager
	Adam Byrnes - Think Planners
	David Randerson - DKO Architecture Team
	David Felicio - DKO Architecture Team

Stuart McDonald declared an interest in this item and left the room and took no part in the deliberation of this matter. Michael Ryan assumed the chair.

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission as well as the oral representations from both 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 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 be inconsistent with the objectives of cl4.3 of the North Sydney Local Environmental Plan 2013.

The Council Officer's Report and Recommendations are endorsed by the panel subject to the proposed reasons for refusal being renumbered as follows:

1. 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.
 - i. The application fails to satisfy objectives (b), (c) and (f) of Clause 4.3 of NSLEP 2013.
 - ii. The amenity impacts associated with the non-compliance have not been fully considered in terms of view loss and overshadowing to adjoining properties.
 - iii. The scale and size of the building will be inconsistent with the future and desired character of the area.
 - iv. The application is considered unreasonable for the reasons outlined below.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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).

7. The proposed development fails to 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.

8. The proposed development fails to 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.

9. 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.

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.

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
John McFadden	Y		Karla Castellanos	Y	
Michael Ryan	Y				

ITEM 4

DA No:	368/24
ADDRESS:	6 John Street, McMahons Point
PROPOSAL:	Installation of a Carbon Filtration System and minor demolition work to Shed 3 with a connection to Shed 4 in association with the use of the existing marine repair facility.
REPORT BY NAME:	Damon Kenny, Executive Assessment Planner
APPLICANT:	NOAKES Group Pty Limited

One Written Submission**Registered to speak**

Submitter	Applicant/Representative
Merilee Symons - Resident	
Michael Stevens - Resident	
Leon Reardon - Resident	
Bruce Hodgkinson - Resident	

Panel Determination

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

The Council Officer's Report, Conditions and Recommendations are endorsed by the panel subject to Condition G3 being amended as follows:

Noise from Plant and Equipment

G3. Noise emitted from the Carbon Filtration System, when measured or calculated at the nearest noise sensitive receivers as an LAeq (15 minute) are not to exceed:

- a) 44 dB(A) at John Street
- b) 35 dB(A) at Dumbarton Street
- c) 39 dB(A) at Munro Street

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

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
Stuart McDonald	Y		Karla Castellanos	Y	
John McFadden	Y				
Michael Ryan	Y				

ITEM 5

DA No:	80/25
ADDRESS:	79 Union Street, McMahons Point
PROPOSAL:	Alterations and additions to the rear of a semi-detached dwelling
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Cracknell & Lonergan Architects Pty Ltd

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	Peter Lonergan - Architect and Heritage expert

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 and Recommendation to refuse the application has been considered by the Panel. The Panel, however, felt that consent could be granted subject to deferral of the application to seek amended plans incorporating the following changes:

- A revised layout of the lounge, kitchen and dining areas to retain a greater amount of existing fabric pertaining to the footprint of the existing service wing on the ground floor level, whilst maintaining the proposed new footprint as provided in the architectural drawings;
- In the order of approximately 50% of the existing East Elevation (side) wall and South Elevation (rear) wall of the service wing are to be retained. Where demolition is to occur, nib walls are to be retained with bulkheads above to be no higher than the lintel height of any existing door or window opening;
- Proposed door openings to the south elevation are to be adjusted to accommodate greater retention of the existing walls;
- Roof top planter boxes extending from the South Elevation over the courtyard and over the link to the light-weight glass structure are to be deleted and replaced with traditional roof forms or compatible roof forms with the proposed light-weight glass structure over the light well area and extend over the new rear addition; and
- At the first-floor level within the service wing area, wall nibs are to be shown to be retained in the area between the existing sunroom and bedroom 3. The height of the bulkhead is to be no higher than the height of the existing door opening. Details of how the new floor area above the existing floor of the sunroom are to be constructed are to be provided.

Amended Plans reflecting the above shall be submitted within 21 days of the date of notification of this decision.

Subject to the amendments incorporating all the above changes, the Panel delegates determination of the application to the Manager of Development Services subject to application of appropriate conditions of approval.

If the requested amended plans are not submitted within 21 days, or do not, in the opinion of the Manager of Development Services adequately address the requirement of the request the application is determined by refusal in accordance with the officer's recommendation.

Panel Reason:

The Panel was of the view that the application could be approved if amendments addressing the changes outlined above are submitted for consideration. The Panel is of the view that such amendments would address the reasons for refusal and would maintain the Heritage importance of the item.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Stuart McDonald	Y		Karla Castellanos	Y	
John McFadden	Y				
Michael Ryan	Y				

ITEM 6

DA No:	57/25
ADDRESS:	4 Holt Street, McMahon's Point
PROPOSAL:	Part demolition of existing structure and erection of new 3 storey single dwelling with roof terrace and related landscaping.
REPORT BY NAME:	Jack Varka, Senior Assessment Officer
APPLICANT:	Wenjing Shi, C/- MAP Architects

One Written Submission**Registered to speak**

Submitter	Applicant/Representative
	Justin Ng - Owner / Applicant
	Mark Alves - Principal Architect
	Pablo Cartagena - MAP Architects
	James Lovell - Town Planning Consultant - James Lovell and Associates

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission as well as the oral representations from the applicants 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 and Recommendations are endorsed by the panel subject to an additional condition which provides for the following changes:

- Amendments to provide additional entry doors to the rumpus room from the garage and cinema room.
- Deletion of the garage entry door and replacement of the existing panel lift door within the existing façade opening.

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
Stuart McDonald	Y		Karla Castellanos	Y	
John McFadden	Y				
Michael Ryan	Y				

The public meeting concluded at 3:55pm.

The Panel Determination session commenced at 3:45pm.

The Panel Determination session concluded at 5:30pm.

Endorsed by Stuart McDonald

North Sydney Local Planning Panel

6 August 2025