



NORTH SYDNEY COUNCIL

Council Chambers
24 September 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 1 October 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: 5/156 Military Road, Neutral Bay - DA 260/25

Applicant: Scott Staniforth

Report of Luka Abramovic, Assessment Officer

This development application seeks approval for external additions to the rooftop terrace for the construction of an operable pergola and privacy screens for Unit 5 at 156 Military Road, Neutral Bay.

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

The subject site, identified as CP 5, SP 19094 and known as Unit 5 of 156 Military Road, Neutral Bay is an apartment within a six-storey mixed use development with a basement floor, which consists of two separate buildings that are connected by a pedestrian walkway. The site is irregular in shape and has an area of 2,141m². The subject apartment is within the residential accommodation component of the building that is situated towards the rear of the site.

The proposal seeks to install an operable pergola over the western section of existing rooftop terrace, which also includes the installation of posts, frames, gutters and aluminium privacy louvres. The proposal also seeks to replace the existing aluminium sliding window with a bi-fold aluminium window.

Notification of the proposal attracted **no** submissions during the period between 29 August – 12 September 2025.

Given the nature of the proposal and its bulk and scale, it is considered that there would be no adverse amenity impacts on the amenity of neighbouring apartments and buildings in terms of overshadowing, views and acoustic and visual privacy. A clause 4.6 statement was submitted, requesting a variation to clause 4.3 in the *NSLEP 2013* regarding height, and was assessed and considered to be acceptable. Moreover, the proposal would be consistent with the built form characteristics of the subject building and locality.

For reasons discussed herein, 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. 260/2025 for the external additions to the terrace of Unit 5, for the construction of an operable pergola and privacy screens on land at 156 Military Road, Neutral Bay subject to the following site specific condition and the attached standard conditions:

Terrace Plan

C1. The applicant shall submit an additional terrace plan, based on drawing no. DA 01.01, prepared by Rothelowman dated 8 July 2025, showing the roof treatments of the proposed pergola in accordance with the designs and specification as indicated on the publication "Alumax Architectural Louvre System – 2024" received by Council on 8 September 2025.

The additional terrace plan shall be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure clarity and certainty of the proposed development)

LPP02: 21-25 Thomas Street, McMahon's Point - DA 246/25

Applicant: Nicholas Johnston

Report of Jack Varka, Senior Assessment Officer

This development application seeks approval for alterations and additions to an attached terrace dwelling including attic dormer as part of an existing multi-dwelling housing development on land at 21-25 Thomas Street, McMahon's Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10%. 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 22 August and 12 September 2025. There were no submissions received in response to notification.

The site is occupied by a part two part three storey attached terrace with a cement tile roof, basement garage, and rear swimming pool and landscaping. The dwelling is part of a group of 3 terraces that are all uncharacteristic items located within the Union Bank Thomas Conservation Area. Council's Heritage Officer has considered the application and has requested amendments to the proposal including amendment of the proposed front dormer additions. These changes have been addressed by way of condition.

No significant trees or vegetation are proposed to be removed as a result of the proposed alterations and additions. Standard conditions have been recommended by Council's Landscape Team and have been imposed in the determination of the application.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in NSLEP 2013. The existing building exceeds the building height standard, with a maximum height of 10.99m. Whilst the proposal does not change the existing maximum height of the terrace dwellings, the construction of the new dormers are located above the maximum building height of 8.5m. The proposal also creates new habitable living space within the attic level above the maximum building height.

The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. The proposal will create only minor increases in shadows, however these new overshadowed areas will fall within the roof area of the adjoining terrace to the south. The appearance of the proposed alterations and additions remain consistent with the existing terrace dwelling forms evident in the group. The bulk and scale of the additions is appropriate to the public domain and is compatible with other dwellings in the locality.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant consent to Development Application No. 246/2025 for alterations and additions to an attached terrace dwelling including attic dormer on land at 21-25 Thomas Street, McMahons Point subject to the following site specific and standard conditions:

Design Amendments

A5. The following design amendments are to be met:

- a) The proposed street front dormer is to be reduced in width to 1700mm.
- b) The proposed solar panels at the street front primary roof plane are to be deleted.

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 align with the desired character of the locality and conservation area)

LPP03: 47 East Crescent Street, Lavender Bay – DA 150/25

Applicant: Amanda Smith

Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions to a heritage listed dwelling house at 47 East Crescent Street, Lavender Bay which is situated within the McMahons Point North Conservation Area. The proposed work includes excavation and new underpinning of foundations to provide a basement, demolition of the existing rear wing and construction of a new storey addition with garage, a rear dormer addition, alterations both internally

and externally to the core of the semi-detached dwelling and landscaping is proposed to the side and rear setbacks as well as on structure landscaping.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal involves part demolition/removal of a heritage item; the notification has resulted in greater than 10 submissions by way of objection; and the development contravenes a development standard by more than 10%. The application requires determination by the Panel in accordance with Directions of the NSW Minister of Planning Housing & Infrastructure.

The following assessment includes consideration of the potential effect on the significance of the heritage item, consideration of objections received and the contravention of a development standard.

A total of fifteen (15) unique submissions were received raising concerns regarding several issues but principally concerns included the impact of the two storey addition and subsequent view loss to three affected residences and an adverse impact to visual privacy to adjoining properties.

The two storey addition is assessed to be an appropriate heritage design and response to the heritage significance of the building, with new work being clearly distinguishable secondary built form to the principal building form. The two storey addition will have a brick rendered façade characteristic of the heritage item and stipulated in the character statement as a characteristic built element. The revised dormer is a more acceptable outcome secondary in scale to the roof and complementing the style of the existing building. The development therefore generally satisfies the objectives in cl. 5.10 'Heritage Conservation' of NSLEP 2013.

A detailed view loss assessment has been completed and it is deemed that the two storey additions, comprising a flat roof and height of 6.33m, is an appropriate design response which has appropriately minimised height and thereby minimise the obstruction of neighbouring views. A further reduction in overall height of the two storey addition is recommended, noting the floor to ceiling height of either the ground floor and first floor can be reduced without significant internal amenity impact and subsequently a design condition is recommended to achieve a reasonable view sharing outcome for the affected properties at 49 East Crescent Street, 2 Waiwera Street and 4 Waiwera Street satisfying Objective O2, s1.3.6 'Views' of NSDCP 2013.

The Applicant has also made design changes to improve the visual privacy to the affected 1A Waiwera Street by an extension to a roof garden and increase in height of a boundary wall plus deletion of a window that had a potential outlook to a bedroom window of 1A Waiwera Street.

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)

A. THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 150/2025 for alterations and additions to a semi-detached dwelling on land at

47 East Crescent Street, Lavender Bay subject to the attached site specific and standard conditions.

B. 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. 150/2025 for alterations and additions on land at 47 East Crescent Street subject to the attached site specific and standard conditions:-