

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD AT 2.00PM, WEDNESDAY 01 OCTOBER 2025****PRESENT****Chair:**

Alison McCabe

Panel Members:

Jeremy Swan (Panel Member)

Lisa Trueman (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

Isobella Lucic, Acting Service Unit Manager Development Services

David Hoy, Team Leader Assessments

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 3 September 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:	260/25
ADDRESS:	Unit 5, 156 Military Road, Neutral Bay
PROPOSAL:	External additions to the terrace of Unit 5 for the construction of an operable pergola and privacy screens
REPORT BY NAME:	Luka Abramovic, Assessment Officer
APPLICANT:	Scott Stainiforth

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	Scott Staniforth - Stadia Capital

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.

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel, and the application is approved subject to the conditions attached to the report.

Panel Reason:

The Panel based its decision on the following reasons:

1. The proposal has minimal environmental impact.
2. The proposal does not result in any adverse amenity impacts on neighbouring properties.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Alison McCabe	Y		Meredith Trevallyn-Jones	Y	
Jeremy Swan	Y				
Lisa Trueman	Y				

ITEM 2

DA No:	246/25
ADDRESS:	21-25 Thomas Street, McMahon's Point
PROPOSAL:	Alterations and additions to attached terrace dwelling including attic dormer.
REPORT BY NAME:	Jack Varka, Senior Assessment Officer
APPLICANT:	Nicholas Johnston

No Written Submission**Registered to speak**

Submitter	Applicant/Representative
	Nicholas Johnston - Applicant

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.

The Council Officer's Report, Conditions and Recommendations are endorsed by the Panel, and the application is approved subject to the conditions attached to the report.

Panel Reason:

The Panel based its decision on the following reasons:

1. The proposed development is recessive in form and scale and is sympathetic to the locality.
2. The proposed development does not result in any unreasonable impact on the Union Bank and Thomas Heritage Conservation Area.
3. The proposal results in minimal impact.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Alison McCabe	Y		Meredith Trevallyn-Jones	Y	
Jeremy Swan	Y				
Lisa Trueman	Y				

ITEM 3

DA No:	150/25
ADDRESS:	47 East Crescent Street, Lavender Bay
PROPOSAL:	Alterations and additions to a heritage item
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	Amanda Smith

One Written Submission**Registered to speak**

Submitter	Applicant/Representative
Sarah Hofman - Resident	Michael Bell - Michael Bell Architects
Peter Krauss - Resident	Michelle Bull - Michael Bell Architects
Jack Thomas & Anne Nesbitt - Residents	
Joanne Lau - Resident	

Panel Determination

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

The Panel in its deliberation considered the detailed submissions from both the applicant and submitters, in particular regarding the issues relating to view impacts and privacy.

The Panel considers that with some amendments to the design, the view and privacy impacts raised by the submitters can be mitigated. The Panel notes that the floor to ceiling heights and bedroom sizes in the new two storey wing are generous. As a contemporary extension to a heritage item the Panel does not agree that the proportion of the rooms in the extension need to replicate those of the original portion of the dwelling. The Panel notes that the height and length of the addition is having an impact on views enjoyed by adjoining properties and results in potential privacy impacts. The nature of views enjoyed in Lavender Bay are often contained and available from spaces between buildings which warrants a more careful consideration and nuanced approach.

The Panel notes that the recommended changes will not have an unreasonable amenity impact for the residents of 47 East Crescent Street. With these changes the Panel is of the view that the development would achieve an appropriate level of view sharing in a densely populated area.

The Panel is of the view that the condition requiring the changes to the plans should be imposed as a deferred commencement condition. The plans and information addressing the above shall be submitted to Council within 30 days from the date of deferred commencement determination. A supplementary report is to be prepared by Council addressing the below changes sought by the Panel. The matter is to be returned to the Panel for deliberation by electronic means and to require the Panel to be satisfied prior to the consent becoming operational. The Applicant must satisfy the North Sydney Planning Panel of the matters specified in the deferred commencement condition within 3

months of the date of the grant of the consent.

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.

The Council Officer’s Report, Conditions and Recommendations are endorsed by the Panel and the application is approved as a deferred commencement consent subject to amendments to conditions as follows:

Delete Condition C1 Design Change – Reduction in Height of Two Storey Addition and replace as a deferred commencement condition as follows:

AA1. Deferred Commencement Condition – Amended Plans

This consent shall not operate until the following deferred commencement conditions has been satisfied.

The Applicant must satisfy the North Sydney Planning Panel as to the matters specified in the deferred commencement conditions within 3 months of the date of the grant of this consent.

If the Applicant fails to satisfy the North Sydney Planning Panel as to the matters specified in the deferred commencement condition within 3 months of the date of the grant of this consent, this consent will lapse in accordance with section 4.16(3) of the *Environmental Planning and Assessment Act 1979* (the Act).

Amended Plans incorporating the following changes are to be prepared and submitted to council:

- i. The overall height of the new two storey wing fronting Waiwera Street shall be reduced by 500mm from RL 41.370 to RL 40.870. A parapet form is to be maintained for the whole of the extension.
- ii. The western wall of the upper level of the new two storey wing fronting Waiwera Street is to be reduced in length by 500mm by setting the northern wall back a further 500mm from the common boundary with No. 1A Waiwera Street.
- iii. The balconies accessed from the kids bedroom 1 and the hallway are to be deleted and replaced with a non-trafficable roof garden.
- iv. The parapet above the garage and northern boundary wall is to be lowered to have a finished level of RL 38.110.

(Reason: To ensure view sharing and equitable access to views and privacy for adjoining dwellings)

Note: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not (30 days from the date of deferred commencement determination). You are also advised of your appeal rights under section 76 of the *Environmental Planning and Assessment Regulation 2021*, which

provides that: If the consent authority has not notified the Applicant within the period of 28 days after the Applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.3 of the Act, taken to have notified the Applicant that it is not satisfied as to those matters on the date on which that period expires.

Amend Condition C8 as follows:

Structural Adequacy of Existing Building

- C8. A report prepared by an appropriately qualified and practising structural engineer with heritage experience certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads and excavation 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)

Deletion of Condition C12 Colours, Finishes and Materials (Heritage Item).

The following condition is to be added prior to issue of the construction certificate.

Location of Plant

- C#. All plant and equipment is not to be located on balconies, roof garden or roofs. 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: Minimise impact on surrounding properties, improve visual appearance and amenity for locality)

Panel Reason:

The Panel based its decision on the following reasons:

1. The proposed development with the recommended conditions is considered to provide an appropriate level of view sharing and privacy.
2. The proposed conditions allow for a better outcome for the heritage item and the character of the conservation area.
3. The proposed development as conditioned does not result in unreasonable amenity impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Alison McCabe	Y		Meredith Trevallyn-Jones	Y	
Jeremy Swan	Y				

Lisa Trueman	Y				
--------------	---	--	--	--	--

The public meeting concluded at 3:15pm.

The Panel Determination session commenced at 3:16pm

The Panel Determination session concluded at 4:25pm

Endorsed by Alison McCabe

North Sydney Local Planning Panel

01 October 2025