

10.7. North Sydney Local Planning Panel Report FY2024/25

AUTHOR	Stephen Beattie, Service Unit Manager Development Services
ENDORSED BY	Marcelo Occhiuzzi, Director Planning and Environment
ATTACHMENTS	1. 2024/25 Summary of North Sydney Local Planning Panel Meeting Public [10.7.1 - 11 pages]
CSP LINK	<p>Outcome 6 – A vibrant LGA where culture and creativity is enjoyed by all C2. Preserve and celebrate North Sydney’s heritage</p> <p>Outcome 7 – Housing that meets the needs of a growing population H1. Support the delivery of affordable and diverse housing H2. Support the delivery of additional dwellings to meet housing targets H3. Protect the amenity of our LGA through design excellence and provision of appropriate infrastructure in growth areas</p> <p>Outcome 8 – An effective, accountable and sustainable Council that serves the community G2. Put community needs at the core of everything we do and deliver excellent customer service G3. Make it easy for our community to engage and participate in decision-making G5. Exercise regulatory compliance responsibilities diligently to protect the environment and support our community G6. Commit to efficiency and value for money in service delivery</p>

PURPOSE:

The purpose of this report is to detail the activities of the North Sydney Local Planning Panel for the 2024/25 financial year.

EXECUTIVE SUMMARY:

- This report is provided in response to the provision contained within Section 2.20 (5) of the Environmental Planning and Assessment Act 1979 which requires that “council is to monitor the performance of local planning panels constituted by the council.”
- Reports are to be provided to the Planning Secretary annually, based on any given financial year.
- This report outlines the role of the North Sydney Planning Panel and its activities and performance during the 2024/25 financial year.

RECOMMENDATION:

1. **THAT** the North Sydney Local Planning Panel Report 2024/25 report be received.

Background

At present, while around 90% of development applications (DAs) in the North Sydney Local Government Area are determined under delegated authority by Council staff, the remainder are determined by three separate Panels.

Two Panels determine applications assessed by Council while the third determines applications assessed by Department of Planning, Housing, and Infrastructure (DPHI). The Panels are as below.

North Sydney Local Planning Panel (NSLPP)

The North Sydney Local Planning Panel (NSLPP) determines applications up to a value of \$30M which cannot be determined under delegation, in accordance with the Directive from the Minister for Planning.

During 2024/25, the composition of the NSLPP consisted of the Minister-appointed Chair Robert Stokes (or an alternate chair), with two Panel members at each meeting, selected by Council from the pool of experts approved by the Minister for Planning. The final member of the Panel is a community representative, selected from a panel of four.

Sydney North Planning Panel (SNPP)

The Sydney North Planning Panel (SNPP) is administered by the NSW Government and facilitated by the DPHI and determines applications which exceed a certain value threshold: \$30M but this can vary, based on the type of development proposed.

The Chair is Peter Debnam, with the state-appointed members being Brian Kirk and Nicole Gurrán.

Council can appoint two members to represent Council and its community. Council appointed the following persons as community representatives to the Panel:

- Karla Castellanos
- Che Wall
- John Bohane
- Lindsey Dey

These appointments expire in September 2025 and expressions of interest for replacements are underway.

Independent Planning Commission (IPC)

This Panel is operated by the NSW Government to determine applications of state significance and are assessed by DPHI staff. There are no permanent members on this Panel, which is convened on an as-need's basis.

Council's role in such applications is as a submitter, and Council has little direct influence on the outcome of these applications. A Chair is appointed who then selects a minimum of two other members from a Minister-approved list, based on the issues presented by an individual application. There is no provision for a Council representative on this Panel. This Panel was previously known as the Planning Assessment Commission.

Relationship of the Council, Panel, Community, and Council Officers

The stated intent of the previous amendments to the Act, which gave rise to the inception of Local Planning Panels, was to depoliticise the assessment of local DAs, aid efficiency, and reduce corruption risk. Development Applications which do not meet the criteria for referral to this, or any other Panel, are dealt with under officer delegation.

Council has no power to direct the activities of NSLPP, nor Council staff in the assessment, reporting, and determination of Development Applications. Council, individual Councillors, and/or community can make a submission to an application, which is reviewed and reported in accordance with well-established practice. They can also address NSLPP during its determination meeting.

Report

Operation during the reporting period

The Panel met on North Sydney Council premises, with applicants and submitters being able to address the Panel remotely.

The Panel inspected sites together rather than separately (as they had done during the Covid-19 period). This aided in the consistency of decision-making as it enabled the Panel to see, understand, and discuss issues on site in a collegiate manner.

All submitters can make both written and verbal submissions following the publication of the officer's report, which generally occurs one week prior to the Panel meeting.

As part of the ongoing effort to increase community engagement, NSLPP agendas continue to be published on the Wednesday before the meeting, rather than the Friday before as had been the practice for many years. This gave applicants and submitters seven days to review the officer's report and respond appropriately.

These enhancements enabled better and more consistent decision-making, with submitters being heard regardless of the number of submissions received.

Panel Membership during the reporting period.

The NSLPP composition during the reporting period is outlined in the table below. It also includes the attendance record for all panellists:

North Sydney Local Planning Panel - Roles and Attendance 2023/24 FY			
State/Council Appointed	Role	Name	Attendance
State-sanctioned Chair, alternative Chairs.	Chair/Expert	Robert Stokes	6
	Alternative Chair/Expert	Vince Hardy	3
	Alternative Chair/Expert	Alison Mc Cabe	2
State-sanctioned, Council-appointed experts	Expert Member	Robert Montgomery	1
	Expert Member	John McInerny	2
	Expert Member	Scott Barwick	1
	Expert Member	Linday Taylor	1
	Expert Member	Gerard Turrisi	1
	Expert Member	Rosalind Reed	2
	Expert Member	Michael Ryan*	3
	Expert Member	John McFadden	2
	Expert Member	Vanessa Hoffman	2
	Expert Member	Judy Clark	1
	Expert Member	Annelis Tuor	1
	Expert Member	Sue Weatherly	1
	Expert Member	Jeremy Swan	1
	Expert Member	Greg Woodhams	2
	Expert Member	Kara Krason	2
	Expert Member	Stuart Mc Donald	0
Council-appointed Community Members	Community Member	Lindsey Dey	2
	Community Member	Meredith Trevallyn-Jones	4
	Community Member	Kara Castellanos	2
	Community Member	John Bohane	1
	Community Member	Kenneth Robinson	2

** Includes one meeting as Acting Chair when the rostered Chair became unavailable at late notice.*

The need for numerous Panellists

Most Minister-approved experts are often active in private consultancy or are Academics, thus potentially conflicted in both time and interest. This also applies to the Community Member pool, all of whom are also professionally qualified and may, from time to time, be conflicted either through their professional associations or in their role as a resident.

It is of note that the Ministerial directive dated 7 December 2022 reinforces the need to have a sufficient pool of panellists to cover expertise needs, unavailability, and conflict of interest issues, and to ensure rotation so that it is unpredictable as to which panellists will be sitting on the day.

Missing July meeting

There was no Panel meeting held in July 2024. This was due to the late release of the approved list of Chairs and Experts by the Department of Planning. The approved list was due at the beginning of the year, but was not received until the beginning of June 2024, making it impossible to appoint Chairs and experts in time to have a meeting in July.

Despite there not being a meeting in July, the extra processing days added to Council's League Table performance would be no more than one day, due to the size of the application stream.

Extraordinary Panel Meetings

Two Extraordinary meetings were held during the reporting period:

- 21 February 2025: to consider an application which was subject to appeal following deferral by the Panel at its 4 December 2024 meeting. The extraordinary meeting meant that the appeal could be settled with minimal costs and enabled the community to address the Panel before its determination; and
- 25 June 2025: which considered three applications to assist with further improvement to NSW Planning League Table Statistics.

Number of applications considered by the Panel

During the period covered by this report, 54 items related to development applications (see Attachment 1 to this report). No planning proposals were referred to the Panel for advice during the reporting period.

It had been estimated prior to the commencement of the Panel that its workload (based on the Minister's Direction) would average around six applications per meeting. During the period covered by this report, an average of 5.3 applications per meeting were reported to the Panel, excluding the extraordinary meeting on 21 February 2025.

The Panel has granted delegation to Council staff to determine applications which:

- exceed the building height standard where a Clause 4.6 is required, and the resultant breach arises from an existing circumstance, and no greater impact or development yield occurs; and
- for alterations to heritage items where the works involve minor demolition works which are considered acceptable to Council's Heritage Planners.

These delegations have reduced the number of referrals to the Panel for minor applications which are of limited public interest and result in no material impact. There is also increased efficiency with which these applications can be dealt. These delegations, staff stability, and improved efficiencies, have led to significant improvements in processing times. The nature of these improvements was [reported](#) to the Council meeting of 28 July 2025.

The total number of applications considered by the Panel (54) was down by nine items, compared with 63 during the 23/24 reporting period.

Recommendation vs Decision

In the consideration of DAs, the Panel agreed with the Officer's recommendation on 49 (88%) occasions, accepting the Officer's recommendations in largely unchanged form. This figure is consistent with previous years.

The Panel deferred matters on the agenda on five occasions, to allow the applicant to submit either amended plans, or better/more information. This represented approximately 8% of the applications considered. Delegation to Council's Service Unit Manager Development Services was granted on four of the five occasions, reducing the delay in determination caused by deferral.

One deferred item was reported back to the Panel due to the lodgement of an appeal. This application was later approved by the Panel following amendments made to the plans.

Most of the Panel's decisions were recorded as unanimous, with the sole exception being a matter considered at its 2 April 2025 meeting (1/33 Grasmere Rd – see Attachment 1). In that case, one panel member concluded that the application should be refused. The majority of the Panel agreed with the Officers' recommendation that the application should be approved.

Refusal of Consent

Consent was refused on 10 occasions, with applications determined by refusal representing approximately 18% of matters referred to the Panel. Nine refusals matched the recommendation, with one application recommended for approval being refused by the Panel.

Advice to Council regarding Planning Proposals

No planning proposals were considered during the reporting period.

It is important to remember that the Panel's role in planning proposals is an advisory one and is not determinative. The absence of Planning Proposals is likely a consequence of alternative State-based planning pathways; in North Sydney's case, this is largely a result of the Crows Nest Transport Oriented Development planning changes, as well as the introduction of the Housing Delivery Authority, with its broad powers of approval.

Complaints against the Panel

One formal complaint was made about the Panel's activities for the reporting period. This related to the Panel's determination of 93 Kurraba Road Kurraba Point at its meeting of 4 June 2025, with concerns raised regarding the consideration of traffic and parking issues arising from the development. While the complainant is unlikely to have been satisfied with the outcome, the Panel carefully considered the issues raised in both written and oral submissions before making its decision.

Appeals against Panel determinations

Development applications that are refused or "deemed" to be refused (not determined within the statutory time limit) can be the subject of an appeal to the Land and Environment Court. Appeals which relate to a determination must be made within six months of determination. Appeals are managed by Council officers under delegation from the Panel.

In the reporting period, there were six appeals commenced in relation to a Panel decision. Four of these remain ongoing. One was settled by way of a section 34 agreement, and another was settled by way of the issue of a consent by the Panel following amendments to the submitted plans.

Appeals are managed by Council officers under the delegation of the Panel. The recent appointment of the Legal Counsel - Planning will assist in the efficient management of appeals and a reduction of expenditure in this area.

Consultation requirements

Community engagement is not required. However, this report will be publicly available on Council's website.

Financial/Resource Implications

The Panel performs a mandatory statutory function and is funded through recurrent expenditure. There are no financial implications arising directly from this report.

Legislation

This report is provided in response to the provision contained within Section 2.20 (5) of the Environmental Planning and Assessment Act 1979 which requires that Council "is to monitor the performance of local planning Panels constituted by the council."

Summary of North Sydney Local Planning Panel Meetings: July 2024 - June 2025.

Document date: 5/08/2025

7/08/2024: Dr Robert Stokes (Chair), Robert Montgomery, Jon McInerny, Lindsey Day Community Member).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	45 Ben Boyd Rd	Alterations and additions to the heritage semi-detached dwelling.	Partial demolition of a heritage item.	Approval	Approved	
2	Staff	171 Miller	Fit-out and use of a food and drink premises.	New Licensed Premises (Hotel).	Approval	Approved	Minor changes to Condition I4 operational plan of management.
3	Staff	13-15 Allister Street	Modification to approved RFB.	Previous panel determination.	Approval	Approved	Proposal was fine tuning approved alterations to heritage item.
4	Staff	6/18-20 Cremorne Rd	Modification of consent to increase number of people permitted to use roof top terrace.	>10 Submissions.	Approval	Approved	Original 2002 approval included condition for maximum occupancy of terrace.
5	Staff	20 Folly Point	Alts adds dwelling.	Height exceedance >10%.	Approval	Approved	
6	Staff	2 Folly Point	Modification to approval for alts and adds.	Original panel determination.	Approval	Approved	Mods largely internal.

7	Staff	10 Larkin St	Retractable awning structure.	Height exceedance >10%.	Approval	Approved	Approved.
8	Staff	10 Colin St	Alterations and additions to a detached dwelling and a secondary dwelling.	>10 Submissions.	Approval	Approved	Additional condition re maintenance of landscaping and street trees.

4/09/2024: Vince Hardy (Alternate Chair), Scott Barwick, Lisa Trueman, Meredith Trevallyn-Jones (Community Representative).

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	59 Pine St (JV)	Alterations and additions to the detached dwelling.	Height exceedance >10%.	Approval	Approved	Minor amendments to tree and landscape conditions.
2	Staff	71 Pine St (JV)	Alterations and additions to the detached dwelling	Height exceedance >10%.	Approval	Approved	No changes to conditions.
3	Staff	30 Cremorne Rd	Change of use to dual occupancy.	Height exceedance >10%.	Approval	Deferred	Amended plans required to address privacy view concerns and potential affordable housing issue.
4	Staff	47 Kareela Rd	Alterations and additions to Detached dwelling and garage structure.	Height exceedance >10% >10 submissions.	Refusal	Refused	Subject to latter appeal. Outcome garage structure deleted. Still in progress to final determination.

2/10/24: Alison McCabe (Alternate Chair), Ros Read, Mike Ryan, Ken Robinson (Community Member).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	11 Hipwood St	Alterations and additions to the heritage dwelling.	Partial demolition of a heritage item.	Approval	Approved	Amendments to conditions.
2	Staff	85 Cremorne Rd	Alterations and additions to an existing dual occupancy.	>10 Submissions.	Refusal	Refused	Impacts of the proposal unable to be supported.
3	Staff	18 Grasmere Rd	Attached dual occupancy of 2-3 storeys.	>10 Submissions.	Approval	Deferred and delegated.	Clear and detailed amendments to the plans required and delegation to the MDS to determine granted.

6/11/2024; Alison McCabe (Alternate Chair), John McFadden, Vanessa Holtham, Karla Castellanos (Community Representative).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	34-36 Cammeray Road,	Two semi-detached dwellings.	Height exceedance >10%.	Approval	Deferred and delegated	Clear and detailed amendments to the plans required and delegation to the MDS to determine.
2	Staff	246-254 Military Rd	Six-storey mixed-use development.	Height exceedance >10%.	Refusal	Refusal	Additional reasons for refusal regarding site isolation, construction impacts amenity and insufficient information.
3	Staff	32 Milson Rd	Alterations and additions to a dwelling house.	Height exceedance >10%, Heritage item.	Approval	Refusal	The panel were not satisfied with the general level of detail provide in the application.

4/12/2024; Dr Robert Stokes (Chair), Kara Krason, Greg Woodhams, Meredith Trevallyn-Jones (Community Representative).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	58 Cowdroy Avenue	Mod to consent for single dwelling.	Previous panel determination.	Approval	Approved	Subject to additional conditions. This determination was latter subject to a s8.2 review and subsequent appeal.
2	Staff)	182-188 Falcon Street	Alterations of and additions to an existing boarding house.	Heritage item.	Approval	Approved	Amendments to conditions.
3	Staff	1 Ben Boyd Road,	Alterations and additions to an existing commercial building.	>10 Submissions.	Approval	Approved	Conditions requiring design amendments.
4	Staff	9 Undercliff Street	Changes to conditions of consent.	Mod to previous panel determination.	Approval	Approved	
5	Staff	42 & 42A Milson Road	S8.2 review of refusal of alterations and additions.	Review of previous panel determination.	Approval	Approved	Amendments had been made to the scheme.
6	Staff	1 Warung Street	New residential flat building.	>10 Submissions.	Refusal	Deferred	This application was subject to a latter appeal.

7	Consultant	182 Kurraba Rd	Install an operable vergola.	Related to previous panel determination.	Approval	Approved	
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5/02/25: Dr Robert Stokes (Chair), Jeremy Swan, Sue Weatherley, Lindsey Dey (Community Member).

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	47 Union Street	Alterations and additions including a first-floor addition and a new dormer addition to the rear of the attached dwelling.	Height exceedance >10%.	Approval	Approved	
2	Staff	34 Euroka Street,	Alterations and additions to a local heritage.	Part demolition heritage item.	Approval	Approved	Additional conditions related to survey and dilapidation report requirements.
3	Staff	16 Illiliwa Street	New dual occupancy.	>10 submissions, Height exceedance >10%.	Approval	Approved	Additional condition requiring solar panels.
4	Staff	55 Wycombe Rd	Alterations and additions to a dwelling house.	>10 Submissions.	Refusal	Refused	Unacceptable cl4.6 for building height,
5	Staff	36 Cremorne Rd	Alterations and additions to the detached dwelling.	Height exceedance >10%.	Approval	Approval	Minor amendment to conditions.

6	Staff	34 Whaling Rd	Torrens title subdivision of a dual occupancy.	Variance to min lot size >10%.	Approval	Approved	
7	Staff	42 Jeffery St	Alterations and additions to an existing dwelling.	Height exceedance >10%	Approval	Approved	

21/02/25 Extraordinary meeting: Dr Robert Stokes (Chair), Kara Krason, Greg Woodhams, Meridith Trevallyn-Jones (Community Representative).

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	1 Warung St	New residential flat building.	Deferral from meeting of 4/12/25.	Approval	Approval	Previous panel deferral. Appeal Lodged 2 December 2024. Panel determined application in accordance with recommendation with the original reasons for deferral addressed. This enabled the appeal to be concluded by Council at minimum cost and with community involvement.

5/03/25: Vince Hardy (Alternative Chair), Annelise Tuor, John McFadden, John Bohane (Community Member).

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Consultant	5 Wallaringa Avenue, (Nutcote)	Alterations and additions to the heritage item.	Council property, Heritage item.	Approval	Approved	Condition inserted re house of operation of tearoom.
2	Staff	26 Milson Rd	Alterations and additions for	Height exceedance <10%.	Refusal	Refused	CI4.6 submission not supported.

			change of use from a dual occupancy to a detached dwelling.				
3	Consultant	4 Alfred Street South	Fit out works Kiosk.	Council property, Heritage item.	Approval	Approved	
4	Consultant	184 Kurraba Rd	Mod to previous approval for alts and adds.	Councillor residence.	Approval	Approved	

2/04/25: Vince Hardy (Alternate Chair), Judy Clark, Gerard Turrisi, Karla Castellanos (Community Representative).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	35 East Crescent St	Dwelling with 5 Floors.	>10 Submissions.	Refusal	Refused	Currently on appeal.
2	Consultant	58 Cowdroy Avenue	Review of previous panel determination.	Previous panel determination.	Refusal	Refused	Related to panels determination of 2 December 2024. This decision was appealed and dismissed by the L&E Court. Appeal to courts decision lodged by applicant.
3	Staff	1/33 Grasmere Rd	Alterations and additions to a semi-detached dwelling.	>10 Submissions.	Approval	Approved	Dissenting vote (KC) who was of the view the application should be refused.

7/05/25: Dr Robert Stokes (Chair), John McInerney, Ros Read, Ken Robinson (Community Member).							
Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	11King George St	Alterations and additions to a heritage listed dwelling house.	Heritage item.	Approval	Approved	Amendments to conditions.
2	Staff	1 Hayes St	Mod to existing consent.	>10 Submissions.	Approval	Approved	Minor amendment to condition to ensure retention of view.
3	Staff	5-7 Lower Wycombe	Mod to existing consent.	Previous panel determination.	Approval	Approved	Minor amendments to conditions to reflect consequential changes from the original consent.
4	Staff	48 Raymond Rd	Alterations and additions to an existing residential flat building.	Height exceedance >10%.	Approval	Deferred Delegation to MDS.	The panel was of the view that the Cl4.6 submission required enhancement to meet legislative requirements.
5	Staff	1A Belgrave St	Alterations and additions to an existing residential flat building.	RFB alterations (SEPP) Housing 2021.	Approval	Approved	Minor changes to plans.
6	Staff	1B Pine St	Mod to consent for construction of a two-storey detached dwelling.	Previous panel determination.	Approval	Approved	Amendments to conditions to reflect mod and address privacy concerns.

7	Staff	111-115 Chandos Street	5-storey residential flat building.	Height exceedance >10%	Refusal	Refused	This application was subject to an appeal on 19/02/2025. Decision required to close matter off in NSW Planning Portal. Appeal ongoing.
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4/06/25: Dr Robert Stokes (Chair), Michael Ryan, Vanessa Hotham, Meridth Trevallyn-Jones (Community Rep).

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	47 Devonshire Street	Torrens title subdivision of an existing dual occupancy.	Variation to minimum lot size >10%.	Approval	Approved	Historic subdivision of existing semi.
2	Staff	44 Ellalong Road	Deletion of deferred commencement condition AA1 for the alterations and additions to an existing detached dwelling.	Modification to previous panel determination.	Approval	Approved	The panel deleted the previously imposed panel condition requiring relocation of the carport in its entirety, rather than imposing the staff recommended revised condition.
3	Staff	93 Kurraba Road	New residential flat building.	>10 Submissions, Height exceedance >10%.	Approval	Approved	Panel considered community representations regarding traffic, safety and parking.
4	Staff	20 Bayview Street	Construction of a new dwelling.	>10 Submissions, Height exceedance >10%.	Approval	Approved	Additional conditions imposed in response to public representations.

5	Staff	115 Blues Pt Rd	Mod to approval for alts and adds.	Changes to panel imposed condition.	Approval	Approved	
6	Staff	89 Union St	Alterations and additions to the attached dwelling.	Height exceedance >10%.	Approval	Approved	Additional condition requiring design changes and subsequent delegation to DSM.
7	Staff	18 Larkin St	Alterations and additions to an existing dwelling.	Height exceedance >10%.	Refusal	Refusal	Height caused view and amenity issues.

25/6/2025 Extraordinary meeting: Michael Ryan (Acting Chair), Vanessa Hothman, Meridith Trevally-Jones (Community Rep).

Note: Rostered Panel Chair Dr Robert Stokes was unavailable on day. Quorum of three Panel members achieved.

Item	Author	Property	Description	Reason	Rec	Decision	Comments
1	Staff	313 Pacific Highway	Modification to existing consent for boarding house.	Previous panel determination and Height exceedance <10%.	Approval	Approved	
2	Staff	65 Victoria St	Alterations and additions to an existing semi-detached dwelling.	<10 Submissions.	Approval	Approved	Changes to conditions.
3	Consultant	246 Miller St	Retail pet supplies and grooming parlour.	Council property.	Approval	Approved	Changes to conditions.

