



NORTH SYDNEY COUNCIL

Council Chambers
1 September 2016

I wish to inform you that a Meeting of the **NORTH SYDNEY INDEPENDENT PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2pm on Wednesday 7 September 2016 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

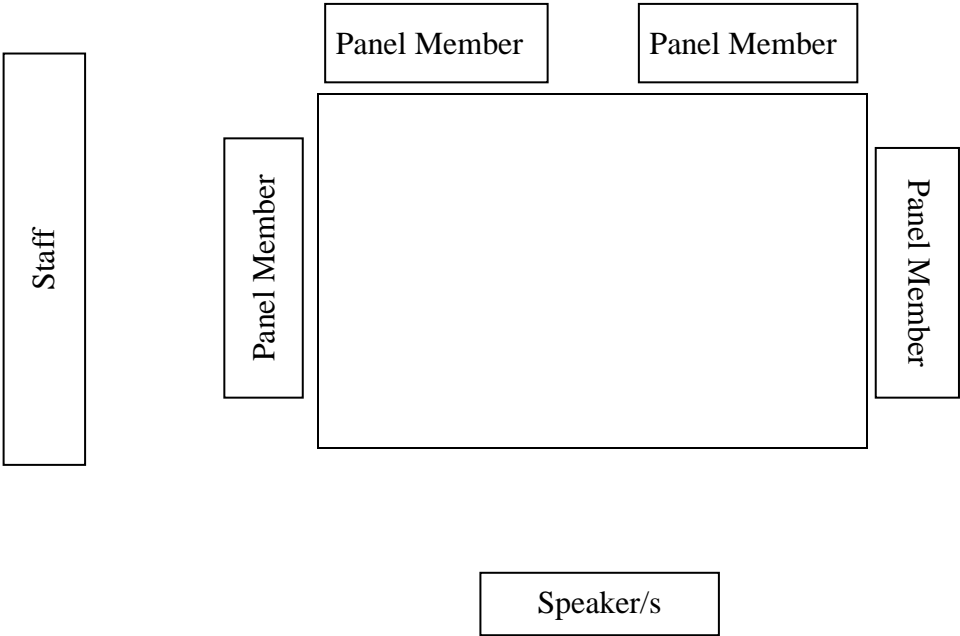
ROSS MCCREANOR
ACTING GENERAL MANAGER

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 3 August 2016.
(Circulated)

NSIPP COUNCIL CHAMBERS SEATING PLAN



PUBLIC GALLERY

2. IPP01: 112 West Street, Crows Nest (W) - DA 99/16

Applicant: Cape Cod Australia Pty Ltd

Report of Adonna See, Graduate Assessment Officer, 9 August 2016

This development application seeks Council's approval for alterations and additions to the existing semi-detached dwelling including new attic addition.

The application is reported to North Sydney Independent Planning Panel (NSIPP) for determination due to the variation sought to the building height development standard Clause 4.3 of NSLEP 2013 being greater than 10% requiring determination by the NSIPP in accordance with the directions from the NSW Department of Planning.

The owners of adjoining properties and the Hayberry Precinct were notified of the proposed development from 15 April to 29 April 2016. Council's notification of the proposal attracted one (1) submission received after the notification period had ended raising concerns in relation to heritage conservation. Following a preliminary assessment, several issues were identified such as built form and character, and impacts of the proposal on the Conservation Area.

Amended plans were submitted on 22 June 2016 that significantly reduced the bulk and scale of the roof addition as well as altering the form to be more characteristic of the conservation area.

The amended plans were renotified to the Hayberry Precinct and to owners of the adjoining properties from 8 July to 22 July. On additional submission was received raising concerns in relation to finishes and materials of the addition within a Conservation Area. The concerns raised within the submissions to Council have been considered as par to of the assessment of this application.

The assessment has considered the performance of the application against Council's planning requirements under NSLEP 2013 and NSDCP 2013. The written submission provided addressing the requested variation to the height of building control is considered to be well founded and the proposed height variation to be acceptable in the circumstances.

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

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT North Sydney Independent Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for height, and grant consent to Development Application No. 99/16 subject to the following conditions and attached standard conditions:

Timber shingles

C16. The timber shingles are to be natural timber with a paint finish. No approval is given for artificial shingles or a stain or natural timber finish.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure the use of colours and materials consistent with the character of the conservation area)

Timber framed window

C17. All new windows are to be timber framed with a paint finish. No approval is given for metal window frames or a stain or natural timber finish.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure the use of colours and materials consistent with the character of the conservation area)

3. IPP02: 34 - 40A Falcon Street, Crows Nest (W) - DA471/15

Applicant: Brendan Lee

Report of David Hoy, Team Leader Assessments, 30 August 2016

This development application is an amended proposal which seeks Council's approval for demolition of existing buildings and construction of a 3 storey mixed use development comprising ground floor retail, 15 apartments and basement parking.

The application is reported to NSIPP for determination due to variation to Council's controls relating to building height exceeding 10%, due to the level of Public Interest and in response to enquiries of Councillor Zoe Baker. The variation to the height control is justifiable in the circumstances of the case as the variations are largely attributable to a communal awning and lift overrun which are set back from the street and centralised within the site and provide access to a communal rooftop terrace with no additional development yield. The localised exceedances will not result in any significant built form or amenity impacts.

The application was notified for a 21-day period between 15 January 2016 & 5 February 2016 which resulted in **twenty seven (27) submissions** being received raising particular concerns about the height breach, bulk and scale, view loss, shadow impacts, loss of privacy and traffic, building envelope controls. The amended DA received by Council on 3 June 2016, which included substantial modifications to reduce the scale of the development along the eastern elevation, was notified between 17 June to 1 July 2016. In response to notification of the amended proposal a further **twelve (12) submissions** were received largely raising similar issues. The application was further amended on 16 August 2016 to delete the top floor 3 bedroom unit which was in breach of the maximum height control. The assessment has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements.

The variation of the height control will not give rise to any material streetscape, shadow or privacy impacts in consideration of the centralised location of the rooftop structures within the site and separation from adjoining residences.

Building Height Plane and other envelope controls have been considered in the context of being at the interface point between the B4 Mixed Use zone and the adjoining R3 Medium Density Residential zone. The amended development is not considered to give rise to any unreasonable impact with regards to its interface and interaction to adjoining residential premises.

The communal roof terrace will achieve reasonable privacy levels by virtue of the separation distance to nearby dwellings, setbacks from and screening or shielding provided at the side boundaries, and conditions limiting hours of use by residents only.

The proposal provides for adequate on-site car parking, generally in accordance with DCP parking rate, with traffic generation reasonably anticipated and commensurate with the scale of development. The required signalised vehicular access via the rear laneway is satisfactory. Construction traffic will be required to adhere to a construction management program as approved by the Local Traffic Committee.

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

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, under the delegation of the General Manager as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for Building Height, **grant consent** to Development Application No. 471/15 for demolition of existing buildings and construction of a three storey mixed use building comprising commercial; 15 apartments and basement parking for 20 cars at 34 – 40A Falcon Street, Crows Nest subject to the attached conditions:

4. IPP03: 53-57 Atchison Street & 96 Albany Lane, Crows Nest (W) - DA 138/16

Applicant: Avance Urban Pty Limited c/- Andrew King

Report of Susanna Cheng, Senior Assessment Officer, 17 August 2016

This development application seeks Council's approval for demolition of existing structures, amalgamation of lots, and construction of 5-storey residential flat building containing 18 units and basement car park.

The application is reported to NSIPP for determination due to variation to Council's controls relating to building height exceeding 10%. The variation to the height control is justifiable in the circumstances of the case as the variations are largely attributable to a stair and lift overrun which are set back from the street and centralised within the site so as not to give rise to any significant built form or amenity impacts. The localised exceedances also provide access and weather protection for a communal terrace with no additional development yield.

Council's notification of the proposal has attracted **three submissions** raising particular concerns about variation of the height control, setbacks, privacy, overshadowing, view loss, and traffic. The design amendments did not warrant renotification, in accordance with the DCP, as the changes did not result in any increase in the building envelope or any greater adverse impacts compared to that which was the subject of the original notification. The assessment has considered the submitters' concerns as well as the performance of the application against Council's planning requirements.

The variation of the height control will not give rise to any material streetscape, shadow or privacy impacts in consideration of the centralised location of the roof top structures, primary northern orientation of the terrace to Atchison Street, and screening and separation from residences to the south.

The development will overshadow several existing semi-detached dwellings immediately to the south of the site. A detailed solar access analysis has been conducted having regard for the relevant development standards and design guides. The development is considered to be situated in an area of transition and as such, consideration has been given to the existing context of adjoining properties and the anticipated and desired future character, consistent with the design controls expressed in the Apartment Design Guide (ADG) and in relevant court decisions.

The subject site and shadow-affected street blocks to the south are zoned High Density Residential and subject to a 16m height limit. The impacts are consistent with the built form that would be expected for the zone. The proposed development is substantially compliant with building envelope provisions, with localised variations on the roof level not resulting in any material impact. It is, however, recommended that the upper level rear parapet be further set back from the laneway boundary, in order to minimise shadow impacts from the development, in accordance with the Apartment Design Guide.

View impacts are considered to be reasonable given the largely compliant built form affects sightlines that are obtained across street blocks for which 5-storey buildings within a densely built Town Centre context are envisaged by the controls.

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

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning & Environment and invoke the provisions of clause 4.6 of North Sydney LEP 2013 with regard to the exception of the development standard under clause 4.3 for building height, **grant consent** to Development Application No. **138/16** for demolition of existing structures, consolidation of lots and construction of a 5-storey residential flat building containing 18 units and basement car park, on land at No's.53-57 Atchison Street and No.96 Albany Lane, Crows Nest, subject to the attached standard conditions and following site specific conditions:-

Ausgrid Requirements

A4. The development shall comply with the following requirements of Ausgrid:

(a) Adequate clearances between the development and the existing overhead electricity mains are to be maintained in accordance with Section 3.11.2 of AS 7000. In particular:

i) A minimum horizontal clearance of 0.6 metres between the conductors and any parts of a structure not normally accessible to persons; and

ii) A minimum horizontal clearance of 1.5 metres between the conductors and any parts of a structure normally accessible to persons, or parts of a structure not normally accessible to persons but on which a person can stand (i.e., window, balcony, roof).

(b) The clearance requirements in the WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 should be complied with during construction works. The relevant mains are to be regarded as “Un-insulated low voltage conductors up to 1000V.

(c) Any Ausgrid assets that are affected by the proposal are required to be relocated. In this event please contact our Contestability Group on 8569 6727 or contestability@ausgrid.com.au to proceed with a network asset relocation project.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Statutory; essential infrastructure)

Roof Plant and Other Equipment

A5. Any roof plant, equipment, machinery and the like that are located and/or installed on the roof level shall be within, and not extend beyond, the Services Area as shown on the approved drawings. All such plant, equipment and machinery shall be installed so as to be at or below the height of the “batten screening” around the Services Area as approved.

(Reason: Visual amenity)

Replacement Street Trees

A6. Any removal of the Plane Tree and Bottlebrush growing in front of the site on Atchison Street, identified as Trees 2 & 3, respectively, within the Arboricultural Impact Assessment Report prepared by All About Trees dated 8/4/16 and received by Council 26/4/16, shall be replaced in accordance with the following:

(a) if overhead wires remain – Tibouchina ‘Alstonville’ 100L pot size; or

(b) if wires are bundled or undergrounded – Tulip Tree (*Liriodendron tulipifera*) 100L pot size.

The developer must bear the cost of all works associated with the removal and replacement of trees that occur on Council’s property, including the restoration of damaged areas.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Street and landscape amenity)

Rear parapet setback

A7. The rear parapet of the building at Level 4, in particular, the external building structure and fabric associated with the balcony and part of bedroom 1 of unit L402, shall be set back 6m from the rear southern (Albany Lane) boundary.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Solar amenity to adjoining properties)

Pedestrian Sightlines

C45. Sightlines for pedestrian safety shall to be provided so that they comply with Figure 3.3 Minimum Sight Lines For Pedestrian Safety, AS/NZS 2890.1 2004. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Public amenity and safety and appropriate sight distance)

Bin Enclosure

C46. The bin enclosure adjacent Albany Lane is to be relocated so as to be set back 1.2m from the southern (rear) boundary.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Laneway amenity)

Height of Fences

C47. Fencing shall comply with the following:

(a) The front fences to apartment units G01 & G02 fronting onto and in alignment with Atchison Street shall not exceed a height of 1m above Ground level RL79.30;

(b) The front fences to apartment units G03 & G04 fronting onto and in alignment with Albany Lane shall not exceed a height of 1.6m above Ground level RL79.30;

(c) The fence and rear gate at Albany Lane shall not exceed a height of 1.6m above Ground level RL79.30.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the above.

(Reason: Laneway amenity; clarify consent)

Geotechnical Certificate

C48. A certificate must be prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:

(a) Withstanding the proposed loads to be imposed;

(b) Withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;

(c) Providing protection and support of adjoining properties; and

(d) Providing for appropriate subsoil drainage during and upon completion of construction works.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Service Adjustments

E28. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development

(including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Support for Neighbouring Buildings

F10. The development is to comply with the following:

1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) Must preserve and protect the building from damage;

(b) If necessary, must underpin and support the adjoining building in an approved manner subject to adjoining owner's consent); and

(c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

3) In this clause, allotment of land includes a public road and any other public place.

(Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage)

Use of Roof Terrace

I9. The roof terrace shall be restricted by the following requirements:

(a) The roof terrace may only be used in association with the residential use of the building, by residents and their guests only. Any use of the roof terrace shall cease between the hours of 9.00pm and 8.00am, 7 days per week;

(b) The pergola shall remain open to the sky and not be covered;

(c) No part of the roof terrace may be enclosed; and

(d) The roof terrace shall be free of any the any umbrellas or any other shade devices.

(Reason: Visual and acoustic amenity of surrounding development)

5. IPP04: 2 Wilson Street, Cammeray – DA 184/16

Applicant: Mathew Davis

Report of Robyn Pearson, Team Leader (Assessments), 12 August 2015

The applicant is seeking NSIPP approval for alterations and additions to an existing dwelling house including the construction of a double garage off Wilson Street with a tunnel through a sandstone cliff to provide access to the double garage within the front setback. An underground hallway would lead to the lift that provides access to the existing dwelling above at No. 2 Wilson Street, Cammeray that is a contributory item in the Plateau Conservation Area.

Development Application No. 184/16 has been reported to NSIPP due to public and Councillor interest in the proposal.

The application was referred to Council's Conservation Planner who raised concerns about the contemporary nature of the rear addition that is likely to have a detrimental impact upon the character of the conservation area because

it would be seen from Carter Street through a newly created view corridor arising from the recent re-development of No. 6 Carter Street.

The proposed garage would also cause the loss of part of the sandstone cliff contrary to clause 6.10 in NSLEP 2013 and section 1.5.7 in NSDCP 2013 that is likely to have a detrimental impact upon the character of the conservation area.

There would be no loss of residential amenity for adjoining properties in terms of overshadowing, view and/or privacy loss.

Following neighbour notification there was two (2) submissions that raised concerns about privacy loss, overshadowing, loss of natural rock, unsympathetic rear addition and loss of district views. There was also a request to remove the Norfolk Island Pine on the subject site.

Following a detailed assessment the development application, some aspects of the proposal were considered to be unsatisfactory having regard to the relevant Environmental Planning Instruments and the North Sydney Development Control Plan 2013. Consequently, the proposal is recommended for refusal given its likely impact upon the significance of the conservation area.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, under the delegation of the Acting General Manager as the consent authority, resolve to **refuse** development consent for DA184/16 involving alterations and additions to an existing dwelling located at No. 2 Wilson Street, Cammeray for the following reasons:

(1) The proposed garage would have a detrimental impact upon the significance of the Plateau Conservation Area.

Particulars:

(a) The proposal would cause the loss of part of the sandstone cliff on Wilson Street that contributes to the overall character of the Plateau Conservation Area contrary to the requirements of sections 1.3.1 P3 (Topography), 1.5.3 P14 (Vehicular Access & Car Parking); 1.5.7 03 (Excavation) in NSDCP 2013; Clause 6.10(3)(a) in NSLEP 2013.

(b) Basement garages are not supported for detached dwellings to maintain the character of low density residential areas and the conservation area generally as required by section 1.5.4 P3 in NSDCP 2013.

(c) Council's Development Engineer raised concerns about pedestrian safety when motorists exit the proposed garage and the possible need for splayed corners for the garage causing further loss of natural sandstone.

(2) The design of the rear addition is likely to have an adverse impact upon the significance of the Plateau Conservation Area.

Particulars:

(a) The "square" contemporary nature of the rear addition is considered to be uncharacteristic of the conservation area that is likely to be seen from the public domain, in particular Carter Street also part of the Plateau Conservation Area.

(b) The rear addition would have a flat roof which is contrary to section 4.5.5 in NSDCP 2013 that requires hipped roofs pitched between 30 and 45 degrees.

(c) The two storey rear addition would dominate the original cottage contrary to the requirements of section 4.5.6 P4 in NSDCP 2013.

(c) The proposal would have a detrimental impact upon the conservation area as indicated above having regard to clause 5.10(1)(b) in NSLEP 2013, sections 13 in Part B & section 4.5.6, 4.5.7 in Part C of NSDCP 2013.

(3) Contrary to the public interest

Particulars:

(i) The proposal is not considered to be in the public interest given that the above matters were raised in the submissions from nearby residents. The proposal is, therefore, not considered to be in the public interest contrary to Section 79C(e) of the Environmental Planning and Assessment Act 1979 (as amended).

6. IPP05: 26 Cowdroy Avenue, Cammeray (T) - DA 254/16

Applicant: Peta Holmes, C/- Performance Building Consultants

Report of Judith Elijah, Student Town Planner, 9 August 2016

This development application seeks development consent for the installation of a vergola over the third floor terrace of an existing dwelling located at No. 26 Cowdroy Avenue, Cammeray.

The application is referred to the North Sydney Independent Planning Panel for determination because the variation sought 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 NSW Department of Planning and Environment.

Council's notification of the proposal has attracted no submissions.

The height of the new vergola would be above the permissible height limit of 8.5 metres. Consequently, the applicant has submitted a clause 4.6 statement seeking a variation to the permitted building height limit.

The statement was considered to be well founded because the building elements above the maximum building height are unlikely to cause adverse amenity impacts for the adjoining properties in terms of view and/or privacy loss nor any material overshadowing. Given that the vergola would be located at the rear of the dwelling, there would be no impact upon the streetscape. The vergola would be located well away from the foreshores of the Harbour so there would be no affectation on views to/from Sydney Harbour.

Having regard to the provisions of Section 79C of the EP&A Act 1979 the application is considered to be satisfactory and recommended for **approval**.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for building height, and **grant consent** to Development Application No. DA254/16 for the construction of a vergola over the existing third floor terrace of the dwelling at No. 26 Cowdroy Avenue, Cammeray subject to the attached standard conditions:-

7. IPP06: 20 Ellalong Road, Cremorne (T) – DA 116/16

Applicant: Richard Stephen Wilkins

Report of Kim Rothe, Senior Assessment Officer, 30 August 2016

This development application seeks approval for minor demolition to the existing dwelling and construction of a first floor addition. The proposal requires endorsement by NSIPP for determination **due to the number of public submissions received.**

The proposal is an *amended proposal* with substantial amendments made to the development to remove other first floor additions which were proposed over the existing semi detached ground floor outbuilding and carport at the eastern end of the site.

Council's first notification of the proposal attracted **eight (8) submissions** raising particular concerns about the bulk and scale, streetscape and view loss issues associated with the outbuilding first floor additions of the application as originally proposed.

Council also had significant concerns regarding the outbuilding additions. The applicant nominated to amend the plans in response to Council's issues raised and deleted the primary additions of concern. The amended plans were re notified and attracted a further **three (3) submissions** raising concerns to privacy, garbage, reflectivity and solar access. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposal as amended is considered to result in impacts that are generally an expected outcome on the site having regard to the development controls applicable to the site. Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for approval subject to conditions.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, under the delegation of the General Manager as the consent authority, grant consent to Development Application No. 116/16 for minor demolition to the existing dwelling and construction of a new first floor addition at 20 Ellalong Road, Cremorne subject to the following site specific condition and attached general conditions:

Privacy

C1. The following privacy devices are to be provided:

- a) Fixed obscure or frosted glass privacy screens shall be attached to the eastern orientated window to bedroom 5 (W.04) and to a minimum height of 1.5 metres above floor level; and
- b) Fixed timber louvre/lightweight/lattice privacy screens shall be attached to northern side of the balcony attached to bedroom 5 with a minimum height of 1.8 metres above the balcony floor level.
- c) The Fixed timber louvre/lightweight/lattice privacy screens to the northern side of the main northwestern balcony and southern side of the secondary northwestern orientated balcony are to have a minimum height of 1.8 metres above the balcony floor level.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must 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 ensure an adequate level of privacy is provided to adjoining property located at 9 Lloyd Avenue and 20A Ellalong Road, Cremorne)

8. IPP07: 21 Benelong Road, Cremorne (T) - DA 152/16

Applicant: Straightline Studio

Report of Robin Tse, Senior Assessment Officer, 30 August 2016

This development application seeks NSIPP approval for alterations and additions to an existing detached dwelling including a first floor addition, a double garage and associated landscaping.

The application is referred to NSIPP for determination because the variation sought 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 NSW Department of Planning.

Council's notification of the development application has attracted two submissions raising concerns about the potential privacy loss, overshadowing and the appearance of the proposed addition.

The proposal causes a breach of the building height limit of 8.5m so a Clause 4.6 statement was submitted that is justifiable because the building elements above the LEP maximum building height are unlikely to have material impacts on the overall 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 issues raised in the submissions have been addressed throughout the report including recommendation for the imposition of site specific conditions to maintain amenity for the adjoining properties.

Having regard to the provisions of Section 79C of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to exceptions to the development standard for building height, and grant consent to Development Application D152/16 for alterations and addition to an existing detached dwelling on land at No. 23 Benelong Road, Cremorne subject to the attached standard conditions and the following site specific condition.

Dormer Rooflights

C1. The proposed dormer rooflights on the south-western elevation must be deleted and replaced by two skylights each measuring 1m (width) by 500mm (height) to minimise the bulk and scale of the proposed first floor addition.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To minimise the bulk and scale of the proposed first floor addition and to maintain the streetscape.)

Privacy Protection

C2. Frosted glazing or equivalent must be applied to the lower panes of all windows on the north-eastern elevation of the proposed first floor addition to protect the visual privacy of the adjoining property at No.23 Benelong Road. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition. (Reason: To protect visual privacy of the adjoining property.)

Landscape Plan

C3. The applicant shall submit a revised landscape plan for the subject site, based on drawing numbered SS15.006 Page 3/17 Issue F, dated 25.07.2016, and prepared by Straightline Studio Co, for the entire property identifying the species of plants to be planted, their numbers and their mature heights to ensure appropriate landscaping treatments within the subject property.

The landscape plan must include, but not limited to, the following:

- (a) The provision of planter with suitable planting bed (6m long and 750mm wide) from the front building line between the proposed driveway and the Benelong Road boundary fence to provide additional soft landscaping within the front setback area;
- (b) The planting of a replacement tree (Manchurian Pear *Pyrus ussuriensis*) (100 litre pot size) within the above new planter bed to provide screening and visual privacy protection for the adjoining property at No. 23 Benelong Road as marked in red on the approved plans;
- (c) The planting of 3 x *Syzygium australe* 'AATS' PBR Pinnacle on the planter bed adjacent to the first floor kitchen window on the south-western elevation of No.23 Benelong Road as marked in red on the approved plans ; and
- (d) The provision of screen planting (up to 5m in height) along the Benelong Road boundary to soften the proposed development.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition. (Reason: To provide adequate landscaping for the subject site and to protect the amenity of the adjoining property.)

Excavation Works at the Rear

C4. The excavation works within the rear setback area must provide a minimum setback of 1m from all property boundaries to minimise the impacts on the adjoining properties.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition. (Reason: To minimise impacts on the adjoining properties.)

Fencing along Benelong Road

C5. The timber infill panel of the proposed fencing along Benelong Road must be no more than 50% solid construction to ensure adequate level of transparency and minimise visual dominance on the streetscape. The fence must be no higher than 1.8m from the existing ground level from the front building line to the rear boundary with No.2 Brightmore Street.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure adequate level of transparency and minimise visual dominance on the streetscape.)

9. IPP08: 28 Parraween Street, Cremorne (T) - DA 227/16

Applicant: Cape Cod Aust. Pty. Ltd.

Report of Robin Tse, Senior Assessment Officer, 30 August 2016

This development application seeks NSIPP approval for alterations and additions to an existing single storey semi-detached dwelling including a first floor rear addition.

The application is referred to NSIPP for determination because the variation sought 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 NSW Department of Planning.

Council's notification of the DA proposal has attracted no submissions.

This assessment has been assessed against the relevant provisions and requirements of North Sydney LEP 2013 and North Sydney DCP 2013. Consideration has also been given to the Clause 4.6 request for a variation to the LEP's maximum building height development standard of 5.5m being a small lot (under 230sqm).

The subject site is zoned R4 (High Density Residential) and the locality has a diverse mix of built forms and development types including single storey semi-detached dwellings, multi-level residential flat buildings and mixed use developments up to six storeys.

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

Having regard to the provisions of Section 79C of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for building height, and **grant consent** to Development Application D227/16 for alterations and addition to an existing semi-detached dwelling on land at No. 28 Parraween Street, Cremorne subject to the attached standard conditions and the following site specific condition.

Soft Landscaping within the Subject Site

C1. The existing soft landscaping within the front and rear setbacks of the subject site must be retained. No approval is granted or implied for the removal of existing vegetation within the subject site.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure the retention of existing vegetation within the subject site)

10. IPP09: 14 Eaton Street, Neutral Bay - DA266/14/3

Applicant: JM Elliott

Report of George Youhanna, Executive Planner, 24/8/16

This s.96 modification application seeks to modify the development consent for demolition of the dwelling house and construction of a part 2 and part 3 storey multi dwelling housing development comprising 5 dwellings and basement parking for 9 cars. The proposed modifications include reconfiguration of openings on all elevations, minor internal reconfiguration and the addition of six (6) balconies to the norther elevation of units 3, 4 and 5. Council's notification of the proposal attracted three (3) submissions, raising particular concerns primarily concerning the proposed balconies and associated visual privacy impacts. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the modification application is considered to be reasonable in the circumstances, subject to replacement of the proposed balconies with windows and privacy louvres, and is recommended for **approval** subject to conditions.

Recommending:

PURSUANT TO SECTION 96 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, as the consent authority approve s.96 application No. 266/14/3 for modification of development consent for demolition of the existing dwelling house and construction of a part 2 and part 3 storey multi dwelling housing development comprising 5 dwellings and basement parking for 9 cars, subject to the following conditions: Condition A1 to be modified as follows:

A1. Development in Accordance with Plans/documentation

Plan No.	Issue	Title	Drawn by	Received
CC01	B	Site Plan	Connor + Solomon Architects	25/9/15
CC02	B	Basement Floor Plan	Connor + Solomon Architects	25/9/15
CC03	B	Ground Floor Plan	Connor + Solomon Architects	25/9/15
CC04	B	First Floor Plan	Connor + Solomon Architects	25/9/15
CC05	B	Second Floor/Roof Plan	Connor + Solomon Architects	25/9/15
CC06	B	Roof Plan	Connor + Solomon Architects	25/9/15
CC07	B	Section AA	Connor + Solomon Architects	25/9/15
CC08	B	Section BB	Connor + Solomon Architects	25/9/15
CC09	B	Section CC	Connor + Solomon Architects	25/9/15
CC10	B	South Elevation	Connor + Solomon Architects	25/9/15
CC11	B	South Elevation with fencing	Connor + Solomon Architects	25/9/15
CC12	B	North Elevation	Connor + Solomon Architects	25/9/15
CC13	B	North facing courtyard elevation	Connor + Solomon Architects	25/9/15
CC14	B	South facing courtyard elevation	Connor + Solomon Architects	25/9/15
CC15	B	East elevation	Connor + Solomon Architects	25/9/15
CC16	B	West elevation	Connor + Solomon Architects	25/9/15
DA29	A	Finishes Schedule	Connor + Solomon Architects	17/10/14
SW2	B	Stormwater drainage plan	Law & Dawson	25/2/15
SW3	C	Stormwater drainage plan	Law & Dawson	23/3/15
121-C1	D	Driveway Plan	Law & Dawson	25/2/15

121-C2	C	Crossover section	Law & Dawson	25/2/15
121-C3	C	Crossover section	Law & Dawson	25/2/15
121-C5	B	Crossover section	Law & Dawson	25/2/15
L/01	D	Proposed Landscape Plan	A Total Concept Landscape Architects and Swimming Pool Designers	8/4/15

As amended by s.96 application No.266/14/3 in accordance with the following plans, except in relation to the proposed balconies on the northern (rear) elevation, which are not approved:

Plan No.	Issue	Title	Drawn by	Received
S96 01	C	Basement Floor Plan	Connor + Solomon Architects	10/8/2016
S96 02	C	Ground Floor Plan	Connor + Solomon Architects	10/8/2016
S96 03	C	First Floor Plan	Connor + Solomon Architects	10/8/2016
S96 04	C	Second Floor Plan	Connor + Solomon Architects	10/8/2016
S96 05	C	Roof Plan	Connor + Solomon Architects	10/8/2016
S96 06	C	Front Elevation	Connor + Solomon Architects	10/8/2016
S96 07	C	Rear Elevations	Connor + Solomon Architects	10/8/2016
S96 08	C	East Facing Elevation	Connor + Solomon Architects	10/8/2016
S96 09	C	West Facing Elevation	Connor + Solomon Architects	10/8/2016

Condition C24 to be added:

C24. Privacy

The six (6) proposed balconies to the northern (rear) elevation, on the first floor and second floor of units 3, 4 and 5 are not approved and are to be replaced with windows and privacy louvres in accordance with the plan titled “North Elevation”, numbered CC 12, Issue B, and approved under s.96 application No.266/14/2.

(Reason: To maintain adequate privacy to adjoining properties)

11. IPP10: 26 Waruda Street, Kirribilli (V) – DA 205/16

Applicant: Theo Paradisis

Report of Luke Donovan, Senior Assessment Officer, 30 August 2016

The applicant seeks NSIPP approval for the demolition of the existing building and the construction of a residential flat building containing five apartments with basement parking and associated landscaping on land at No. 26 Waruda Street, Kirribilli. The site is identified as a Neutral Item within the Kirribilli Conservation Area.

The application is reported to NSIPP due to the level of public interest.

Council’s notification of the original proposal attracted ten (10) submissions.

Council’s notification of the amended proposal attracted four (4) submissions.

The submissions raised particular concerns about the extent of excavation, loss of solar access, privacy and views, site isolation, traffic and parking impacts.

The proposed development complies with the building height control in Clause 4.3(2) in NSLEP 2013.

The five storey scale of the development is generally characteristic of surrounding developments along Waruda Street. The articulated facades, with a variation in colours and materials and the proposed setback of the fifth storey would help to minimise any adverse visual and amenity impacts on the adjoining properties and the public domain. Whilst the proposal does not strictly comply with the minimum building separation distances between buildings as required by the ADG this is considered acceptable given the location and treatment of the window openings and the narrowness of the site.

Whilst the incursions into the modified natural rock walls at the front of the site is regrettable, the proposal has been able to retain large parts of the rocks walls and add new plantings, in lieu of the staircase, to assist in softening the development when viewed from street level.

The proposal is considered to be acceptable on heritage grounds as the contemporary design utilises elements that are reflective of an Inter-War Modern style of building, with horizontal bands, curved elements and traditional rhythm of fenestration.

Having regard to the provisions of Section 79C of the Environmental Planning & Assessment Act 1979, the application is considered to be satisfactory and recommended for **approval** subject to the attached standard and site specific conditions.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Independent Planning Panel, under the delegation of the A/General Manager as the consent authority, grant consent to Development Application No. 205/16 for the demolition of the existing building and the construction of a residential flat building containing five apartments with basement parking and associated landscaping on land at No.26 Waruda Street, Kirribilli, subject to the following site specific conditions and the attached standard conditions:-

Colours, Finishes and Materials (Conservation Area)

C8. The finishes, materials and exterior colours shall be complimentary to the architectural style of the original building and sympathetic to the character of the Conservation Area.

The grey colour to the external walls must be a light to mid grey tone that reflects the colours of significant buildings in the vicinity of the subject site. The chosen colour must have the written approval of a qualified Heritage Consultant in writing and forwarded to the Private Certifying Authority with the Construction Certificate documentation.

A schedule of finishes, materials and external colours shall be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure the use of colours consistent with the character of the conservation area)

Privacy

C27 The following privacy devices are to be provided:

- a) The south-east facing bathroom and en-suite windows (W06 and W07) for Units 101, Unit 201 and Unit 301 must be fitted with obscure glass.
- b) The north-west facing kitchen window (W07) for Unit 401 must be fitted with vertical metal louvres similar to the levels below.
- c) The vertical metal louvres attached to the nominated windows must be fixed at a 45 degree angle.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must 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 ensure an adequate level of privacy is provided to adjoining property located at No's 24 and 28 Waruda Street, Kirribilli

Chair lift

G1. A chair lift for disabled visitors/residents must be installed on the staircase at the Waruda Street frontage of the site and certified by an appropriately qualified person as compliant with AS1735.12, prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the relevant disabled access requirements)



NORTH SYDNEY INDEPENDENT PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY INDEPENDENT PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 3 AUGUST 2016, AT 2.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Virginia Waller, Panel Member
Ian Pickles, Panel Member
Grant Christmas, Panel Member

Staff:

Stephen Beattie - Manager Development Services
David Hoy - Team Leader Assessments
Robyn Pearson - Team Leader Assessments
Peita Rose - Corporate Administration Support Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSIPP Meeting of 6 July 2016 were confirmed following that meeting.

2. Declarations of Interest

No declarations of interest

3. Business Items

The North Sydney Independent Planning Panel under the Delegated Authority granted by North Sydney Council and s.377 of the Local Government Act 1993 has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	488/15
ADDRESS:	88-90 Alexander Street, Crows Nest
PROPOSAL:	Demolition of existing buildings and construction of 5-storey mixed use building comprising commercial premises and 16 apartments, and basement carpark
REPORT BY NAME:	Susanna Cheng, Senior Assessment Officer
REASON FOR NSIPP REFERRAL:	Variation to Council's building height control exceeds 10%
APPLICANT:	Lak Australia Pty Ltd c/- PBD Architects

Public submissions

Fiona Erhardt - Submitter
Denise Nicholls - Submitter
Felicia Huang - PBD Architects
Paul Buljevic - PBD Architects
Michael Watson - Town Planner

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel.

The Panel notes the lift overrun and communal roof terrace is contained to the central footprint of the building and will not unreasonably impact on neighbouring amenity. The variation is justified in the circumstances as it will provide increased amenity for occupants of the building.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 2

DA No:	57/16
ADDRESS:	220 West Street, Crows Nest

PROPOSAL:	Use of office premises as long day child care centre for 14 children
REPORT BY NAME:	Adonna See, Graduate Assessment Officer
REASON FOR NSIPP REFERRAL:	Public interest, number of submissions
APPLICANT:	RJK Architects

Public submissions

Simone Parrott - Submitter
 Anna Grutzner - Submitter
 Andrew Main - Submitter
 Kim Ryan - Submitter
 John Attewell - Submitter
 Jenny Bridge - Submitter
 Fiona Robinson - Submitter
 Jiri Kure - RJK Architects
 Elizabeth Schischka - Childcare Director

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel subject to the following amendments:

Plan of Management

- A4. A revised Plan of Management reflecting the conditions of this consent is to be submitted to Council and written approval obtained prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- The approved operating hours including weekend hours;
 - The approved number of staff and children to be within the specified age groups;
 - The recommendations contained within the Acoustic Report prepared by Rodney Stephens Acoustics dated 24 February 2016;
 - The use of the single accessible car space to the rear of the site for pick up and drop off purposes;
 - A detailed 'Daily Routine' that reflects the requirements of the Use of Outdoor play area and Transitional play area.
 - The contact details of the Centre Management must be clearly visible at the entries to the building along with a contact name and number to facilitate the resolution of any complaints of neighbours. A complaints log book and details of action taken must be kept on the site and available for Council inspection

The Plan of Management must be complied with at all times and a copy must be kept on the site and be made available to any officer of the Council on request.

(Reason: To ensure the ongoing operation of the child care centre is in accordance with the terms of this consent)

Noise and Vibration Impact (Compliance)

I10. Within 90 days of commencement of operation of the premises and on an annual basis acoustic testing must be undertaken and a report from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, prepared to demonstrate that the use of the premises complies with the conditions of this consent and/or the Acoustic Report prepared by Rodney Stevens Acoustics dated 24 February 2016.

The testing must be carried out when the premises is operating at full capacity. A copy of the report must be submitted to Council within 14 days of its completion.

If the use is found not to comply with the noise conditions, the use must cease immediately until appropriate measures to remedy the breach are implemented to the satisfaction of Council.

(Reason: To ensure compliance with acceptable noise levels to maintain the amenity of adjoining land uses)

Use of Outdoor play area and Transitional play area

I12. The use of the outdoor play area and transitional area shall be restricted as follows:

- The western open courtyard quiet area & activity area may only be used for outdoor play for a maximum of 2 hours in the morning and 2 hours of an afternoon during approved centre operating hours;
- The operable doors to the western elevation between the open courtyard and the Transitional area must remain closed except during outdoor play times;

Note:

1. For the purposes of this condition, Outdoor play is defined as any outdoor activity undertaken by the children or staff during normal operating hours, whether or not such activity is organised by supervisory staff.
2. The outdoor play area and transitional area is subject to the supervisory staff requirements off the Education and Care Services National Law and Regulations 2011.

(Reason: To limit noise impact to adjoining sensitive noise receivers in accordance with the Recommendations of the acoustic report referred to in this consent)

Condition G2 is amended to delete reference to Civil Engineer and replace with reference to Access Consultant or other suitably qualified person.

Advisory Note: The applicant must obtain all other necessary approvals and accreditations required by legislation prior to the commencement of the Childcare Centre.

The Panel considered all the objections and is satisfied that the conditions of consent will maintain adequate amenity for adjoining residents and that parking demand generated by the development could be adequately accommodated, having regard to the intensity of use of 14 child care places in the B1 neighbourhood centre zone.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 3

DA No:	104/16
ADDRESS:	22 Pine Street Cammeray
PROPOSAL:	Substantial alterations and additions to dwelling including double garage and swimming pool.
REPORT BY NAME:	Geoff Mossemenear, Executive Planner
REASON FOR NSIPP REFERRAL:	Public Interest
APPLICANT:	BJP Architects Pty Ltd

Public submissions

Drew Truslove - Submitter
 Cameron Fouladi - Owner
 Lance Doyle - Planner
 Bruce James - Architect

Business Item Recommendations

The Panel considers the double garage would not be out of character in this location subject to an overall reduction in site coverage. Therefore the Panel's determination is for the Council Officer's Recommendation is generally endorsed subject to a deferred commencement approval requiring the submission of plans to satisfy the following:-

- a) A reduction in site coverage to comply with the 50% requirement of the DCP. It is a matter for the applicant as to how this is achieved. (e.g reduction in the floor space of the house or a single garage, footbridge or removal of the pool).
- b) If the double garage is to be retained then details of the crossing must be provided in the amended plans.
- c) The swimming pool if retained is to be relocated to be 3m from the Pine Street boundary and the landscaping is to relate to the natural ground level to the north. The rock face is to be generally retained.
- d) The fencing to Bellevue Street is to be an open palisade style to a height of 1.8m with landscaping from the north-eastern corner of the house to the far edge of the swimming pool.
- e) An amended landscape plan is to be provided with the revised plans to satisfy the DCP requirements.
- f) A privacy screen to a minimum of 1.6m high above finished floor level to the western end of the first floor balcony.

The above is to be submitted for Council's approval prior to the commencement of the consent with the consequential amendments required to the conditions.

(Panel Reason: This is allow the applicant to address concerns raised in the report and provide an appropriate presentation to Pine Street and Bellevue Street)

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 4

DA No:	137/16
ADDRESS:	8 Cowdroy Avenue, Cammeray
PROPOSAL:	Alterations and additions to the existing dwelling
REPORT BY NAME:	Luke Donovan
REASON FOR NSIPP REFERRAL:	Greater than 10% variation to the building height control
APPLICANT:	Adam Fitzhenry

Public submissions

No persons elected to speak on this item.

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 5

DA No:	306/13/3
ADDRESS:	50 Cowdroy Avenue, Cammeray
PROPOSAL:	Section 96(2) modifications to an approved development for demolition of the existing dwelling and the construction of a new dwelling including an extension of the northern balcony and awning on Level 3

REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSIPP REFERRAL:	The application is reported to NSIPP because the proposed modifications involve amendments to a condition (C23) imposed by NSIPP in the original DA
APPLICANT:	Elizabeth Roy & Glyn Lawcock

Public submissions

No persons elected to speak on this item.

The Council Officer's Recommendation is endorsed by the Panel.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 6

DA No:	373/14/2
ADDRESS:	27 Bannerman Street, Cremorne Point
PROPOSAL:	To modify consent DA No. 373/14 for alterations and additions to an existing dwelling and landscaping works including tree removal.
REPORT BY NAME:	Judith Elijah
REASON FOR NSIPP REFERRAL:	The application is referred to the North Sydney Independent Planning Panel for determination as requested by Councillor Barbour and Marchandeanu
APPLICANT:	David and Samantha Rockliff C/- Contemporary Architecture Pty Ltd

Public submissions

Samantha Rockliff - Owner

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel.

The Panel notes that the southern garden and setback to the reserve provides outdoor open space in addition to the front garden. The tree is in good health and is significant in the district having landmark qualities that contribute to the streetscape. The Panel is of the opinion that a regular arborist's report should be carried out in order to manage the tree.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 7

DA No:	85/16
ADDRESS:	11 Bogota Ave, Cremorne Point
PROPOSAL:	Substantial alterations and additions to dwelling house
REPORT BY NAME:	George Youhanna
REASON FOR NSIPP REFERRAL:	Objections, non compliance with side setback
APPLICANT:	Soames Treffry

Public submissions

Jan Lovell - Submitter

Soames Treffry - Owner

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel.

The Panel notes that the separation is approximately 36m to the western edge of the swimming pool at No. 16 Bogota Avenue and privacy overlooking is not considered an issue. Furthermore, the upper shutters are over a blank wall. Unit 1/9 is not unreasonably impacted by the additional 1 metre height on the southern elevation which is also fully compliant with Council's control of 8.5 metres being 7.8 metres.

The Panel also considers the proposal is an appropriate outcome for the conservation area in terms of its bulk and scale and materials.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 8

DA No:	58/16
ADDRESS:	Units 3 & 4, 17 Waiwera Street, Lavender Bay

PROPOSAL:	Alterations and additions to apartments 3 & 4
REPORT BY NAME:	Susanna Cheng, Senior Assessment Officer
REASON FOR NSIPP REFERRAL:	Variation to Council’s building height control exceeds 10%
APPLICANT:	Diane Hacking c/- Contemporary Architecture

Public submissions

Clare Carter - Architect

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to amendments to certain conditions as follows:

- C7. The recommendations of the Geotechnical Report prepared by J K Geotechnics are to be generally complied with. The references to the basement excavation and the basement structure are not relevant matters in this application. (This condition replaces that contained in those recommended)
- C25. To be amended to have regard to Sydney Trains requirements as set out in the email dated 1 August 2016.
- I2. To be amended by inserting the word “permanent” at the beginning of (a).

Add new condition:

- A5 To delete the awning to the northern windows of bedroom 2 of Unit 3.

(Panel Reason: The above amended conditions clarify the conditions and having regard to neighbouring amenity)

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

ITEM 9

DA No:	563/03/5
ADDRESS:	30 Alfred Street, Milsons Point
PROPOSAL:	Modification to consent, to amend plans for the approved development comprising demolition of the existing buildings and erection of a multi-level mixed use development.

REPORT BY NAME:	Geoff Mossemenear, Executive Planner
REASON FOR NSIPP REFERRAL:	Public Interest, Scale of development
APPLICANT:	Fu Ji (Milsons Point) Pty Ltd c/- JBA Planning Pty Ltd

Public submissions

Koichi Takada - JBA Architect

Business Item Recommendations

The Council Officer's Recommendation is endorsed by the Panel.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Panel Member	Yes	No
Jan Murrell	X		Ian Pickles	X	
Virginia Waller	X		Grant Christmas	X	

The public meeting concluded at 4.25pm.

The Panel Determination session commenced at 4.30pm.

The Panel Determination session concluded at 7.07pm.

Endorsed by Jan Murrell
North Sydney Independent Planning Panel
4 August 2016