NORTH SYDNEY INDEPENDENT PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY INDEPENDENT PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 4 JUNE 2014, AT 2.00PM.

PRESENT

Chair:
Jan Murrell in the Chair.

Panel Members:
Virginia Waller - Panel Member
Alf Lester - Panel Member
Michael Harrison - Panel Member

Staff:
Stephen Beattie, Manager Development Services
Geoff Mossemenear, Executive Planner
David Hoy, Team Leader, Assessments
Robyn Pearson, Team Leader, Assessments
Lara Huckstepp, Executive Assessment Planner
Peita Rose, Corporate Administration Support Officer (Minutes)

Apologies:
Nil

1. Minutes of Previous Meeting
The Minutes of the NSIPP Meeting of Wednesday 7 May 2014 were confirmed following that meeting.

2. Declarations of Interest
Nil
3. **Business Items**

**ITEM 1**

<table>
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<tr>
<th>DA No:</th>
<th>76/14</th>
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<tbody>
<tr>
<td><strong>ADDRESS:</strong></td>
<td>143 Holtermann Street, Crows Nest</td>
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<tr>
<td><strong>PROPOSAL:</strong></td>
<td>Demolition of first floor, construction of a rear addition, garage and carport</td>
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<tr>
<td><strong>REPORT BY NAME:</strong></td>
<td>Jonathan Archibald, Assessment Officer</td>
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| **APPLICANT:** | Stephen Malone  
C/O Malone Campbell-Allen P/L |

**Public submissions**

No persons elected to speak at the meeting.

**Business Item Recommendations**

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

Voting was as follows: Unanimous

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<tr>
<th>Panel Member</th>
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**ITEM 2**

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<th>DA No:</th>
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<tr>
<td><strong>ADDRESS:</strong></td>
<td>10 Bay View Street, Lavender Bay</td>
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<tr>
<td><strong>PROPOSAL:</strong></td>
<td>Demolition of existing dwelling and construction of new three storey dwelling with basement car parking</td>
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<td><strong>REPORT BY NAME:</strong></td>
<td>Lara Huckstepp, Executive Planner</td>
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<td><strong>APPLICANT:</strong></td>
<td>Michael Robilliard &amp; Associates</td>
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</table>
Public submissions

Peter Millard - Submitter
Brett Brown - Applicant
Bob Savage - Applicant

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to an amendment to condition A6 requiring any plant species to be appropriately selected and maintained at a height no greater than RL 29.0m (that is approximately 1 metre above the top of the existing retaining wall)

Approved Landscaping Plan

A6. Landscaping works on the site are to be undertaken generally in accordance with the Landscaping Plan numbered ‘365 WD 12C’, prepared by Michael Robilliard & Associates, dated 26/11/2013 and received by Council on 5/3/2013. The Landscape Plan must be amended as follows:

- No approval is granted for the Magnolia Soulangeana (MS).
- The paved areas must be decreased and the landscaped area must be increased to provide a minimum of 30% of the site area in accordance with the DCP.
- Any plant species in the rear yard to be appropriately selected and maintained at a height no greater than RL 29.0m (that is approximately 1 metre above the top of the existing retaining wall).

An amended landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development)

(Panel Reason: To provide clarity in the height and extent of landscape)

Voting was as follows: Unanimous

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ITEM 3

DA No: 367/13
ADDRESS: 6 East Crescent Street, McMahons Point
PROPOSAL: Alterations and additions to convert duplex into 3 apartments with new lower floor and additional floor
REPORT BY NAME: Susanna Cheng, Senior Assessment Officer
APPLICANT: Sawjin Tew c/- Mark Hurcum Design Practice

Public submissions

Adam Beesley - Submitter
Susanna Clarke-Nash - On behalf of George Harrison and Mike Gordon
Mark Hurcum - Architect on behalf of client

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to the following changes to Condition A5.

Design amendments

A5. The development is to comply with the following:

(a) The northern wall of the second floor kitchen/living/dining room is to be set back 1.58m, as measured from the external wall to the northern side boundary, and with a commensurate increase in the setback of the northern parapet and roof.

(Panel Reason: To achieve view sharing without unreasonably compromising internal amenity)

(b) The south eastern corner of the roof awning above the second floor balcony is to be set back 1m to the west.

(Reason: To minimise shadow impacts)

(c) The privacy screen on the southern side of the first floor balcony to be reduced to align with the column at section E and on the second floor balcony is to be reduced to align with the glazed façade of the eastern elevation.

(Panel Reason: To minimise shadow impact and view loss)
(d) The height of the **parapet of the garage** is not to exceed 3.5m from finished footpath level on Middle Street.

(Reason: To reduce bulk and scale for streetscape amenity)

(e) The **balcony balustrades** are to be black in colour.

(Reason: To minimise view impacts)

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.

(Panel Reason: Having considered the submissions on balance the Panel considered the view impacts not to be unreasonable in the circumstances)

Voting was as follows: Unanimous

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**ITEM 4**

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<th>DA No:</th>
<th>417/12/2</th>
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<tr>
<td>ADDRESS:</td>
<td>58 Blues Point Road, McMahons Point</td>
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<tr>
<td>PROPOSAL:</td>
<td>Section 96(1A) application to modify Consent No 417/12 with regard to change to roof; repositioning of lift; change to window</td>
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<td>REPORT BY NAME:</td>
<td>Kim Rothe, Senior Assessment Officer</td>
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<tr>
<td>APPLICANT:</td>
<td>JPR - Architects P/L</td>
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Public submissions

Judith Rintoul - Submitter
Ian Poole - Architect on behalf of applicant

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to the deletion of the recommended Condition A4.
(Panel Reason: The view impact is considered minor having regard to the overall view available to the affected property. The retention of the blade wall is a better architectural solution and integrates with the western shading devices and privacy.)

Voting was as follows: Unanimous

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ITEM 5

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<tr>
<th>DA No:</th>
<th>87/14</th>
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<tbody>
<tr>
<td>ADDRESS:</td>
<td>Unit 3, 19 Holbrook Avenue, Kirribilli</td>
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<tr>
<td>PROPOSAL:</td>
<td>Internal alterations to Unit 3, 19 Holbrook Avenue, Kirribilli</td>
</tr>
<tr>
<td>REPORT BY NAME:</td>
<td>Geoff Goodyer, Town Planning Consultant</td>
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<tr>
<td>APPLICANT:</td>
<td>Nigel Robinson, c/o Connor + Solman Architects</td>
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Public submissions

No persons elected to speak at the meeting.

Business Item Recommendations

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

Voting was as follows: Unanimous

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ITEM 6

DA No: 68/14

ADDRESS: Unit 9, 19 Holbrook Avenue, Kirribilli

PROPOSAL: Alterations to Unit 9, 19 Holbrook Avenue, Kirribilli

REPORT BY NAME: Geoff Goodyer, Town Planning Consultant

APPLICANT: Jo Willmore Designs

Public submissions

No persons elected to speak at the meeting.

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to condition C1 not applying to the kitchen, dining and living room ceiling battens.

(Panel Reason: To allow consistent interior alterations to the open living area without unreasonably compromising the heritage significance of the building)

Voting was as follows: Unanimous

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ITEM 7

DA No: 24/14

ADDRESS: 12 Adderstone Avenue, North Sydney

PROPOSAL: Construction of a three storey dwelling with a double garage at street level

REPORT BY NAME: Luke Donovan, Senior Assessment Officer

APPLICANT: Mark Tolhurst
Public submissions

Anne-Marie Clements - Submitter
John Bradley - Architect

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to

Porous external staircase

C14. The proposed external staircase adjacent to the south western boundary of the site must be constructed as a porous structure to allow stormwater infiltration to the substrate and to the root zones of the trees on the adjoining property at No.10 Adderstone Avenue.

Plans and specifications which comply 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 improve the capacity of the site to absorb water runoff and to improve water infiltration to the root zones of the trees on the adjoining property at No.10 Adderstone Avenue)

(Panel Reason: For clarity whilst still maintaining the objective)

Protection of Trees

C18. The following trees are required to be protected during demolition and construction works in accordance with AS 4970-2009 – Protection of trees on development sites:

<table>
<thead>
<tr>
<th>Trees</th>
<th>Location</th>
<th>Height (m)</th>
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<tbody>
<tr>
<td>4 x Spotted Gums (Corymbia Maculata)</td>
<td>All nominated trees are growing along the common boundary with No.10 Adderstone Avenue</td>
<td>Varies between 5m and 30 metres</td>
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<td>2 x Lilly Pilly (Acmena Smithii)</td>
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<td>1 x Forest Oak (Allocasuarina Torulosa)</td>
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<td>1 x Flooded Gum (Eucalyptus Grandis)</td>
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<td>1 x Creek Sandpaper Fig (Ficus Coronata)</td>
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<td>1 x Mangrove Boobialla (Myoporum Acuminatum)</td>
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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: Protection of existing environmental and community assets)

(Panel Reason: For clarification)

Privacy

C23. The following privacy devices are to be provided:

a) Fixed obscure or frosted glass to a height of 1.5m above the finished floor level must be provided to the ground and first floor W5 (north western elevation);

b) The proposed privacy screen along the north western side of the ground floor terrace (refer to Drawing No. S106, prepared by John Bradley Architects, dated 22/12/2013) must be amended as follows:
   (i) A solid privacy screen to a maximum height of 1.8metres (not 2metres as shown on the above mentioned plan) above the balcony floor level along the north western side of the ground floor terrace.
   (ii) Any screening device above 1.8metres in height along the north western side of this ground floor terrace must have angled louvers to allow for the filtration of light to No.10 Adderstone Avenue; and

c) The proposed wall/privacy screen along the south western boundary of the site must be replaced with a low impact fence with piered footings to maintain privacy and minimise impacts to the root zone of the trees on the adjoining property.

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.10 Adderstone Avenue, North Sydney

(Panel Reason: For privacy whilst maintaining amenity)

Protection of Trees

E11. All trees required to be retained, as part of this consent must be protected in accordance with AS4970-2009. All recommendations contained within the Tree Protection and Management Plans prepared by Botanics - Tree Wise People, dated February 2014 (received by Council on 28 February 2014) and March 2014 (received by Council on 2 April 2014) must be implemented for the duration of the works.

In addition to the recommendations contained within the abovementioned arborist report, the following measures are to also be employed during demolition/construction works:
• All excavation undertaken in the location of the lift shaft and ground floor lobby and within a 3.5metre radius from the Eucalyptus grandis shall be carried out by hand under the supervision of the appointed Arborist.
• The re-constructed porous external steps adjacent to the south western boundary are to be constructed at or above the existing ground levels. The appointed Arborist must be consulted during the civil works associated with the removal of the existing stairs and works associated with the construction of the new fence, stairs and ground floor entrance lobby.

Notes:
• If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
• An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

(Panel Reason: For clarification)

Voting was as follows: Unanimous

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ITEM 8

DA No: 101/14

ADDRESS: 15A Lower Wycombe Road, Neutral Bay

PROPOSAL: Alterations and additions to the existing dwelling

REPORT BY NAME: Luke Donovan, Senior Assessment Officer

APPLICANT: James Cutts
c/o Glendinning Minto Pty Ltd

Public submissions

No persons elected to speak at the meeting.
Business Item Recommendations

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

Voting was as follows: Unanimous

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ITEM 9

DA No: DA451/13

ADDRESS: 2 Green Street, Cremorne Point

PROPOSAL: Alterations and additions to the dwelling house including partial conversion of the existing undercroft area to a study room with new glazing to existing openings, replace existing fence to Kareela Lane with a timber fence and sliding gate.

REPORT BY NAME: Warren Long, Consultant Town Planner

APPLICANT: Mr Mark McVeigh

Public submissions

No persons elected to speak at the meeting.

Business Item Recommendations

The Council Officer’s Recommendation is endorsed by the Panel subject to changes to Condition C1.

Fence and Gate to Kareela Lane

C1. The width of the opening and entry gate from Kareela Lane shall not exceed 2.5m (maximum) in width. The height of the fence and gate shall not exceed 1.8m in height measured above the existing ground level along the boundary.

The fence and gate to be constructed of timber pickets, with gaps of 25mm minimum between the pickets, and painted in a charcoal grey colour. The Construction Certificate plans are notated accordingly.
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.

(Panel Reason: To achieve a design for the fence and gate that will be functional for loading only, and sympathetic to the character of street and the Conservation Area)

Voting was as follows: Unanimous

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4.

The public meeting concluded at 3.15pm.

The Panel Determination session commenced at 3.30pm.

The Panel Determination session concluded at 5.30pm.

Endorsed by Jan Murrell
North Sydney Independent Planning Panel
5 June 2014