



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 2 NOVEMBER 2022, AT 2.00PM.**

PRESENT

Chair:

Gary Shiels in the Chair.

Panel Members:

Grant Christmas (Panel Member)
David Logan (Panel Member)
John Bohane (Community Representative)

Staff:

Jim Davies, A/Manager Development Services
David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Miguel Rivera, Senior Assessment Officer
Andrew Beveridge, Assessment Officer

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

A public meeting was held for Item 1 as there was more than 10 objections and Item 2 was determined in closed session as there was less than 10 unique submissions for this agenda item.

The Chair acknowledged the Cammeraygal people being the traditional owners of the land on which this meeting was held.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 5 October 2022 were confirmed following that meeting.

2. Declarations of Interest

Nil

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

Public Meeting**ITEM 1**

DA No:	143/22
ADDRESS:	18 Vale Street and 560-562 Miller Street, Cammeray
PROPOSAL:	Demolition the existing dwellings and structures on site and construction of a new 4 storey residential flat building with two (2) basement levels, containing eight (8) x 3 bedroom residential apartments and 14 car spaces.
REPORT BY NAME:	Miguel Rivera, Senior Assessment Officer
APPLICANT:	Marcus Hinzack, Millervale Holdings Pty Ltd

Registered to Speak**2 Written Submissions**

Submitter	Applicant/Representative
	Marcus Hinzack - applicant
	Jeff Mead - Planning Ingenuity - town planner
	Sonny Oh - DKO - architect
	Nicola Traise - DKO - architect

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions were endorsed by the Panel subject to amended plans incorporating the following amendments and the following additional conditions:

1. Amended plans are to be provided incorporating the following:
 - a. A continuous landscape strip, of a minimum 2.0m width and a minimum soil depth of 1.0m, is to be provided along the northern boundary where the basement extends 900mm from the boundary, to enable suitable screen planting.
 - b. Detailed cross-sectional drawings through the basement projection are to be provided which complies with the requirements in a) above.
 - c. The Panel considers the proposed communal open space should be deleted as it would not be successful given its location away from the communal lobby and its inaccessibility.

The amended plans are to be to the written satisfaction of Council’s Manager Development Services, prior to the issue of the relevant construction certificate:

2. The following amendment to conditions are required:

- a. Condition C37 is to be amended as follows:

Location of Plant

- C37. All plant and equipment (~~including but not limited to~~ **except for the rooftop** air conditioning equipment) is to be located within the basement of the building and is not to be located on balconies or the roof. 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: Minimise impact on surrounding properties, improved visual appearance and amenity for locality)

Panel Justification: *The air conditioning units on the roof top are deemed acceptable. The standard condition needs to be re-worded to reflect this. This change can be accepted.*

- b. Condition C49 is to be amended as follows:

Adaptable Housing

- C49. ~~All eight (8)~~ **The two (2) apartments on the ground floor (Apartments 03 and 04)** are to be designed such that these are capable of being adapted and modified with accessible features for disabled persons and must incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps. These features are to be designed generally in accordance with the relevant Australian Standard 4299-1995. 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 equity of access and availability of accommodation in the future for an ageing population)

Panel Justification: *The Adaptable Apartment Plans (reference DA208 and DA209) did not indicate that the adaptable units would be the ground floor units only. It was assumed that all units are capable of being adaptable units. This has been clarified by the Applicant – who indicated the small annotation on the Ground Floor Plan (DA203).*

The provision of 2 of 8 units (25%) as adaptable units achieves compliance with the adaptable housing requirements under the DCP. This change can be accepted.

Panel Reason:

The Panel generally supports the conclusions and recommendations in the report. However, the panel's concerns are maintaining and ensuring that there is adequate privacy screening for the development to the north, and therefore requires additional soil depth for tree planting adjacent to the northern site boundary.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		John Bohane	Y	
Grant Christmas	Y				
David Logan	Y				

Item considered in Non Public Meeting**ITEM 2**

DA No:	132/22
ADDRESS:	4 Cremorne Road, Cremorne Point
PROPOSAL:	Demolition and reconstruction of garages, full internal refurbishment of units (6 into 5) new attic conversion and roofing, and installation of an internal lift.
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	Joseph Proia

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Joseph Proia - Applicant

Panel Determination

The Panel members have undertaken independent site inspections where necessary prior to the meeting

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and conditions are endorsed by the Panel subject to the following amended conditions:

Condition C25. Total of fees is \$404,200.00;

Condition C20(c) The garage doors are to be 100% solid timber panel lift style doors with a painted finish. Timber batten style doors are not acceptable.

Panel Reason:

The Panel was satisfied with the Council Officer’s recommendation subject to some minor additions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		John Bohane	Y	
Grant Christmas	Y				
David Logan	Y				

The public meeting concluded at 2.45pm.

The Panel Determination session commenced at 2.50pm.

The Panel Determination session concluded at 3.30pm.

Endorsed by Dr Gary Shiels
North Sydney Local Planning Panel
2 November 2022