



**NORTH SYDNEY COUNCIL**

Council Chambers  
28 July 2022

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 3 August 2022 when your attendance is requested.

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

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**ROB EMERSON**  
**A/GENERAL MANAGER**

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**BUSINESS**

**Minutes**

Confirmation of Minutes of the previous Meeting held on Wednesday 6 July 2022.  
(Circulated)

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**LPP01: 2 Sutherland Street, Cremorne – DA 432/21**

Applicant: Platform Project Services

Report of Michael Stephens, Senior Assessment Officer

This development application seeks consent for demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works on land at No. 2 Sutherland Street, Cremorne.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to SEPP 65 development, seeks a variation to a development standard by more than 10% and attracted more than 10 submission by way of objection. In accordance with the Ministers direction of 1 August 2020 a public determination meeting is required because there were more than 10 Submissions.

Development for the purpose of a residential flat building is permitted within the R4 High Density Residential zone.

The proposed building results in a non-compliance with the height of buildings development standard in clause 4.3 of NSLEP 2013 by up to 5.54m or 46.16%. The extent of the variations relates primarily to the northern end of the upper two levels where the proposed floorplate overlaps the existing excavated basement parking areas and is reflective of the irregular steeply sloping topography through the site. The written request submitted pursuant to clause 4.6 in NSLEP 2013 demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case. The variation would be in the public interest as the proposed development is consistent with the objectives of the standard and the objectives of the R4 High Density Residential zone.

The proposed demolition of the existing building would result in a loss of 21 low-rental dwellings and the displacement of a number of potential vulnerable tenants. A contribution levied under section 7.32 of the Act in accordance with Part 3 of SEPP (Housing) 2021 is recommended to offset the loss of affordable housing within the local government area. The proponent would also be required to prepare a resident relocation plan to assist vulnerable tenants.

The proposed development meets the design principles in SEPP 65 and is consistent with the design requirements of the Apartment Design Guide. The proposed development is also generally in accordance with the objectives in NSDCP 2013.

The application was notified in accordance with the community engagement protocol where Council received ten (10) submissions objecting to issues including the proposed height variation, amenity impacts, tree removal, construction impacts including excavation, traffic congestion and insufficient on-site parking. The issues raised are considered to be generally acceptable or have been addressed through conditions of consent, particularly with regard to construction impacts including excavation.

On balance, the application is considered reasonable and is recommended for deferred commencement approval subject to site specific and standard conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 2013 and grant deferred commencement consent to Development Application No. 67/20 for demolition of an existing residential flat building and construction of a part 4, part 5 storey residential flat building containing 11 apartments with basement parking for 18 vehicles, and landscaping and associated works on land at No 2. Sutherland Street, Cremorne, subject to the following

**AA. Deferred Commencement Condition**

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

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 Months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 Months of the dated of the grant of this consent this consent will lapse in accordance with Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.

**Deletion of Subterranean Bedroom**

AA1 The plans are to be amended to delete bedroom 2 of Unit 2 on Lower Ground Floor level and deleted the associated excavation within the proposed western side setback area.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure that all habitable rooms receive a reasonable degree of amenity)

**Amendments to Garages**

AA2 The basement plans are to be amended to incorporate the following requirements:

The garage opening for Units 3, 4, 6 and 7 are to be reduced to 4.5m with a masonry wall return installed in front of the shared space for the accessible parking spaces.

The depth of the garage for Unit 5 is to be reduced by 1.5m with the rear wall being constructed of masonry.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure that the onsite parking is consistent with the maximum permitted parking rates in Section 10.2 of Part B in NSDCP 2013.

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

Subject to the above deferred commencement conditions being satisfied within 12 Months of the date of this determination, the consent shall operate in accordance with the following site specific and attached standard conditions:

**Section 7.32 Contributions for affordable housing**

C23 Prior to the issue of a Construction Certificate, the proponent shall make a monetary contribution of \$1,071,300.00 to North Sydney Council as a contribution towards providing affordable housing pursuant to Section 7.32(2) of the Environmental Planning & Assessment Act 1979, as calculate by Section 48 of State Environmental Planning Policy (Housing) 2021.

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

(Reason: To mitigate the loss of low-rental accommodation within the State)

**Resident Relocation Plan**

C24 Prior to the issue of any Construction Certificate, all tenants of Nos 22 and 24 Spruson Street are required to be notified in writing by way of an additional term on their lease agreements that they would be entitled to relocate in general accordance with the terms of Council's Resident Relocation Plan, as set out below: Council's Resident Relocation Plan is as follows:

- (a) Minimum 12 weeks' notice to vacate to residents; notice to provide full details of support mechanisms, including professional assistance to those determined to require it.
- (b) Needs assessment to be carried out by a qualified social worker with experience in housing issues (Assuming a vulnerable tenant(s) are identified, estimate 4 weeks part time for a typical boarding house in North Sydney, inclusive of liaising with relevant agencies); social worker to be engaged 5 working days prior to notice being given (to allow them to commence work on the day that notice is advertised).
- (c) Application of the Plan to all residents who apply, with provision of assistance based on individual needs as assessed;
- (d) Liaison with the Department of Housing and LINK Housing Lower North Shore, or similar in support of residents experiencing difficulties in relocating, and use of a social worker to provide or coordinate such assistance;
- (e) Liaison between the social worker and the NSW Tenants Advice and Advocacy Service to provide assistance to residents for whom the first language is not English;
- (f) Information to residents, including lists of comparable accommodation, and assistance in negotiations with real estate agents where reasonably possible, and supportive references;
- (g) Practical assistance to be given to those residents who have been assessed as not requiring any support from other agencies to manage but who may require practical assistance such as transport, bond assistance, and the like;
- (h) Payment of removal costs and bonds for new accommodation and the first months' rent for vulnerable tenants (up to \$940 per couple); may be waived if costs for Social Worker exceed \$5,000

(i) Commencement, interim progress, and completion dates for implementation of the Plan, in relation to estimated site preparation or construction start date;

(j) Advising Council's Community Development Department of commencement, interim progress, and final advice on the implementation of the Plan.

The Relocation Plan must be implemented to the written satisfaction of the Manager of Council's Development Services Department. No relocation shall commence until Council's Community Development Department has provided written confirmation that the Resident Relocation Plan is satisfactory.

The preparation and implementation of a Resident Relocation Plan for any tenant/s displaced through the sale of any unit is to be at no cost to Council. Any costs associated with the engagement/employment of a recruitment consultant and/or social worker, and any financial/monetary assistance to residents provided under the Plan, is to be at no cost to Council.

(Reason: Pursuant to section 47(2)(d) of SEPP (Housing) 2021 to assist any displaced tenants in finding suitable comparable accommodation and to ensure the costs of mitigating the loss of affordable housing supply resulting from the development is at no cost to Council.)

**"In accordance with current guidelines for the operation of Local Planning Panels, the following items are to be determined by the panel in closed session as they have received less than 10 submissions.**

**Applicants for these items are invited to stay in the zoom waiting room in the event the panel needs any clarification from you.**

**All others who are not applicants or applicant representatives for these items are respectfully asked to leave the meeting at this time."**

#### **LPP02: 172 Kurraba Road Kurraba Point – DA 130/21**

Applicant: Paul Berkemeier

Report of Jim Davies, Executive Planner

This development application seeks approval for alterations and additions to an existing dual occupancy (attached), landscaping and associated site works, and is reported to North Sydney Local Planning Panel for determination as the application includes a request to contravene the height of building development standard by more than 10%. Original notification of the proposal attracted eight submissions objecting to the application due to concerns about view sharing, heritage and local character. Following amendment of the application, the application was re-notified, and one objection was withdrawn.

Being in a conservation area, assessment of the proposal requires particular attention regarding the extent of demolition and new works. In the subject development the works mainly involve internal removal of walls and removal of external walls where additions are to be made to the existing building. The LEP's provisions for dual occupancy development in heritage conservation areas require analysis of the proposed works to show that the proposal is substantially within an existing building and that the fabric of the original building remains visible from

the public domain. The proposed development satisfies these provisions of the North Sydney Local Environmental Plan 2013.

Heritage provisions of the North Sydney Development Control Plan 2013 require new elements added to buildings in conservation areas to be recessive and in a design sense subservient to contributory items such as the existing building the subject of this application. To satisfy these requirements, Council's Conservation Planner has recommended inclusion of a condition of consent, to require balconies, proposed to align with existing elements of the two-storey residence facing Shell Cove, to be located at least 2.65m back from their proposed location. As this condition is likely to require other modifications to the design, this condition also requires submission of amended plans demonstrating compliance for the Conservation Planner's approval before an application for a Construction Certificate is made.

The assessment has considered issues raised by submissions, the main issue being view impacts and sharing, as well as the performance of the application against other provisions of the local planning framework. As a result, the proposed development is considered reasonable and is recommended for approval subject to conditions, despite non-compliance with the maximum building height standard. Otherwise, it is compliant with all other applicable provisions of the North Sydney Local Environmental Plan 2013, pertinent provisions of other environmental planning instruments and is consistent with germane guidance of the North Sydney Development Control Plan 2013.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 NSLEP 2013 and grant consent to Development Application No. 130/21 for alterations and additions to a dual occupancy (attached) and associated landscape and site works, on land at 172 Kurraba Road Kurraba Point, subject to the conditions following this report.

**LPP03: 145 Carabella Street, Kirribilli – DA 46/22**

Applicant: Jan Lichtenberg

Report of Robin Tse, Senior Assessment Officer

This development application seeks NSLPP approval for alterations and additions to an existing two (2) storey dwelling including a second floor addition at the rear of the dwelling at No.145 Carabella Street, Kirribilli.

The application is referred to the North Sydney Local Planning Panel for determination because the proposal is subject to a variation 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 Minister of Planning.

Notification of the proposal has attracted five (5) submissions including two (2) submissions each from two (2) households and one (1) submission in support of the proposal. The submission raising objection to the proposal raised particular concerns about privacy impacts on the adjoining properties and the need for protection of existing building structures of an adjoining property during any

construction phase of the development. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The development application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and was found to be generally satisfactory.

The application proposes alterations and additions to an existing two storey detached dwelling that is a permissible form of development in an R2 Low Density Residential Zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the 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 subject to the imposition of the recommended deferred commencement condition AA1 requiring further design amendments for the first and second floor balconies.

The design of the proposal is generally consistent with the character of the Careening Cove conservation area. The landscape quality of subject site would be improved with the proposed front garden and the additional landscaping within the rear yard.

Council's Conservation Planner has raised no objection to the proposal subject to the imposition appropriate conditions of consent.

The issues raised in the submissions have been addressed in this report.

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to the imposition of deferred commencement conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 20013 and grant deferred commencement consent to Development Application No. 46/22 for 145 Carabella Street, Kirribilli, subject to the following site specific and attached standard conditions

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

**Deferred Commencement Matters**

**Modifications to First and Second Floor Rear Balconies**

AA1. The design of the first and second floor balconies on the rear elevation of the proposed dwelling must be modified as follows:

- (a) The north-western edges of the proposed first and second floor balconies shall provide a setback from the norther-western common property boundary with No.147 Carabella Street by a minimum of 800mm;
- (b) The depth of the first floor balcony shall be amended to 1600mm from the rear (north-eastern) building line of the main dwelling;
- (c) The depth of the second floor balcony shall be amended to 1000mm from the rear (north-eastern) building line of the main dwelling;
- (d) The depth of the awning over the second floor balcony shall match the depth of the second floor balcony (1000mm); and
- (e) Full height privacy screens shall be installed along the north-western edge of the first and second floor balcony.

(Reason: To minimise privacy impacts on the adjoining properties.)

#### **Heritage Requirements**

AA2. The following heritage requirements are to be applied to the proposed development:

- (a) The two skylights on the front roof plane to the study and ensuite are to be deleted;
- (b) New roofing is to have a corrugated profile similar to CustomOrb Accent 35. Standing seam is not to be substituted;
- (c) New sandstone on the front wall to have a rock or split-faced finish;
- (d) The new front fence is to have 50% open construction and is to be limited to 1.2m in height;
- (e) Solar panels on the rear roof plane are to be laid flat on the roof; and
- (f) New windows and doors on the front facade are to be timber framed. All other windows and doors are to have aluminium or steel framing sections of a width 45mm or wider, or are to be timber-framed.

(Reason: To be sympathetic to the character of the conservation area and the original dwelling.)

#### **Landscaping**

AA3. The existing planter beds within the rear yard adjacent to the northern and the rear (eastern) property boundaries are to be extended to the northern corner of the subject site to provide a continuous planter bed along the northern and rear (eastern) edges of the rear yard.

The applicant must submit a landscape plan showing the landscaping treatments for the new planter beds within the front and rear gardens including the species names, number and pot sizes of new planting.

(Reasons: To ensure a desirable landscaping outcome for the subject site and the locality.)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following and site specific conditions:

#### **External Finishes & Materials**

C1. External finishes and materials must be in accordance with the submitted schedule dated 28 February 2022, prepared by progressive Plans and



received by Council on 21 March 2022 unless otherwise modified by Council in writing.

The Certifying Authority must also 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 that the form of the development undertaken is in accordance with the determination of Council, Public Information.)

**Skylight (s)**

C2 Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. 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 fully satisfy the requirements of this condition.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

**No encroachment of works**

C3 The proposed works must not encroach onto any adjoining properties in particular the existing right of way along the north-western property boundary. Pedestrian access through the right-of-way must not be obstructed at any time. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reasons: To ensure no encroachment onto the adjoining properties and right-of-way.)

**Protection for Existing Structures**

D1. Prior to the commencement of any construction works, the applicant must undertake suitable measures on the existing wall of the dwelling at No.147 Carabella Street along the north-western boundary to prevent water penetration through the wall to No. 147 Carabella Street.

Note: The applicant shall consult with the property owners of No.147 Carabella Street prior to the commencement of works.

(Reasons: To ensure protection of an adjoining property.)

**LPP04: 1/457 Miller Street, Cammeray – DA 313/20**

Applicant: Andrew Scobie Architects Pty Ltd

Report of Andrew Beveridge, Assessment Officer

This supplementary report is prepared in response to the deferral of Item No.6 at the 4 August 2021 meeting of the North Sydney Local Planning Panel. The Panel had decided that the application should be deferred to allow the applicant to submit amended plans detailing how compliance can be achieved with the accessibility requirements of the National Construction Code/Building Code of Australia (NCC/BCA), and the seating layout in accordance with Council's Outdoor Dining Policy.

Following the deferral, the applicant submitted to Council additional information and amended plans with a revised seating plan for 51 persons, a number that is unchanged from the original proposal considered on 4 August 2021.

In accordance with section 3.6 of the North Sydney Community Engagement Protocol 2019, as the amended plans did not increase any adverse effects on adjoining properties, the revised plans were not required to be renotified.

Following an assessment of the submitted documentation, it is concluded that the revised plans as submitted by the applicant are adequate to satisfy the accessibility requirements of the NCC and Council’s Outdoor Dining Policy.

This supplementary report should be read in conjunction with the original assessment report dated 28 July 2021 where it has been demonstrated that the matters for consideration in section 4.15 of the Act have been satisfied. The conclusions and recommendations of the original assessment report remain unchanged and are further supported by this supplementary report.

The application is returned to the Panel for determination and the recommendation for approval remains unchanged.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, grant consent to Development Application No. 313/20 to modify hours of operation, increase maximum occupancy and minor additions to the interior of an existing restaurant, subject to the site specific and standard conditions of consent attached to the original assessment report and the following amended conditions:

**1. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council’s approval stamp, except where amended by the following conditions of this consent.

Plan No	Issue	Title	Dated	Prepared	Received
100	05	Proposed Ground Floor Level	06/10/2021	David Scobie Architects	12/11/2021
102	05	Proposed First Floor Plan	06/10/2021	David Scobie Architects	12/11/2021
103	05	Proposed Elevation	06/10/2021	David Scobie Architects	12/11/2021
106	04	Proposed Furniture Layout GF level	26/05/2021	David Scobie Architects	12/11/2021

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**LPP05: 54 Benelong Road, Cremorne – DA 292/21/2**

Applicant: Body Corporate Strata Plan 43135

Report of Andrew Beveridge, Assessment Officer

This Section 4.55(2) application seeks NSLPP approval to modify development approval of DA 292/21 proposing alterations and additions of an existing residential flat building at 54 Benelong Road, Cremorne. DA 292/21 was granted consent by the North Sydney Local Planning Panel on 2 February 2022.

This application is reported to North Sydney Local Planning Panel for determination because the proposal will require modifications to a condition of consent imposed by the panel.

The proposed modification to change the rear balcony balustrade from the approved glazed balustrade to a painted steel palisade style will necessitate the

deletion of a condition imposed by the panel, being Condition C18 (Privacy Measures) of DA 292/21. This condition required the glazed balustrades on the northern elevation of the building to be fitted with frosted glazing. The proposed change to a steel palisade is considered to be acceptable, as this material is more sympathetic to the nearby bushland areas, will reduce glare from the development, and will not have a significant impact upon the privacy of adjoining properties.

While there is an additional increase in height to the previously approved rear balcony roof, the variation of the Development Standard in clause 4.3 as submitted and approved under DA 292/21 continues to apply and does not require a further request for a variation. Nevertheless, an analysis of the additional height has been provided and the additional height is acceptable having regard to the objectives of the development standard.

Notification of the proposal has attracted no submissions and the assessment has considered the performance of the application against Council's planning requirements.

The impacts of the overall development upon adjoining bushland areas to the north within the Brightmore Reserve, have also been assessed and, subject to the previously applied conditions, was found to be generally acceptable on the basis that the modifications will maintain a sympathetic scale in relation to the existing building and will not result in any adverse impacts upon bushland areas.

It is considered that the proposed modifications are acceptable as they will not result in any significant adverse impacts upon the locality or adjoining properties, and the streetscape character will be maintained. The proposal will also not result in any unreasonable impacts on the amenity of adjoining properties such as impacts to views, overshadowing, or loss of privacy.

Having regard for the potential impacts upon the amenity of adjoining properties and nearby bushland, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment, and grant development consent to the modification of Development Consent No.292/21 dated 2 February 2022, application Ref. DA 292/21/2, on land described as 54 Benelong Road, Cremorne, under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 only in so far as will provide for the following: -

**2. Condition A1 is amended as follows:**

**Development in Accordance with Plans (S4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documents endorsed with Council's approval stamp: -

Plan No.	Description	Prepared by	Dated	Received
DA02A	Proposed Site/Roof Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA03A	Ground Floor Demolition Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA04A	First Floor Demolition Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA05A	Basement Demolition Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA07A	Proposed Ground Floor Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA08A	Proposed First Floor Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA09A	Proposed Basement Plan	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA11A	N & S Elevation – Proposed	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021

DA13A	East Elevation – Proposed	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA15A	West Elevation – Proposed	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA16A	Section AA	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021
DA17A	Section BB	Delisle Hunt Wood Pty Ltd	20/09/2021	27/09/2021

Except as modified as such on the following drawings for DA 292/21/2:

Plan No.	Description	Prepared by	Dated	Received
DA02D	Proposed Site/Roof Plan	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA07D	Proposed Ground Floor Plan	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA08D	Proposed First Floor Plan	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA09D	Proposed Basement Plan	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA11D	N&S Elevation - Proposed	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA13D	East Elevation - Proposed	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA15D	West Elevation - Proposed	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA16D	Section AA	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022
DA17D	Section BB	Delisle Hunt Wood Pty Ltd	04/04/2022	14/06/2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

### 3. Delete Condition C18

#### LPP06: 61 Pine Street, Cammeray – DA 453/21

Applicant: Red Rock Design

Report of Leonie Derwent, Ingham Planning Pty Ltd

This development application seeks NSLPP approval for alterations and additions to an existing part two and three (3) storey single dwelling at 61 Pine Street, Cammeray including the enclosure of an area of 25m<sup>2</sup> above the existing elevated first floor deck to become a bedroom. A balcony off the newly created bedroom is also proposed with a depth of 700mm and a width of 6.6m to be constructed within the existing footprint of the terrace area below.

This application is reported to North Sydney Local Planning Panel for determination because the proposed works breach the building height limit by greater than 10% that requires the application to be determined by the Panel in accordance with the Directions from The Minister.

The proposed works to the existing residential dwelling are in exceedance of the maximum permitted height limit of 8.5m (proposed at 9.7m when measured from existing ground level) representing a variation of 14.11%. Consequently, the applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013.

The written submission has been considered with reference to the Land and Environment Court's decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827 to justify the proposed variation. The applicant's Clause 4.6 is satisfactory having regard to the site circumstances and on the basis that it will not have a significant impact upon the amenity of adjoining properties and/or the streetscape.

Notification of the proposal has attracted no submissions and the assessment has considered the performance of the application against Council's planning requirements, in particular, NSDCP 2013 and NSLEP 2013.

Despite the breach of the permissible height limit, the overall development was found to be acceptable on the basis that the works will maintain a sympathetic scale with the existing dwelling and the proposed works will not result in any change to the existing site coverage, landscaped area or unbuilt upon area of the site.

Subject to the appropriate conditions of consent, it is considered that the proposal is acceptable given that it will not result in any significant adverse impacts upon the locality or adjoining properties, and the streetscape character will be maintained. The proposal is unlikely to cause any unreasonable amenity impacts upon adjoining properties such as views loss, overshadowing or loss of privacy. Subject to appropriate conditions of consent, the development application is considered to be satisfactory in the site circumstances and is recommended for approval.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 2013 and grant consent to Development Application No. 453/21 for alterations and additions to an existing dwelling located at 61 Pine Street, Cammeray subject to the attached standard conditions of consent.

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**NORTH SYDNEY LOCAL PLANNING PANEL**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 6 JULY 2022, AT 2.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Tony Caro (Panel Member)  
Peter Brennan (Panel Member)  
Veronique Marchandau (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services  
Robyn Pearson, Team Leader Assessments  
Robin Tse, Senior Assessment Officer  
Michael Stephens, Senior Assessment Officer  
Andrew Beveridge, Assessment Officer

**Administrative Support:**

Stephen Beattie, Manager Development Services  
Robyn Pearson Team Leader Assessments  
Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means. In accordance with current guidelines the meeting was not held in public. However, applicants and their advisors were available to assist the panel with any enquires.

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

**Apologies:**

Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 1 June 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.*

All six items were determined in closed session as there were less than 10 unique submissions for each agenda item.

**ITEM 1**

<b>DA No:</b>	395/21
<b>ADDRESS:</b>	15A Lower Wycombe Road, Neutral Bay
<b>PROPOSAL:</b>	Alterations and additions to dwelling, landscaping, and associated works.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Assessment Officer
<b>APPLICANT:</b>	Alexander Laykoski C/- Nolan Planning Consultants

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Natalie Nolan - Nolan Planning - Applicant

**Panel 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 will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

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

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel with the addition of conditions that give effect to the following:

- The water feature is to be reduced in depth to comply with the relevant provisions, including the NCC and the Swimming Pool Act 1992 – **See New Condition C20**
- The vehicle crossing is to be reduced to a maximum of 3.5m width, with the green verge being extended – **See Amended Condition C8**. The soft landscaping whether it be in planters or otherwise on either side of the reduced driveway on the site is to be landscaped – **See Amended Condition C19**
- The amended landscape plan must be submitted to Council for the approval of the Manager Development Services prior to the release of the Construction Certificate – **See Amended Condition C19**

### **Amended condition C8**

#### **Driveway and vehicular access**

C8. Details demonstrating compliance with the following are to be submitted with the Construction Certificate:

1. The proposed footpath boundary levels must match the level of the existing footpath boundary levels and if the internal parking slab levels are modified in order to accommodate the proposed turntable, any change to the existing driveway access must not cause scraping to the underside of vehicles and must be contained wholly within the subject property.
2. The vehicular crossing on Council's footpath and verge should be reduced to a maximum width of 3.5m, with a green verge being extended to the removed area of driveway.

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 maintain an acceptable vehicular access to the site)

### **Amended condition C15**

#### **Heritage Requirements**

C15. Details demonstrating compliance with the following are to be submitted with the Construction Certificate:

##### **a) Southern Gable-end Window**

The new gable end window on the rear southern elevation at the second floor level must be no wider than the existing window to be replaced on the gable end. This window must be timber-framed and have a glazing that is vertical in profile.



**b) New Windows and Doors**

New windows and doors on the northern and southern elevations shall be timber framed. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber framed.

**c) Roof Sheeting**

The new metal roof planes with a pitch of 5° must have a traditional corrugated roof profile equal to Custom Orb. No approval is given for min-orb or tray profile roof sheeting on these planes.

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

(Reason: To ensure the use of materials is consistent and sympathetic to the character of the conservation area and the original dwelling)

**Amended condition C19****Landscape Amendments**

C19. The site plan and landscape plan must be amended as follows to provide an appropriate landscaped setting and to demonstrate an improved level of compliance with the landscaped area and unbuilt-upon area controls:

- 1) A portion of the paved areas located within the rear garden, to a minimum area of 21m<sup>2</sup>, must be converted into lawn, garden beds, planters, or some other form of soft landscaping.
- 2) Either side of the reduced driveway on the site as per Condition C8 is to be covered in some form of soft landscaping, including but not limited to, planter boxes.

An amended landscape plan complying with this condition must be submitted to the North Sydney Council's Manager Development Services 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 residential amenity and to demonstrate compliance with Council's landscaped area controls)

**New condition C20****Fishpond Depth**

C20. The water feature identified as a fishpond on the plans within the southern rear garden of the site is to be reduced in depth (no greater than 300mm) and must comply with the relevant legislation, in particular, the NCC and the Swimming Pool Act 1992.

The Certifying Authority must ensure that the approved plans and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and to minimise the impact of hardscape and excavation within the rear garden)

**Panel Reason:**

The Panel with the additional conditions considers that the development is appropriate for this conservation area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Tony Caro	Y				
Peter Brennan	Y				

**ITEM 2**

<b>DA No:</b>	56/22
<b>ADDRESS:</b>	18 Tobruk Avenue, Cremorne
<b>PROPOSAL:</b>	Demolition of existing structures, retain and extend existing garage, construction of a dual occupancy (attached) and associated works.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Assessment Officer
<b>APPLICANT:</b>	Platino Properties

**Registered to Speak**

Submitter	Applicant/Representative
	Jack Prail - Platino Properties - Applicant
	James Lovell - Town Planner (representing applicant)

**Panel 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 will be in the public interest because it is consistent with the objectives of the standard and the zone objectives

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

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel with the amendments to the following conditions:

Condition C3 is to be amended and renumbered such that the geotechnical report is to be undertaken following demolition but prior to any construction.

The following additional conditions are imposed

- the pedestrian path through the garage of dwelling 2 to the lift must be clearly marked – **See New Condition C26.**
- appropriate provisions/infrastructure must be provided for the re-charging of electric vehicles – **See New Condition C25.**
- To delay the stage required for a geotechnical report **under Condition C3** (prior to issue of a construction certificate) to a new Condition D7 (prior to construction)– **See the deletion of Condition C3 and the new Condition D7.**

#### **New condition C25**

##### **Charging Facility for Electric Vehicles**

C25. Appropriate provisions/infrastructure must be incorporated in the design of the garages of each dwelling to allow the installation of re-charging facilities for electric vehicles at each designated parking spot.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate. The Certifying Authority must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To promote sustainability and energy efficiency)

#### **New condition C26**

##### **Pedestrian Access Through Garage**

C26. The pedestrian path through the garage of dwelling 2 to the lift is to be clearly marked on the garage floor.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate. The Certifying Authority must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To provide an appropriate level of accessibility for residents and visitors to dwelling 2)

**Move Condition C3 to a New condition D7****Geotechnical Report**

- D7. Following demolition of the existing structures on the site, but prior to commencement of any construction works, a Geotechnical/Civil Engineering report must be prepared which addresses at a minimum (but is not limited to) the following:
- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
  - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
  - c) The proposed method to support the excavation temporarily and permanently for the basement adjacent to adjoining property, structures, and road reserve if nearby (full support must be provided within the subject site);
  - d) The existing groundwater levels in relation to the basement structure, where influenced;
  - e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered, there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and
  - f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting. It is the responsibility of the consulting geotechnical/hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;

- b) No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) Vibration is to be minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the commencement of construction works but following demolition.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

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

The above additional conditions are imposed to provide certainty to the structural stability of the ground and ensure that there is a clear unobstructed path for pedestrians and wheelchair access to the lift for dwelling 2.

**Panel Reason:**

The Panel is satisfied that given the topography the development will not have any unacceptable impacts and the exceedance in height is justified.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Tony Caro	Y				
Peter Brennan	Y				

**ITEM 3**

<b>DA No:</b>	447/21
<b>ADDRESS:</b>	9 Carlyle Lane, Wollstonecraft
<b>PROPOSAL:</b>	Alterations and additions including new dormer addition.
<b>REPORT BY NAME:</b>	Thomas Holman, Assessment Officer
<b>APPLICANT:</b>	CO AP Pty Ltd

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Madeline Maric, town planner

**Panel 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 will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

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

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel.

**Panel Reason:**

The Panel is satisfied the development is consistent with the objective of the standard and zone and warrants approval.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Veronique Marchandau	<b>Y</b>	
Tony Caro	<b>Y</b>				
Peter Brennan	<b>Y</b>				

**ITEM 4**

<b>DA No:</b>	116/22
<b>ADDRESS:</b>	242 Miller Street, North Sydney
<b>PROPOSAL:</b>	Fit out and change of use of premises, signage, hours of operation and installation of roof top solar panels.
<b>REPORT BY NAME:</b>	Rachel Wu, Student Planner
<b>APPLICANT:</b>	Yuet Lam Ada Lo

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Ada Lo - Applicant
	Alan Linklater - Linklater Assoc - Architect

**Panel Determination**

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

The Council Officer's Report and Recommendation with conditions are endorsed by the Panel.

By way of comment, the Panel considers that if the NCC allows for a 'performance based' assessment for the second railing to the staircase of this heritage building, then the Panel is of the opinion, given the narrowness of the staircase to the upper level and the limited usage, then it may be appropriate to delete the additional railing to this upper level.

**Panel Reason:**

The Panel considers the use as a chocolate, ice cream and coffee shop, is an appropriate reuse of this heritage item.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	Y		Veronique Marchandeanu	Y	
Tony Caro	Y				
Peter Brennan	Y				

**ITEM 5**

<b>DA No:</b>	295/21
<b>ADDRESS:</b>	104 Wycombe Road, Neutral Bay
<b>PROPOSAL:</b>	Alterations and additions to a single storey heritage listed detached dwelling including internal alterations, a first-floor rear addition and a swimming pool.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Arora Shweta

**Registered to Speak****1 Written Submission**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Carl Rutherford – Architect Representing Applicant
	John Oultram – Heritage Consultant Representing Applicant

**Panel Determination**

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

The Council Officers Report with a Recommendation for refusal is endorsed by the Panel.

**Panel Reason:**

The information provided was insufficient for the Panel to accurately assess the impact of the proposal on the surrounding public domain and improve landscaping on the site. The applicant is encouraged; to reduce the bulk of the proposed first floor extension by: firstly reducing the floor plate size and moving the mass of the extension eastwards to integrate with the existing main roof with the proposed valley between the new and old roof forms eliminated; and the landing of the stair at the first floor level reconsidered. The proposed southern dormer window design should be more consistent with the heritage roof architectural detail and the second chimney retained and made stable. Any future plans should salvage materials for reuse and if insufficient material is available, externally sourced to match.

The Panel considers that this heritage item is an important landmark and any alterations should be sympathetic with limited visual impact in the public domain to appropriately maintain its heritage significance. Similarly, any internal alterations and re-configuration, including the stairs, must be minimized to maintain the heritage fabric where possible.

The Panel considers that the proposal as shown in the current plans is not worthy of approval. However, the applicant may wish to amend the plans for review under the provisions of Section 8.2.



Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Tony Caro	Y				
Peter Brennan	Y				

## **ITEM 6**

<b>DA No:</b>	457/21
<b>ADDRESS:</b>	22 Premier Street, Cremorne
<b>PROPOSAL:</b>	Alterations and additions to an existing semi-detached dwelling.
<b>REPORT BY NAME:</b>	Michael Stephens, Senior Assessment Officer
<b>APPLICANT:</b>	Stephanie Brancatisano, Architect

## **Registered to Speak**

Submitter	Applicant/Representative
	Stephanie Brancatisano - Applicant/Architect

## **Panel 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 will be in the public interest because it is consistent with the objectives of the standard and the zone objectives.

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

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel with an additional condition imposed as discussed with the applicant’s Architect, that gives effect to the new first floor level roof RL being 300mm lower, that is 40mm below the existing ridge. As such Condition C20 is imposed as follows:

### **Reduction in Building Height**

C20. The plans referenced in Condition A1 are to be amended as follows:

- (a) The floor to ceiling height within the kitchen, bathroom, laundry and part of the hallways on the ground floor level (DA 302 C) is to be reduced to 2.4m.
- (b) The floor level of the new first floor level (DA 303 E) is to be reduced by 300mm corresponding with requirement (a) above. The maximum 2.4m floor to ceiling height is to be retained on this level.
- (c) The roof level height (DA304 D) is to be reduced by approximately 300mm corresponding with requirements (a) and (b) above and in any case not project above the existing roof height. The 30 degree roof pitch to the southern side roof plane is to be retained.
- (d) The associated changes to the western elevation of the first-floor level (DA 703 E) are permitted to accommodate the finished floor level differential between the internal floor level and the rear balcony (DA304 D).

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 fully satisfy the requirements of this condition.

(Reason: To minimise the visibility of the new first floor level addition to retain the existing character of the pair of semi-detached dwellings as viewed within the streetscape)

Condition A4 is to be amended to change the external finish material utilised for the first floor level to be consistent with the finishes utilised on the external walls on the lower levels.

### Materials and Finishes

- A4. External finishes and materials must be in accordance with the submitted schedule DA700, DA701, DA702, DA703, drawn by Stephanie Brancastisano Architect, dated 24 June 2022 and received by Council, subject to the following amendments, unless otherwise modified by Council in writing.
- Tiles from the existing roof are to be salvaged for reuse on the southern roof plane of the first floor addition (DA 304 D).
  - The external wall cladding for the first floor addition is to be substituted with vertical metal wall cladding to match the new rear addition on the ground and lower ground floor levels.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

### Panel Reason:

The Panel considers that the architectural resolution of the extension and the existing roof will provide for a better streetscape and built form outcome.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandeanu	Y	
Tony Caro	Y				
Peter Brennan	Y				

The public meeting concluded at 3:23pm.

The Panel Determination session commenced at 3:25pm.

The Panel Determination session concluded at 4:37pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**6 July 2022**