



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 3 AUGUST 2022, AT 2.00PM.**

PRESENT

Chair:

Helen Lochhead in the Chair.

Panel Members:

Jan Murrell (Panel Member)
Ian Pickles (Panel Member)
Virginia Waller (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, 6 July 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

DA No:	432/21
ADDRESS:	2 Sutherland Street, Cremorne
PROPOSAL:	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.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Platform Project Services

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Peter Zehnder - Resident	Sue Francis, Gyde Consulting - Planning Consultant
	Luke Feltis, Ethos Urban - Planning Consultant

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.

Panel Reason:

The Panel supported the deletion of the second bedroom of Unit 1 in accordance with the North Sydney DCP (Clause 1.3.1). The habitable room should be no more than 1m below the ground level whereas the proposed is 7m below the footpath level, and this unit has limited amenity. The typographical error in Condition AA1 is corrected to refer to Unit 1.

The Panel noted the additional submission from the applicant regarding the Affordable Housing Contribution and the Supplementary Report provided by Council. The Panel is of the view that the Council report substantiates the assessment and contribution to be levied.

The Panel notes the conditions are drafted as per the standard conditions. The Applicant may seek specific amendments to these later if they see fit to do so.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 2

DA No:	130/21
ADDRESS:	172 Kurraba Road, Kurraba Point
PROPOSAL:	Alterations and additions to a dual occupancy (attached), landscaping and associated works.
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	Paul Berkemeier

2 Written Submissions

Registered to Speak

Submitter	Applicant/Representative
	Paul Berkemeier - Applicant/Owner

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 subject to the following amendments:

AA. Deferred Commencement Conditions

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

The applicant must satisfy Council’s Manager Development Services as to the matters specified in the deferred commencement condition within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council’s Manager Development Services as to the matters specified in the deferred commencement condition within 12 months of the date of the grant of this consent this consent will lapse in accordance with Section 95(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 97 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.*

Amendments to Design

AA1 The following amendments are to be made to the drawings, to be submitted for approval by the Council's Manager Development Services prior to an application being made for any Construction Certificate:

- a) The balconies proposed on the eastern façade of the addition on the north-eastern corner of the building, must be set back to the original primary building line (behind the faceted bay).

- b) The form and materials of any new balconies must be sympathetic to the Federation Arts and Crafts style architecture and not visually compete with the existing faceted bays on the primary façade.
- c) Solar panels on the dwelling only as shown on the drawings shall be tilted to not more than 5 degrees above the horizontal above the roof, to reduce their visual impact. Alternatively, solar tiles may be used on any side or rear roof planes.

(Reason: To ensure that the heritage significance of the dwelling and conservation area is retained)

Panel Reason:

The Panel notes the existing dwelling is a contributory item in the conservation area and the new addition requires a more nuanced architectural response that defers to the existing heritage building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 3

DA No:	46/22
ADDRESS:	145 Carabella Street, Kirribilli
PROPOSAL:	Alterations and additions to an existing two (2) storey dwelling including a second-floor addition at the rear of the dwelling.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Jan Lochtenberg

1 Written Submission

Registered to Speak

Submitter	Applicant/Representative
	Adam Feigl, Progressive Plans - 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.

The Council Officers Report, Recommendation and Conditions are endorsed by the panel subject to the following amendments to Conditions AA1(b) and AA2(a):

Condition AA1(b):

The depth of the first floor balcony shall be amended to 2.2m from the rear (north-eastern) building line of the main dwelling;

Condition AA2(a):

The design of the two skylights on the front roof plane to the study and ensuite are to be amended to provide a linear horizontal profile.

Panel Reason:

The Panel noted the late submissions, including the submission by the applicant to address Council’s deferred commencement requirements and used the amended design as the basis for the amended conditions above.

The Panel notes the amendments maintain the architectural integrity and the amenity for the inhabitants and neighbouring properties.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 4

DA No:	313/20
ADDRESS:	1/457 Miller Street, Cammeray
PROPOSAL:	Supplementary Report to LPP06 of NSLPP meeting held 4/8/21. Modify hours of operation, increase maximum occupancy and minor additions to the interior to an existing restaurant.
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	David Scobie Architects Pty Ltd

2 Written Submissions

The Panel noted the written submissions that were received on the 2 August 2022.

Registered to Speak

No persons elected to speak on this item.

Panel Determination

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

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

The Panel notes the submissions received requesting a deferral of the matter. The Panel notes that this matter was previously considered on the 4 August 2021, and at that time the matter was deferred to allow the applicant to resolve accessibility requirements and compliance with Council's Outdoor Dining Policy. These issues were resolved with amended plans that did not require re-notification.

Panel Reason:

The amended plans addressed the outstanding issues to the satisfaction of the Panel.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 5

DA No:	292/21/2
ADDRESS:	54 Benelong Road, Cremorne
PROPOSAL:	Modification of DA 292/21 to include changes to colours and materials of the rear balconies.
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	Body Corporate Strata Plan 43135

Registered to Speak

No persons elected to speak on this item.

Submitter	Applicant/Representative
	Jeremy Taylor-Riley - Owner/Applicant (observing only)

Panel Determination

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

The Council Officers Report and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel notes the amended balcony balustrade design is consistent with the architecture and maintain adequate privacy to the neighbours.

The Panel notes the deletion of the common terrace and the very minor height variation in the amended plans are considered acceptable.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 6

DA No:	453/21
ADDRESS:	61 Pine Street, Cammeray
PROPOSAL:	Alterations and additions to a dwelling house and associated works.
REPORT BY NAME:	Leonie Derwent, Ingham Planning Pty Ltd
APPLICANT:	Red Rock Design

Registered to Speak

No persons elected to speak on this item.

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.

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

Panel Reason:

The Panel notes the alterations are wholly within the footprint of the existing building and will have minimal additional impacts on the amenity of neighbours.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Virginia Waller	Y	
Jan Murrell	Y				
Ian Pickles	Y				

The public meeting concluded at 2.50pm.

The Panel Determination session commenced at 2.55pm.

The Panel Determination session concluded at 4.15pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
3 August 2022