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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**