



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE
COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 4 MAY 2022, AT 2.00PM.**

PRESENT

Chair:

Gary Shiels in the Chair.

Panel Members:

Jan Murrell (Panel Member)
Garth Paterson (Panel Member)
Jane van Hagen (Community Representative)

Staff:

Robin Tse, Senior Assessment Officer
Miguel Rivera, Senior Assessment Officer
Michael Stephens, Senior Assessment Officer
Thomas Holman, Assessment Officer

Administrative Support:

David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 6 April 2022 were confirmed following that meeting.

2. Declarations of Interest

Jane van Hagen declared a non-significant/non-pecuniary interest in item No. 3.

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.

ITEM 1

| | |
|------------------------|---|
| DA No: | 101/21/2 |
| ADDRESS: | 206 Blues Point Road, McMahons Point |
| PROPOSAL: | Modification of DA 101/21 to amend Condition I4 to retain existing hours of operation for the approved covered terrace to trade between 10am and 12 midnight Monday to Thursday, 10am and 1am the following day Friday to Saturday, and between 10am and 10pm Sunday. |
| REPORT BY NAME: | David Hoy, Team Leader Assessments |
| APPLICANT: | D Rippingill Design Collaborative |

Public Submissions

3 Written Submissions

| Submitter | Applicant/Representative |
|---|--------------------------------------|
| Ian Curdie - Resident | David Rippingill - Design Collective |
| Janine Lee - Resident | |
| Victoria Walker - Resident | |
| John Terrey - Resident | |
| Bernard Smith - Resident (observing only) | |

Panel Determination

The Panel members have undertaken independent site inspections where necessary prior to the meeting and have considered all submissions, both written and oral.

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel subject to the following additional conditions being imposed.

Complaint and Incident Register to be maintained

I.11A On commencement of use approved by this consent, a Complaint and Incident Register is to be maintained which records the date, time and nature of any complaint received by the manager or licensee of the premises. The Register is required to include details of actions taken by the manager or licensee of the premises to address any complaints. The Register is to be maintained at all times during operation of the premises and is to be made available to Council on request.

(Reason: To ensure the complaint procedures referenced in the Plan of Management are reflected in the terms of this consent).

Television screens and audio equipment not permitted under this consent

I#. No consent is granted or may be inferred under this consent for the installation of any television or audio equipment within the outdoor terrace area of the hotel.

(Reason: To clarify the terms of this consent)

Panel Reason:

The Panel imposed a 12-month trial period which will allow a review of the operating conditions of premises and enforcement of the Plan of Management.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Gary Shields | Y | | Jane van Hagen | Y | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

ITEM 2

| | |
|------------------------|---|
| DA No: | 436/21 |
| ADDRESS: | 46 Crows Nest Road, Waverton |
| PROPOSAL: | Alterations to an existing dwelling house, including a swimming pool, new fence and associated works. |
| REPORT BY NAME: | Miguel Rivera, Senior Assessment Officer |
| APPLICANT: | R. Tawadros Arquero Architects Pty Ltd |

Public Submissions**5 Written Submissions**

| Submitter | Applicant/Representative |
|--|-------------------------------------|
| Ms Rodrigo - Resident | Ramy Tawadros - Architect @ Arquero |
| C Fitzgerald - Resident | |
| Steve Walz - Resident (observing only) | |

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 in relation 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, both written and oral.

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel with the additional conditions to be imposed to give affect to the following:

- a. The maximum height of the front fence is to be 1m consistent with the DCP;
- b. The glazing of the stairwell windows is to be shown on the plans to retain the existing yellow coloured glass; and
- c. The proposed eaves line of the rear extension is to be amended to be set below the eave line of the existing building.

Panel Reason:

The Panel has imposed additional conditions to ensure the contributory item and the conservation area is maintained. Accordingly, the height of the proposed front fence has been reduced and the yellow glazing retained together with a reduction in the height of the rear extension eave. The Panel notes a condition is imposed to ensure the garage roof top is non trafficable and only allows for landscape maintenance, and the landscape plans are updated to remove the proposed spa due to proximity to significant existing tree.

With the recommended conditions and the additional conditions, the Panel is satisfied the development warrants approval in a conservation area.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|----------------|-----|----|--------------------------|-----|----|
| Gary Shiels | Y | | Jane van Hagen | Y | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

ITEM 3

Jane van Hagen declared a non-significant/non-pecuniary interest in this item and left the meeting for the deliberations.

| | |
|------------------------|--|
| DA No: | 382/21 |
| ADDRESS: | 108 Hayberry Street, Crows Nest |
| PROPOSAL: | Alterations and additions to existing semi-detached dwelling |
| REPORT BY NAME: | Miguel Rivera, Senior Assessment Officer |
| APPLICANT: | W Farmilo Wurley Group Pty Ltd |

Public Submissions**1 Written Submission**

| Submitter | Applicant/Representative |
|---|---------------------------------------|
| John Newman - representing John Fitzgerald and Naomi Fiegel - Residents | Wayne Farmilo – Willoughby Architects |
| John Fitzgerald - Resident (Observing Only) | |

Panel Determination

The Panel members have undertaken independent site inspections where necessary prior to the meeting and have considered all submissions, including late submissions, both written and oral.

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel subject to the following changes:

Condition C1 is to include a requirement that a copy of the final Engineering Report is be provided to the adjoining property owner at No. 106 Hayberry Street, Crows Nest prior to the commencement of work.

Condition C3 is to be amended to remove reference to require qualified person to agreed by the adjoining property owner.

Condition C17 is to be amended to refer to the Murrayas located within No. 106 Hayberry Street, Crows Nest.

Panel Reason:

The Panel endorses the recommendation and conditions with the addition of the requirement with the engineering report to the neighbour. The additional conditions with the retaining landscaping, and a suitably qualified person carrying out the inspection. The Panel noted that the balcony referred to by the objector was limited in size and with access only off the bedroom.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|----------------|-----|----|--------------------------|--------|----|
| Gary Shields | Y | | Jane van Hagen | Absent | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

ITEM 4

| | |
|------------------------|--|
| DA No: | 353/21 |
| ADDRESS: | 11 Bennett Street, Cremorne |
| PROPOSAL: | Demolition of existing structures and erection of an attached dual occupancy and associated works on each lot in an approved subdivision of the subject land into 2 lots (Consent DA 237/2018) |
| REPORT BY NAME: | Robin Tse, Senior Assessment Officer |
| APPLICANT: | CMBR Marine Pty Ltd |

Public Submissions

Dustin Cappelletto - Resident

No Written Submissions

| Submitter | Applicant/Representative |
|--|--------------------------|
| L. Wilkinson - Resident | |
| Althea and Lucian Frederick Petersen - Residents | |
| Gillian Cappelletto - Resident | |
| Bianca Woodhouse - Resident (Observing Only) | |

Panel Determination

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is not satisfied that the written request in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP adequately addresses the required matters. In the opinion of the Panel the written request does not demonstrate that compliance with the development standard is unnecessary in the circumstances of the case and the written request does not identify sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development will be inappropriate and will not be in 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, both written and oral.

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

Panel Reason:

The Panel does not consider the proposal is acceptable in the heritage conservation area for the reasons articulated in the report, and the exceedance in height is not acceptable because of the impacts on the streetscape and neighbouring properties. Furthermore, the Panel considers the proposal does not constitute a dual occupancy development with the podium, common basement and driveway as this is a different class of building and the presentation is that of a residential flat building.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|----------------|-----|----|--------------------------|-----|----|
| Gary Shields | Y | | Jane van Hagen | Y | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

ITEM 5

| | |
|------------------------|---|
| DA No: | 371/21 |
| ADDRESS: | 102 Carabella Street, Kirribilli |
| PROPOSAL: | Alterations and additions to an attached dwelling including a ground floor rear addition, internal alterations, conversion of the attic into habitable space with a dormer and skylight addition to the rear. |
| REPORT BY NAME: | Thomas Holman, Assessment Officer |
| APPLICANT: | Hassan Sleiman |

Public Submissions

1 Written Submissions

| Submitter | Applicant/Representative |
|-----------|---------------------------|
| | Hassan Sleiman - Designer |

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 in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP 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, both written and oral.

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel subject to an additional condition requiring the materials and finishes of the dormer to be consistent to the rear dormer of No. 100 Carabella Street. Kirribilli. Condition E14 is to be amended to include notification to 100 Carabella Street of works to the subject site.

Panel Reason:

The Panel is of the opinion that the proposal would provide improved amenity for the residents of the subject site without causing any unreasonable impacts to adjoining properties and/or the Conservation Area.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Gary Shields | Y | | Jane van Hagen | Y | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

ITEM 6

| | |
|------------------------|--|
| DA No: | 427/21 |
| ADDRESS: | 4 East Avenue, Cammeray |
| PROPOSAL: | Alterations and additions to an existing residential flat building containing two units including a balcony enclosure to the rear of Unit 1. |
| REPORT BY NAME: | Michael Stephens, Senior Assessment Officer |
| APPLICANT: | Michael Brown Planning Strategies Pty Ltd |

Public Submissions

No Written Submissions

| Submitter | Applicant/Representative |
|------------------|---------------------------------|
| | Michael Banak - 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 in relation to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP 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, both written and oral.

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

Panel Reason:

The Panel considers the Clause 4.6 to be well founded, and it is satisfied that the proposal has good planning grounds to justify the contravention. The Panel also considers that the proposal is acceptable subject to the conditions included in the recommendation.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Gary Shiels | Y | | Jane van Hagen | Y | |
| Jan Murrell | Y | | | | |
| Garth Paterson | Y | | | | |

The public meeting concluded at 3.20pm.

The Panel Determination session commenced at 3.30pm.

The Panel Determination session concluded at 4.50pm.

Endorsed by Gary Shiels
North Sydney Local Planning Panel
4 May 2022