



NORTH SYDNEY LOCAL PLANNING PANEL

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

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Grant Christmas (Panel Member)
Ian Pickles (Panel Member)
Jane van Hagen (Community Representative)

Staff:

Robin Tse, Senior Assessment Officer
Thomas Holman, Assessment Officer
Kim Rothe, Senior Assessment Officer

Administrative Support:

Stephen Beattie, Manager Development Services
David Hoy, Team Leader Assessments
Michael Stephens, Acting 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, 2 March 2022 were confirmed following that meeting.

2. Declarations of Interest

Jane van Hagen has a perceived conflict of interest on Item 2.

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:	368/21
ADDRESS:	64 Rangers Road, Cremorne
PROPOSAL:	Alterations and Additions to a semi-detached dwelling including construction of a detached studio and alterations to the dwelling façade.
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	Council Approval Group

No Written Submissions

Submitter	Applicant/Representative
	Owner

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 subject to amending Condition C6 to include the following changes:

Amendment to Skylight

C6. The proposed skylight to the southern elevation is to be coloured to match the existing roof with non-reflective glazing that is tinted in a recessive colour. Similarly, the skylight framing and trim flashings are to be dark grey or similar to match the roof. The dimensions are to match the skylight at No. 66 Rangers Road.

(Reason: To minimise the effect of the appearance of the skylight on the street elevation and the conservation area)

Panel Reason:

The Panel is satisfied the development would not have adverse impacts on the heritage conservation area. The Panel notes that the adjoining semi at No. 66 has a similar skylight to that proposed and with the appropriate use of materials and colours in the amended condition is considered a satisfactory outcome in the circumstances.

The Panel notes the applicant sought to have the condition regarding a landscape plan deleted. However, this is retained to ensure the development sits appropriately in the landscape, and the species of trees and vegetation complements the conservation area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Grant Christmas	Y				
Ian Pickles	Y				

ITEM 2

Jane Van Hagen had a perceived conflict of interest on this item and left the meeting for the deliberation.

DA No:	122/21
ADDRESS:	(Supplementary Report) 1 Baden Road, Kurraba Point
PROPOSAL:	Demolition of all existing structures and construction of a part 4, part 5 storey dwelling house with an integrated garage, swimming and associated landscaping.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Charbel Hazzouri from Revelop

Public Submissions**1 Written Submission**

Submitter	Applicant/Representative
Byron Knight - Solicitor on behalf of submitters	Anthony El-Hazouri - (Revelop on behalf of Applicant)
Jacki Heppard - Resident	Jane Maze-Riley - Urban Planner
	Nicola Ghirardi - Architect
	Ian Cady - Town Planner

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.

This matter was deferred by the Panel in November 2021 to require the applicant to undertake a comprehensive view sharing assessment, from certain units at No. 200 Kurraba Road. A detailed assessment has been carried out in accordance with view sharing principles established in *Tenacity Consulting v Warringah [2004] NSWLEC 140* to allow the Panel to make an informed 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 Council Officers Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel is satisfied that the view loss assessment from the affected dwellings addresses the relevant planning principles established in *Tenacity Consulting v Warringah [2004] NSWLEC 140* in terms of view sharing.

The Panel notes that the exceedance in height generally does not contribute to view loss in the context of the extent and totality of views retained. It is also noted that some improvements will occur where the existing building is to be demolished. The Panel accepts the removal of the existing chimney together with the increased western setback, assists in view sharing and the shape of the roof is a better built form outcome to a flat roof.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen		Absent
Grant Christmas	Y				
Ian Pickles	Y				

ITEM 3

DA No:	269/21
ADDRESS:	372 Military Road (aka 75 & 75A Parraween Street, Cremorne
PROPOSAL:	Demolition of an existing shop top housing and construction of a five (5) storey shop top housing containing seven (7) apartments, a ground floor retail tenancy and basement parking.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Platino Properties Pty Ltd

Public Submissions**1 Written Submission**

Submitter	Applicant/Representative
Anna Hole - Resident	Jack Prail - Platino Property -Applicant
Lesley Smith - Resident (observing only)	Paula Mottek - Platino Property - -Applicant

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.

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 subject to the imposition of appropriate conditions.

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

- the bedrooms shown on the plans that are less than 3 metres in width are to be shown as studies on the amended plans as these rooms do not comply with the Australian Design Guidelines for a minimum width of 3 metres;
- appropriate provisions/infrastructure is to be incorporated in the design of the basement car park to allow for the installation of charging facilities for electric vehicles at each designated parking spot;
- The colour and materials on the southern elevation of level 3 are to be amended to be of a darker recessive colour to improve its relationship with the adjoining heritage item. Amended plans showing the revised architectural treatment and colours of this level are to be submitted for the written approval of the Manager, Development Services prior to the issue of a Construction Certificate.

- Condition C1 is to be amended to require the parking space for the ground floor commercial/retail tenancy to be allocated to the commercial/retail lot in any strata plan.

Panel Reason:

The Panel considers the plans must be amended in accordance with the Officer's recommendation to ensure that the building has a respectful transition to the adjoining heritage item. These design changes are also considered appropriate in the context of a more sensitive design to reduce view impacts for the adjoining property.

While the front facade of the existing building remains somewhat intact above the awning, the remainder of the building has been extensively modernised and does not warrant retention in the context of current planning controls. The application, subject to the above changes is satisfactory on a merits assessment and further modification is not required.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Grant Christmas	y				
Ian Pickles	Y				

ITEM 4

DA No:	230/20/2
ADDRESS:	23 Victoria Street, McMahons Point
PROPOSAL:	Section 4.55(2) Modification to DA 230/20/2 to raise the roof level of the approved roof level additions, including a higher lift overrun and introduction of new rooftop terrace.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
APPLICANT:	Felicity King, Studio Barbara

Public Submissions

Written Submissions

Submitter	Applicant/Representative
	Felicity King - Architect & Applicant on behalf of owner
	Andrew Martin – Town Planner

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 supported subject to the imposition of the following additional condition:

Balustrade of Roof Terrace

C27. The glass balustrade for the roof terrace is to be changed to be the same material as shown in the plans for the balustrades at the lower levels of the building being either: the appearance of masonry, with a flat bar handrail optional; or material “D” “steel balustrade with vertical steel rods with flat bar handrail” as specified in the materials schedule and depicted in Drawing Number DA20 Schedule of Finishes and Materials.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To reduce the total amount of glazing for the northern and western elevations on the building and be replaced with consistent materials used in the development.)

Panel Reason:

The Panel is satisfied the modification application warrants approval subject to the above changes and it will not have adverse impacts on the amenity of the area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Grant Christmas	Y				
Ian Pickles	Y				

ITEM 5

DA No:	413/21
ADDRESS:	1B Samora Avenue, Cremorne
PROPOSAL:	Alterations and additions to an existing part two/three storey detached dwelling.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Neché Page

Public Submissions**Written Submissions**

Submitter	Applicant/Representative
	Neché Page - Applicant
	Joseph and Elizabeth Hunt – Owners (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.

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 notes the word “opaque” should be substituted with the word “obscure” for purposes of clarity within Condition C1.

Panel Reason:

The Panel is satisfied the proposed alterations and additions are satisfactory and will not have adverse impacts on adjoining properties. The Panel notes the applicant’s request, however, the planting of a Canopy Tree in the rear yard is necessary to filter the dwelling and provide amenity and sustainability.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Grant Christmas	Y				
Ian Pickles	Y				

The public meeting concluded at 3.08pm.

The Panel Determination session commenced at 3.15pm.

The Panel Determination session concluded at 4.45pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
6 April 2022