

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 2 MARCH 2022, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell in the Chair.

Panel Members:

Caroline Pidcock, Panel Member

Lloyd Graham, Panel Member

Veronique Marchandean, Community Representative

Staff:

Kim Rothe, Senior Assessment Officer

Miguel Rivera, Senior Assessment Officer

Thomas Holman, Assessment Officer

Administrative Support:

Stephen Beattie, Manager Development Services

Robyn Pearson, Team Leader Assessments

David Hoy, Team Leader Assessments

Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 2 February 2022 were confirmed following that meeting.

2. Declarations of Interest

Jan Murrell declared a non-pecuniary and insignificant interest in Item 1. However, there is a possibility of a perceived conflict of interest

Caroline Pidcock declared a non-pecuniary and insignificant interest in Item 3. However, there is a possibility of a perceived conflict of interest.

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

Jan Murrell declared an interest in this item and therefore left the meeting. Caroline Pidcock assumed the Chair for the public session and deliberations.

DA No:	216/21
ADDRESS:	21 King George Street, Lavender Bay
PROPOSAL:	Demolition of existing structures and construction of a new two storey dwelling house plus basement and associated landscaping and stormwater works.
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	Margaret Beazley

Public Submissions

4 Written Submissions

Submitter	Applicant/Representative
Brendan Hull - Resident	Tina Christy - Town Planner
Daniel Bryant - Resident	Steven Isaacs - Architect
Craig Bryant - Resident	

Panel Determination

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

The Consultant Planner's Supplementary Report, Recommendation and Conditions are endorsed by the Panel; subject to amended plans being submitted to address the following;

- The ground floor rumpus room is to be amended to be set back a minimum of 3.0 metres from the Bayview Street boundary. The applicant may reduce the internal dimension of the rumpus room and/or the size of the ground floor courtyard or the location of the building on the site to achieve this;
- The first-floor terrace is to be moved south so that the northern edge is aligned to Grid Line B as shown on the proposed first floor plan.
- Where the first floor terrace does not cover the rumpus room, the roof is to be a flat or low pitched skillion roof that is non-trafficable and no higher than the finished floor level of level 1. The roof to the rumpus may be planted with suitable low height low maintenance plant species which would achieve a mature height of not more than 300mm.

The Applicant is encouraged to include higher than required sustainability initiatives to help increase its energy efficiency, reduce its CO2 emissions (both in construction and operation) and ensure its resilience in the future. Total electrification is highly recommended in the achievement of this, as is optimal provision of photo voltaic panels for creation of on-site renewable energy.

The Manager Development Services is granted delegation to determine the application following submission of amended plans including any necessary amendment of conditions and having consideration for the need to renotify. If amended plans are not received within 30 days, or if the Manager forms the view that they cannot support the approval of the application, the application may be returned to the Panel for determination.

Panel Reason:

The Panel considered that the amended scheme had partially addressed the concerns of the previous Panel but required design changes to further improve view sharing.

The Panel considered the concerns raised by the resident submitters and considered that an increased setback from the Bay View Street boundary at the ground floor (to better reflect setbacks on Bayview Street) and changes to the first-floor terrace would achieve a reasonable balance between view sharing and the development rights and amenity of the future occupants. Subject to these amendments, the Panel considered the view impacts of the proposal to be reasonable.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Absent		Veronique Marchandau	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

ITEM 2

DA No:	205/21
ADDRESS:	23-27 Wheatleigh Street, Crows Nest
PROPOSAL:	Demolition of the existing dwellings and all structures, removal of trees and the construction of a multi-dwelling housing development comprised of 10 dwellings over one level of basement parking.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
APPLICANT:	Salina Lama, Wheatleigh Street Pty Ltd

Public Submissions**Written Submissions**

Submitter	Applicant/Representative
Neil Forbes - Resident	Mohit Keni - Architect
Edward James - Resident	Manny Hunjan - Development Management
Lara Naigus - Resident	Kerry Gordon - Planner

Panel Determination

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

The Panel has carefully considered the concerns raised in submissions, both written and oral in making its decision.

The Panel determined to approve the written request for variation to the height standard.

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.

The Council Officer’s Report, Recommendation and Conditions are generally endorsed, except for the changes required by the matters below and shown in a full set of amended plans and documentation to be approved by the Manager Development Services and accordingly the imposition of an amended set of conditions.

- The landscape plan is to be rationalised, without removing canopy trees, to incorporate more usable private open spaces, without hard paving, for each unit;
- An outdoor clothes drying area is to be shown and provided in the courtyard area for each unit. This must not be in the vicinity of the central spine access areas where bins are stored.

- The colour scheme is to be amended to incorporate lighter colour materials to mitigate the effects of heat absorption.
- The applicant is to provide amended plans to correct references to nominate which two units will be adaptable. An appropriate condition is to be imposed to require Certification of those units.
- Council’s Development Engineer to review the submitted plans and recommend conditions to ensure the stormwater scheme meets Council’s standards/guidelines including the following matters:
 - A suitable charged system for roof waters collected above street level;
 - Appropriate OSD and pump out system for any water that cannot be disposed of by a charged system or gravity;
 - Appropriate arrangements for the ongoing management of the stormwater system.
- A condition is to be included requiring a traffic light system for the basement ramp and vehicle access.
- A condition to be included for signage to ensure all vehicles enter and leave from the basement in a forward direction.
- Condition C1 is to be amended to ensure adequate protection for trees on the adjoining rear property, together with a review of landscape conditions by Council’s relevant officer. (This is to consider the recommendations of the amended arborist report and the incorporation of appropriate conditions).
- The temporary garbage bin holding bay at the southwestern corner of the site is to be designed to ensure bins are closer to the street to manage more efficient collection of bins by the Council. The sharing of certain waste bins will rationalize the number.
- The applicant is to incorporate further sustainability measures into the development.
- Condition C3 and C4 are to be amended to allow for the applicant to engage a suitably qualified person, to delete reference to the requirement for an “agreement” with adjoining owners and to instead require a copy of the dilapidation report to be provided to adjoining owners.
- Inconsistencies with the current plans are also to be resolved. The Manager Development Services is granted delegation to impose conditions to achieve the above and on satisfaction of the conditions to approve amended plans, and consequential amendments to the conditions as may be required. In the event of the manager not being satisfied he may refer the matter back to the Panel.

The Applicant is to submit amended plans, including necessary documentation, to the Council within 40 days.

Panel Reason:

The Panel considered the proposal is generally acceptable, except as identified above, and it will provide for a choice of medium density housing that could be reasonably anticipated in the R3 zone. The Panel considered that the proposal warrants approval and considers:

- Solar access has been adequately addressed by the amended plans and is deemed to be acceptable in the circumstances given the zone and the orientation of the subdivision. The development provides for an increased setback to the southern boundary and a built form that steps away from 21 Wheatleigh Street. The proposal meets Council’s solar access controls and the design has considered and mitigated the impacts for a development in the R3 zone. The Panel is satisfied the height exceedence does not contribute to the overshadowing of No. 21 .
- The proposed housing mix is acceptable as the development is less than 20 Dwellings and the North Sydney DCP requirement is achieved with 9 X 4 bedroom and 1 X 3 bedroom multi-unit development. The FSR is below the standard of the R3 zone.
- Matters relating to concerns with preservation of significant trees on adjoining sites can be addressed with the further consideration of the arborist report and landscaping plans pursuant to the above amendment to Condition C1. (A construction certificate cannot be released until Council is satisfied that the landscape and tree protection measures have been incorporated into the plans)
- In terms of the streetscape, the Panel, notes the character of Wheatleigh Street will evolve given the R3 zone on the eastern side, at the same time the proposal is designed to sit within a landscaped setting.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandeanu	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

At this point the meeting was closed to the public in accordance with the Ministers directive that public meetings are predicated only when there are 10 or more submissions.

ITEM 3

Caroline Pidcock declared an interest in this item and therefore left the meeting. Jan Murrell assumed the Chair.

DA No:	34/19/3
ADDRESS:	85 Kurraba Road, Kurraba Point
PROPOSAL:	To modify a consent for demolition of an existing residential flat building, tree removal and excavation to provide for the construction of a part three, part four and part five storey residential flat building comprising 14 apartments, with basement parking for 24 cars and associated landscaping.
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	WKJ Pty Limited C/- Urbis

Public Submissions

2 Written Submissions

Submitter	Applicant/Representative
	James Harrison - Project Manager
	Edward Green - Town Planner

Panel Determination

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

The Panel has considered all submissions, both written and oral.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to a requirement that charging facilities be provided within the basement carpark for electric vehicles as specified in the following condition:

Charging Facilities for Electric Vehicles

- C35. Appropriate provisions must be incorporated in the design of the basement and lower ground floor car park to facilitate future owners to install charging facilities for electric vehicles to their car parking space when required.

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)

The Panel is also of the opinion that the number of 20 residential car spaces as proposed by the applicant is acceptable as it has regard to parking difficulties in the local area with the following conditions being amended:

Allocation of Spaces

- G19. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance the following table:

No Spaces	Use
20 spaces	Residential
4 spaces	Residential – Visitors

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to issue of Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement.

Visitor parking facilities must be designated as common property on the strata plan. Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

Allocation of Spaces

13. The allocation of Carparking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained in accordance with the following table:

20 spaces	Residential
4 spaces	Residential – Visitors

Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of Strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement. Visitor parking facilities must be designated as common property on the strata plan.

Visitor parking facilities must not at any time be allocated, sold, licensed or leased for the exclusive use of any occupier or owner and must be retained as common property by the Owners Corporation for use by building visitors.

(Reason: To ensure that adequate parking facilities to service the development are provided on site)

The Panel also considered and agreed to an amended Condition C3 at the request of the applicant to allow this condition to be satisfied prior to any construction certificate issued for external works including landscaping as follows:

Tree Planting

- C3. The following tree is required to be planted and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Container Size (l)
1 x Lophostemon confertus or 1 x Glochidion ferdinandii	Within landscaped north western corner of the site in close proximity to the removed Tree 24 Lophostemon confertus	400l

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate for external works and landscaping.

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 ensure that tree planting provided enhances environmental and landscaped amenity)

Panel Reason:

The Panel generally supported the proposed modifications including the proposed number of car spaces provided a condition be imposed for recharging facilities to be provided for electrical cars within the basement car park to allow for a more sustainable development. The applicant advised the development is intended to provide this, and the Panel has imposed a relevant condition in accordance with best practice.

The additional height for the lift overrun and the provision of solar panels on the roof of the building were considered to be acceptable in the site circumstances given that there would be no material loss of amenity for adjoining properties. The Panel also acknowledged the ecological benefits to be gained from the provision of solar panels on the roof contributing further to a more sustainable development.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Caroline Pidcock	Absent				
Lloyd Graham	Y				

ITEM 4

DA No:	277/21
ADDRESS:	Suite 3, 102 Alfred Street South, Milsons Point
PROPOSAL:	Alterations and additions to ground floor commercial tenancy and change of use of first floor level to provide a 2 bedroom residential apartment.
REPORT BY NAME:	Miguel Rivera, Senior Assessment Officer
APPLICANT:	F. Henry-May

Public Submissions

Written Submissions

Submitter	Applicant/Representative
	Jorgen Liaris - Applicant

Panel Determination

The Panel members have undertaken independent site inspections where considered necessary prior to the meeting and considered all 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 non-residential floor space ratio development standard in clause 4.4A 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.

The Council Officer’s Report, Recommendation and Conditions of approval are endorsed by the Panel.

Panel Reason:

The proposal would provide for appropriate housing choice in a location where there is an appropriate mix of established non-residential uses in the locality. The development would maintain ground floor commercial floor space which would continue to support the needs of residents. The reduction in non-residential floor space is minor at 79sqm and would not significantly reduce the available commercial floor space in the locality. The development would retain a continuous and activated streetscape to the Alfred Street frontage.

The proposal is assessed as meeting the objectives of the non-residential FSR development standard and the objectives for the B4 Mixed Use Zone.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

ITEM 5

DA No:	333/19/4
ADDRESS:	182 Kurraba Road, Kurraba Point
PROPOSAL:	Modifications to a consent for alterations and additions to convert a duplex into a residential flat building with Strata Subdivision
REPORT BY NAME:	John McFadden, Consultant Planner
APPLICANT:	David Rahme

Public Submissions

Written Submissions

Submitter	Applicant/Representative
	David Rahme - Applicant
	Daniel Younan- Architect

Panel Determination

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

The Panel has considered all submissions, both written and oral, made in respect of the modification application, including late submissions.

The Consultant Planner's Report, Recommendations and Supplementary Report are generally supported subject to amended plans for the approval of the Manager of Development Services to show design changes to delete the laundry extension and reduce the awning as follows:

- The proposed 1.6m awning extension at RL30.640 is to be reduced to extend a maximum depth of 450mm on the eastern face. *(Reason: to mitigate visual impact on neighbouring properties and reflect the awnings below on the eastern facade. On balance this will allow weather protection while minimizing visual impacts)*
- The laundry extension at the lower ground level is not approved and is to be deleted and is to be replaced with soft landscaping with a garden bed level of approximately RL18.470. *(Reason: to increase landscaping)*

Revised landscape and architectural plans addressing the above shall be submitted by the Applicant to Council within 30 days.

The Manager Development Services is granted delegation to determine the application based on the above required amendments following the submission of amended plans, including consideration of whether renotification is required.

If amended plans and information are not received within 30 days, or if the Manager forms the view that they cannot support the approval of the amended application, the application is to be returned to the Panel for determination.

Panel Reason:

The panel has had regard to the concerns of submitters, the nature of the approved development and the consultant planners report. The approved development represents a significant re-development of the site and any increase to its bulk, scale and footprint should be minimised. The panel notes that the proposal seeks to extend the level 2 floor to the east to provide greater protection to the unit below and this is considered

unnecessary and adds further bulk to an already height non-compliant development. It is also noted that the laundry extension to the lower ground unit removes approved deep soil landscaping, and this is considered inappropriate and is not supported.

Finally, the panel notes that as this is a modification application the matters for its determination are limited and the Panel has no power to revisit the previous consents issued for the subject site. Compliance issues are not within the remit of the Panel.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

ITEM 6

DA No:	417/21
ADDRESS:	34 Alexander Street and 2 Ernest Place, Crows Nest
PROPOSAL:	Removal of existing carports and solar panels at the Holtermann Street carpark and installation of car park awnings with integrated solar panels and associated works at the Alexander Street carpark.
REPORT BY NAME:	John McFadden, Consultant Planner
APPLICANT:	North Sydney Council

Public Submissions

No persons elected to speak on this item.

Written Submissions

Panel Determination

The Panel members have undertaken independent site inspections were considered necessary prior to the meeting and notes no submissions were made.

The Consultant Planner's Report and Recommendations are endorsed by the Panel. The Panel requested that a condition be imposed to require signage to be installed within the premises to inform visitors of the installation of the solar panel array.

Panel Reason:

The Panel supported the Council’s proposal to repurpose and expand the solar power generation on Council owned assets. The Panel considered that Council should further promote its sustainable power initiatives.

The Panel also noted that the proposed Solar Panel and parking space awning support structures would not be readily seen from adjoining public areas and would not detract from the public domain.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Caroline Pidcock	Y				
Lloyd Graham	Y				

The public meeting concluded at 4.45pm.

The Panel Determination session commenced at 4.50pm.

The Panel Determination session concluded at 7.00pm.

By way of comment, the Panel encourages Council to review its relevant controls and guidelines for development assessment to achieve zero emission developments empowered by renewable energy. (For example: encourage garbage aggregation for waste collection in multi-unit developments; encourage external materials in lighter colour tones for thermal comfort as a positive contribution to energy efficiency of the built environment; encourage acoustic and light control of glass panels used; and encourage best practice self sufficient electrification elements and aim to eliminate gas usage.)

Endorsed by Jan Murrell
North Sydney Local Planning Panel
2 February 2022