



**NORTH SYDNEY COUNCIL**

Council Chambers  
24 February 2022

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 2 March 2022 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

**KEN GOULDTHORP**  
**GENERAL MANAGER**

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**BUSINESS**

**1. Minutes**

Confirmation of Minutes of the previous Meeting held on Wednesday 2 February 2022.  
(Circulated)

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**2. LPP01: 21 King George Street, Lavender Bay - DA 216/20**

Report of Annelize Kaalsen (Ak Planning)

The purpose of this Addendum Report is to provide consideration for the additional information submitted by the applicant in response to the deferral by the North Sydney Local Planning Panel (NSLPP) on 1 December 2021 “for further information and analysis on height, view loss and setbacks to Bay View Street. Concerns were raised by the Panel about the height of the proposed dwelling and whether compliance has been achieved with Clause 4.3 in NSLEP 2013”.

**Recommending:**

1. That the Panel note this supplementary report and determine the application in accordance with the previous recommendation for approval subject to changes to conditions described below.
2. That Condition No. A1 be amended to reflect the amended plans as follows:-

Drawing Number	Rev	Title	Drawn By	Dated
DA091	A	Demolition Plan	Saville Isaacs	09/06/21
DA098	A	Site Analysis Plan	Saville Isaacs	09/06/21
DA102	C	Plan Basement	Saville Isaacs	14/09/21
DA103	C	Plan Ground Floor	Saville Isaacs	14/09/21
DA104	C	Plan First Floor	Saville Isaacs	14/09/21
DA105	C	Roof Plan	Saville Isaacs	14/09/21
DA201	B	Elevation North	Saville Isaacs	14/09/21
DA202	B	Elevation East	Saville Isaacs	14/09/21
DA203	B	Elevation South	Saville Isaacs	14/09/21
DA204	B	Elevation West	Saville Isaacs	14/09/21
DA205	A	Elevation south boundary	Saville Isaacs	14/09/21
DA251	C	Sections	Saville Isaacs	14/09/21
DA252	B	Sections	Saville Isaacs	14/09/21
DA253	A	Sections	Saville Isaacs	14/09/21
DA111	A	Area Plan	Saville Isaacs	09/06/21
DA355	B	External Finishes – View A	Saville Isaacs	21/09/21
DA356	B	External Finishes – View B	Saville Isaacs	21/09/21
L100	E	Landscape concept plan	Spirit Level	12/05/21
L102	E	Landscape planting plan	Spirit Level	12/05/21

3. That Condition No C2 be amended to reflect the amended plans as follows:-

**Design Amendments**

- C1. Prior to the issue of any construction certificate the following design amendments are required to the plans forming part of Condition A1 of this consent:-
  - a) The proposed fixed metal / solid balustrade on the northern and eastern elevations of the proposed first floor terrace, is to be deleted from the proposal and replaced with a glass balustrade.
  - b) The north-eastern corner of the proposed first floor terrace is to remain clear of any structures / BBQ facilities and cabinetry. The area measuring 1.5m from the NE corner along the

northern elevation.

Architectural plans satisfying the requirements of this condition must be submitted to the Council for assessment and approval, prior to the issue of any Construction Certificate.

(Reason: To ensure view sharing is maintained)

**3. LPP02: 23-27 Wheatleigh Street, Crows Nest (W) - DA 205/21**

Report of Kim Rothe, Senior Assessment Officer

The subject development application is an amended proposal which seeks approval for the demolition of the existing dwelling on site and the construction of a two - three storey multi dwelling housing building containing ten dwellings over basement parking and ancillary landscaping.

The application is reported to the North Sydney Local Planning Panel (NSLPP) for determination due to the number of submissions received and the public interest in the proposed development.

Council's notification of the original proposal attracted **eleven (11) submissions** raising particular concerns about solar access, bulk and scale privacy, parking, streetscape, construction, landscaping and asbestos and stormwater issues associated with the application.

The applicant submitted amended plans on 12 January 2022 in response to Council's issues raised. The amended plans were re notified and attracted a further **nine (9) submission** raising similar concerns. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.

The proposal is considered acceptable in the circumstances as the development will improve housing choice and availability in the local area without having material adverse impacts on adjoining properties, particularly adjoining residential properties to the north or south. The new development will not adversely impact on the streetscape or significance of the Crows Nest Neighbourhood Character Area.

The bulk and scale of the amended proposal is generally consistent with the intended future character envisaged in Council's controls and existing surrounding buildings. The proposal is also considered to be an appropriate transitional built form of appropriate residential density.

All other issues identified in the report or raised in the submissions have been addressed or found to be either acceptable or able to be managed via the imposition of conditions of development consent.

This assessment, having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 (as amended), this report has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, the development application is supportable in the circumstances and is recommended for **approval** subject to the attached as recommended conditions of development.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, under the delegation of the General Manager as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for Building Height, grant consent to Development Application No. **205/21** for demolition of existing dwellings, excavation and construction of a multi dwelling housing development comprising ten (10) townhouses and basement car park and landscaping works at land known as 23-27 Wheatleigh Street, Crows Nest subject to the attached recommended conditions of development consent:

**4. LPP03: 85 Kurraba Road, Kurraba Point - DA 34/19/3**

Report of Thomas Holman, Assessment Officer

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Council's consent (DA 34/19) for demolition of an existing residential flat building and 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.

The modification application is reported to Council for determination because the proposed amendments sought involve a condition of consent recommended in the council assessment report that was amended by the panel (C28 Location of Plant of DA Consent No. 34/19).

Council's notification of the proposal has attracted three (3) submissions raising particular concerns about scale and bulk of air conditioner units to be added to the rooftop, increased height of lift overrun, placement of the solar panels on the roof and the likely harm from reflectivity to properties overlooking the roof. Concerns were also raised about potential damage to a Jacaranda during construction. The assessment has considered these concerns as well as the performance of the modification against Council's planning requirements.

The modification application has been amended by the applicant following the concerns raised by submitters and following a preliminary review by Council. Notable changes to the development include removing air conditioner condensers from the roof to the basement so as to propose the same number of condensers as approved in DA No. 34/19, reducing the height of the lift overrun to what was originally approved (RL 43.20) and additional information was provided including a reflectivity statement for the rooftop solar panels.

No additional external building works are proposed with alterations predominantly internalised including amendments to the basement and apartment layouts and amalgamation of 2 units on Level 2 not affecting the bulk, form and massing of the building. In addition, there would be no alterations to the existing landscaping however, a condition of consent is recommended requiring a replacement tree lost during construction (Tree 24 *Lophostemon confertus*).

Following this assessment, the application to modify Council's consent is considered to be reasonable in the circumstances and is recommended for **approval**.

**Recommending:**

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA No. 34/19 dated 07/08/2019 in respect of a proposal to alterations to the rooftop, reduce the number of apartments from 14 to 13 via the amalgamation of 2 units and internal alterations to apartment and basement layout at 85 Kurraba Road, Kurraba Point under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

**Add Condition A5 as follows:**

**Development in accordance with Plans (s4.55 Amendments)**

A5. The development being carried out in accordance with plans identified in Condition A2 of the consent and A5 of the modification to consent endorsed with Council's approval stamp, except as modified by the modifications shown on:

Plan Nos	Revision No.	Description of Works	Prepared by	Received
DA001	D	Project Summary	PBD Architects	15 February 2022
DA100	D	Basement 2	PBD Architects	15 February 2022
DA101	E	Basement 1	PBD Architects	15 February 2022
DA102	E	Lower Ground Floor Plan	PBD Architects	15 February 2022
DA103	E	Ground Floor Plan	PBD Architects	15 February 2022
DA104	E	Level 1 Plan	PBD Architects	15 February 2022
DA105	E	Level 2 Plan	PBD Architects	15 February 2022
DA106	G	Level 3 Plan	PBD Architects	15 February 2022
DA107	F	Roof Plan	PBD Architects	15 February 2022
DA200	D	Elevation 01	PBD Architects	15 February 2022
DA201	D	Elevation 02	PBD Architects	15 February 2022
DA300	D	Section 01	PBD Architects	15 February 2022
DA301	D	Section 02	PBD Architects	15 February 2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Delete Condition C3 Retention of Trees: and C28 Location of Plant**

**Add new Conditions C3, C28 & 17 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. 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)

#### **Solar Panels**

- C28 The solar panels to be located on the roof of the building must be at a height of RL 42.40 not above the building parapet. The solar panel materials must be factory pre finished with low glare and reflectivity properties. The selected solar panels material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.  
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, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.  
(Reason: To ensure that the height of the solar panels are below the building parapet not evident from the street and that excessive glare or reflectivity nuisance from solar panels does not occur as a result of the development)

#### **Use of Storage Facilities**

- 17 The storage facilities on the ground level, lower ground level, basement levels 01 and 02 must be used for the nominated purposes as shown on the approved plans and only by the residents of the building.  
The storage areas as indicated on the plans must be enclosed with a metal enclosure/cage so as to prevent the use of storage spaces as car spaces. Any changes to the allocation of the use and design of these facilities would require further approval from Council.  
The restrictions on the use of the underground storage facilities must be incorporated in the by-law of any strata plan for the approved development.  
(Reason: To ensure compliance.)

#### **Modify Conditions C22, C23, C34, G14, G19 and I3 as follows:**

##### **Tree Protection Measures to be shown on Construction Drawings**

- C22. The tree protection measures contained in the Arboricultural Impact Appraisal and Method Statement (Revision B) prepared by Naturally Trees dated 29 May 2019 shall be shown clearly on the Construction Certificate drawings. ~~Necessary tree protection for Tree T24 (to be retained pursuant to condition C3 of this consent) shall also be shown on the drawings, as advised the by project arborist.~~  
Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.  
(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

##### **Protection of Trees**

- C23. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
Tree 3 <i>Jacaranda mimosifolia</i>	Eastern boundary	9m
Tree 6 <i>Syzigium paniculatum</i>	North eastern boundary	14m
Tree 18 <i>Lophostemon confertus</i>	NW corner of site	16m
<del>Tree 24 <i>Lophostemon confertus</i></del>	<del>NW corner of site</del>	<del>18m</del>
Tree 28 <i>Pittosporum undulatum</i>	SW boundary fence	10m
Tree 17 <i>Phoenix canariensis</i>	SW boundary of 83 Kurraba Road	10m

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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

#### **BASIX Certificate**

C34. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. ~~(991892M\_04 dated 30 May 2019)~~ **(991892M\_07 dated 17 February 2022)** for the development are fulfilled. 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 ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

#### **Certification of Tree Condition**

G14. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
Tree 3 <i>Jacaranda mimosifolia</i>	Eastern boundary	9m
Tree 6 <i>Syzigium paniculatum</i>	North eastern boundary	14m
Tree 18 <i>Lophostemon confertus</i>	NW corner of site	16m
<del>Tree 24 <i>Lophostemon confertus</i></del>	<del>NW corner of site</del>	<del>18m</del>
<b><i>Lophostemon confertus</i> or <i>Glochidion ferdinandii</i></b>	<b>NW corner of site</b>	
Tree 28 <i>Pittosporum undulatum</i>	SW boundary fence	10m
Tree 17 <i>Phoenix canariensis</i>	SW boundary of 83 Kurraba Road	10m

The report must detail the condition and health of the nominated trees upon completion of the works, and shall certify that the trees have not been significantly damaged during the works on the site, and shall confirm that the trees have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent).

#### **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
<del>20 spaces</del> 18 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 lots' 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.

Note: The extra two car parking spaces on the approved plans must be converted for use as motorcycle and/or bicycle parking and remain as common property in any strata plan.

(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:

No. spaces	Use
<del>20 spaces</del> 18 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.

Note: The extra two car parking spaces on the approved plans must be converted for use as motorcycle and/or bicycle parking and remain as common property in any strata plan.

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

#### Compliance with Certain conditions

- G20. Prior to the issue of any Occupation Certificate, conditions ~~C3~~, **C3**, **C28**, C4, C16, C17, C23, D1, G2 and G14 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)



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**5. LPP04: Suite 3/102 Alfred Street South, Milsons Point – DA 277/21**

Report of Miguel Rivera, Senior Assessment Officer

The applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to a ground floor commercial tenancy and change of use and fit-out of the first floor level (of this tenancy) to provide a 2-bedroom residential apartment at land identified as Suite 3/102 Alfred Street South, Milsons Point.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, given that the application involves a departure to a development standard that is greater than 10%. The proposed application involves a reduction in existing commercial floor space by 79m<sup>2</sup> resulting in a 39% (519.22m<sup>2</sup>) departure to the minimum non-residential floor space ratio required for the land under Clause 4.4A of NSLEP 2013.

The applicant has submitted a written request pursuant to Clause 4.6 in NSLEP 2013. The request is supported on the grounds that the reduction in floor space would not significantly reduce the available commercial floor space in the locality, the reduction relates to existing first floor commercial floor space and 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.

Council's notification of the original plans attracted a total of **three (3) submissions from two (2) separate addresses**, raising concerns regarding inconsistencies in the lot boundaries and allocation of courtyards and any new structures/external works within courtyards.

The proposed development involves no substantial changes to the external façade and aesthetic of the existing mixed use building – ensuring that this will result in a built form that is appropriate to the context of the site, and sympathetic to and in keeping with the established character of the immediate locality.

The development application has been assessed against the North Sydney Local Environmental Plan 2013, North Sydney Development Control Plan 2013 and the relevant State Planning Policies and generally found to be satisfactory in consideration of the site constraints, context and circumstances.

The assessment of the proposal has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for **approval**.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of the Department of Planning, Industry and Environment, and invoke the provisions of Clause 4.6 with regard to the exception to the development standard Clause 4.4A for non-residential floor space ratios, grant consent to Development Application No. 277/21 for alterations and additions to ground floor commercial tenancy and

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change of use of first floor level to provide a 2-bedroom residential apartment at land known as Suite 3/102 Alfred Street South, Milsons Point, subject to the attached recommended conditions:

**6. LPP05: 182 Kurraba Road, Kurraba Point - DA 333/19/4**

Report of John McFadden, Consultant Planner

This application under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EPA Act) seeks to further modify Council's consent No. DA 333/19 for alterations and additions to convert a duplex into a residential flat building with strata subdivision and is reported to the North Sydney Local Planning Panel (NSLPP) for determination as the application involves the modification of a condition imposed by the NSLPP.

On 15 April 2020, the NSLPP approved the initial development application subject to a number of conditions. A subsequent application under section 4.55 of the EPA Act was approved by the NSLPP on 2 June 2021. The consent and s.4.55 modification have been activated and construction has commenced on the site.

The current s.4.55 modification seeks a number of internal and external modifications to the approved development including:

- enclosure of a deck on the lower level of the building and conversion into a study;
- an extension on the northern side for a laundry, changes to fenestration on the northern elevation of the building including the modification to Condition C18 of the modified consent relating to privacy measures;
- extension of the roof overhang to Unit 201 on Level 1;
- various internal floor plan changes to the units; and
- a new ladder access and access hatch to the car stacker pit in order to meet Fire and Rescue NSW emergency access requirements.

Council's notification of the proposal has attracted five (5) submissions raising particular concerns about privacy, roof overhang, setbacks, site coverage and landscaping. It is noted that traffic issues during construction, loss of street parking and height issues have also been raised, but these matters are related to the approved overall development rather than the current modifications.

The assessment has considered these concerns as well as the performance of the modification application against Council's planning requirements.

Whilst variations to site coverage and setbacks are proposed, the variations are sufficiently minor to be supported in this case. Further, an additional breach of the height limit is proposed for a corner of the roof, however, as the variation is once again relatively minor and with no significant environmental impacts, it is able to be supported in this instance.

Following this assessment, DA 333/19/4 is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

**Recommending:**

**PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**THAT** the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent DA 333/19 dated 24 April

2020 (as amended 2 June 2021) in respect of a proposal for alterations and additions to convert a duplex into a residential flat building with strata subdivision at No. 182 Kurraba Road, Kurraba Point under the provisions of section 4.55 of the *Environmental Planning and Assessment Act 1979* only insofar as it will provide for the following:

To delete Condition A1 and C18 of the consent and insert in lieu thereof the following new conditions, namely:

**Development in Accordance with Plans/documentation**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions and this consent.

Plan No.	Rev No.	Description	Prepared by	Dated
DA_100_00	06	Proposed lower ground floor plan (lower)	Daniel Younan & Ass.	24/09/21
DA_100_10	06	Proposed lower ground floor plan (upper)	Daniel Younan & Ass.	24/09/21
DA_100_20	06	Proposed ground floor plan	Daniel Younan & Ass.	24/09/21
DA_100_30	06	Proposed level 1 floor plan	Daniel Younan & Ass.	24/09/21
DA_100_40	06	Proposed level 2 floor plan	Daniel Younan & Ass.	24/09/21
DA_100_50	06	Proposed roof plan	Daniel Younan & Ass.	24/09/21
DA_200_00	06	Proposed south elevation	Daniel Younan & Ass.	24/09/21
DA_200_01	06	Proposed north elevation	Daniel Younan & Ass.	24/09/21
DA_200_02	06	Proposed east elevation	Daniel Younan & Ass.	24/09/21
DA_200_03	06	Proposed west elevation	Daniel Younan & Ass.	24/09/21
DA_300_00	06	Section A-A	Daniel Younan & Ass.	24/09/21
DA_300_01	06	Section B-B	Daniel Younan & Ass.	24/09/21
DA_400_00	05	Finishes & materials	Daniel Younan & Ass.	13/04/21
L-01/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
L-02/2	B	Landscape Plan	Ray Fuggle & Associates	31/01/20
DA_800_00	04	Draft Strata Sheet 1	Daniel Younan & Ass.	02/02/20
DA_800_01	04	Draft Strata Sheet 2	Daniel Younan & Ass.	02/02/20
DA_800_02	04	Draft Strata Sheet 3	Daniel Younan & Ass.	02/02/20

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Privacy**

C18. The following privacy devices are to be provided:

Privacy Measures	Windows/location details
<b>Ensuite Windows</b> – Obscure or frosted glazing to whole window.	W39
<b>Doors/Full Height Windows</b> – Obscure or frosted glazing to lower part to a minimum height of 1500mm above the finished floor level.	W16; W26; W37; W41
<b>Windows</b> – Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour's windows	W17; W18; W27; W28; W40
<b>Privacy Screens</b> – Balconies Solid balustrades and obscure or frosted glass screens to a height of 1.6m above finished floor level are to be provided to the northern edges of balconies at the nominated locations	Balcony on the northeast corner on: Level 2

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 ensure an adequate level of privacy is provided to adjoining properties located at Nos. 176 and 178 Kurraba Road)

**7. LPP06: 34 Alexander Street and 2 Ernest Place, Crows Nest - DA417/21**

Report of John McFadden, Consultant Planner

This development application seeks approval for the removal of existing carports and solar panels from the roof level of the Holtermann Street carpark and relocation and installation of car park awnings with integrated solar panels and associated works at level P4 of the Alexander Street carpark.

The proposal is reported to North Sydney Local Planning Panel for determination as the proposal seeks development consent for development on Council owned land.

The application was notified in accordance with the North Sydney Community Consultation Plan with the application placed on notification between the 11 January 2022 and the 25 January 2022. No submissions have been received.

In addition to the 282 solar panels relocated from the Holtermann Street carpark, an additional 24 new panels are proposed to be installed on the new rooftop carports.

The provision of the solar panels on the roof is stated in the SEE as being for the capture of solar energy by on site batteries so that energy can be provided at a future time for charging of vehicles or the running of lights and other plant on the site.

An enclosure for a solar inverter station is to be provided on Level P3 and a motorcycle space is to be relocated to Level P4 to make room for this new structure.

Some reconfiguration of the car spaces is required on Level P4 to provide for the motorcycle space relocated from Level P3, however, the existing overall number of parking spaces will be maintained.

The proposed carports/solar panels will generally not be visible from public street views, except from certain restricted angles.

An increase in morning, midwinter shadowing to the facades of commercial buildings opposite in Falcon Street is noted however this impact will be minor.

The Alexander Street Carpark is adjacent to a Heritage Item (Crows Nest Hotel), however, the impact on the item is negligible.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. DA417/21 for Removal of existing carports and solar panels at the 2 Ernest Place (Holtermann Street Carpark) and installation of car park awnings with integrated solar panels and associated works at the 34 Alexander Street

(Alexander Street Carpark), Lots 1-3, DP 1222060 and Lot No. 1 DP 785343, respectively, subject to the attached standard conditions.

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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 2 FEBRUARY 2022, AT 2.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Grant Christmas, Panel Member  
Linda McClure, Panel Member  
Ken Robinson, Community Representative

**Staff:**

Miguel Rivera, Senior Assessment Officer  
Andrew Beveridge, Assessment Officer  
Kim Rothe, Senior Assessment Officer  
Robin Tse, Senior Assessment Officer

**Administrative Support**

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, 1 December 2021 were confirmed following that meeting.

**2. Declarations of Interest**

Jan Murrell declared a perceived conflict of interest for Item No. 4.

### 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**

<b>DA No:</b>	279/21
<b>ADDRESS:</b>	30 Myrtle Street, North Sydney
<b>PROPOSAL:</b>	Alterations and additions to an existing semi-detached dwelling including first floor addition.
<b>REPORT BY NAME:</b>	Miguel Rivera, Senior Assessment Officer
<b>APPLICANT:</b>	M. Halmos

#### **Public Submissions**

##### **1 Written Submission**

<b>Submitter</b>	<b>Applicant/Representative</b>
Natasha Miller - Resident	Philip North - Planner
Henrik Berglind - Resident	Marianne Halmos - Architect (observing only)
Kerry Barling - Resident	Sarah Pohlen - Owner (observing only)

#### **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.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the following amended condition.

#### **Privacy Measures and Design Changes**

C14. The following privacy devices are to be provided:

- a) Obscure glazing should be used and maintained for the stairwell to reduce the extent of clear glazing on this elevation.

- b) Obscure glazing should be used and maintained for the north-facing windows of the first floor.
- c) Change the windows in the main bedroom east facing elevation to a highlight window with a minimum sill height of 1.6m above finished floor level.
- d) Modify the first floor bedroom balcony to have a depth of 600mm and balustrade with a solid form that is designed to reasonably maintain amenity for adjoining properties.
- e) To delete window W09 and replace with a window on the western elevation of the first floor bathroom with obscure glazing.

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 ensure an adequate level of amenity and privacy is provided to adjoining properties)

Panel Reason:

The Panel considers that given the location of the two-storey element of the rear dwelling that is relatively close to adjoining boundaries, it is important that the heritage character and the amenity of the adjoining properties are not impacted by the two-storey addition in this location. The Panel recognises that the development is not visible from the public domain but will be visible within the conservation area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Grant Christmas	Y				
Linda McClure	Y				

**ITEM 2**

<b>DA No:</b>	292/21
<b>ADDRESS:</b>	54 Benelong Road, Cremorne
<b>PROPOSAL:</b>	Demolition of existing rear balconies to an existing residential flat building and construction of new rear balconies with privacy screens and balustrades, and a new common paved area at ground level.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Assessment Officer
<b>APPLICANT:</b>	Graham Hung, Delisle Hunt Wood Pty Ltd



Submitters	Applicant/Representative
	Graham Hunt - 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.

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

The Panel has considered the late written submission in determining the matter. The Panel notes the concern from the ground floor apartments, however, ,, the provision of privacy screens on the lower communal area are not warranted given the separation of buildings, other ancillary out buildings and the existing vegetation.

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 for each proposed lot, 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. 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 following additional condition is imposed to maintain the privacy of adjoining properties.

#### **C18. Privacy Measures**

The following change must be made to the plans to protect privacy for the adjoining properties.

- (a) The glazed balustrade on the northern elevation of the rear balconies must be fixed with frosted glazing or equivalent for the life of the development. Opaque films applied to transparent glass that may be easily removed are not permitted;

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 protect the privacy for adjoining properties)

#### Panel Reason:

The Panel is satisfied the application will not have any material adverse impacts on surrounding properties and will provide improved amenity for the residents of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Grant Christmas	Y				
Linda McClure	Y				

### **ITEM 3**

<b>DA No:</b>	473/15/2
<b>ADDRESS:</b>	51 Alexander Street, Crows Nest
<b>PROPOSAL:</b>	Section 4.55(2) Modification to DA 473/15 to modify mixed use development to provide for alterations to lift overrun, rooftop communal space, alteration to ground floor commercial, reduction to total residential apartments, deletion of lowest basement level and changes to materials and finishes.
<b>REPORT BY NAME:</b>	Kim Rothe, Senior Assessment Officer
<b>APPLICANT:</b>	Mr Dimitrios Gongoldis

### **Public Submissions**

### **No Written Submission**

Submitter	Applicant/Representative
	Dimitrios Gongolidis - Applicant
	Lucy Langley - Planning Consultant
	Grand Cheng - Architect
	Jessica Tang - Architect (observing only)
	Kim Tian - Project Manager (observing only)
	William Harris - Student Planner (observing only)

### **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.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel as a modification to a consent, not a granting of a consent.

The written submission has been considered by the Panel in its determination.

Panel Reason:

The Panel is satisfied that the additional lift overrun of 0.65m is centrally located and will not create any material additional overshadowing for the properties to the east. Council's minimum of 3 hours sunlight to the private open space of adjoining properties is more than achieved. The Panel considers that the modification should be approved in the circumstances.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Grant Christmas	Y				
Linda McClure	Y				

**ITEM 4**

Jan Murrell declared an interest in this item and therefore did not take part in the deliberation. Grant Christmas assumed the chair.

<b>DA No:</b>	RD7/21 – Section 8.2 Review of determination (DA18/21)
<b>ADDRESS:</b>	1 Bank Lane, North Sydney
<b>PROPOSAL:</b>	Review of determination of application for the demolition of the existing contributory item and the construction of a new two storey dwelling carport and associated landscaping works.
<b>REPORT BY NAME:</b>	Annelize Kaalsen of AK Planning
<b>APPLICANT:</b>	Philip Mehrgardt

**Submissions**

Submitter	Applicant/Representative
	Peter Lonergan - Architect

**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 to the review request including the late written submission made by the applicant.

The Assessment Report and Recommendation is endorsed by the Panel to the extent that the Panel affirms the previous decision to refuse consent.

Panel Reason:

The Panel carefully considered the amended design of the development that formed part of the review request. The Panel considered that the primary unsatisfactory element of the amended design was that it presented as a two-storey dwelling rather than as a room in the roof of a single storey dwelling. The Panel is therefore not satisfied that demolition of the existing dwelling is appropriate in the circumstances.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Grant Christmas	Y		Ken Robinson	Y	
Linda McClure	Y				

**ITEM 5**

<b>DA No:</b>	237/20/2
<b>ADDRESS:</b>	30-34 Grosvenor Street, Neutral Bay
<b>PROPOSAL:</b>	To modify an approved four (4) storey residential flat building including changes to floor levels, internal layout changes within the basement levels, an additional basement level and an addition to the lift overrun.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Paige Matthews

**Public Submissions****No Written Submission**

Submitter	Applicant/Representative
	Paige Matthews - 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.

The Council Officer's Report, Recommendations and Conditions are supported by the Panel.

Panel Reason:

The Panel considers that the modifications, including an additional lift overrun and reduction in the basement side setbacks will not have any material impact on the adjoining properties. Furthermore, the Panel is satisfied that appropriate landscaping can be provided in the 263mm reduced setback to Grosvenor Street.

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>		Ken Robinson	<b>Y</b>	
Grant Christmas	<b>Y</b>				
Linda McClure	<b>Y</b>				

The public meeting concluded at 3.25pm.

The Panel Determination session commenced at 3.30pm.

The Panel Determination session concluded at 5.10pm.

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