



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

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

Public Submissions

1 Written Submission

Submitter	Applicant/Representative
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

DA No:	292/21
ADDRESS:	54 Benelong Road, Cremorne
PROPOSAL:	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.
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	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

DA No:	473/15/2
ADDRESS:	51 Alexander Street, Crows Nest
PROPOSAL:	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.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
APPLICANT:	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.

DA No:	RD7/21 – Section 8.2 Review of determination (DA18/21)
ADDRESS:	1 Bank Lane, North Sydney
PROPOSAL:	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.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	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

DA No:	237/20/2
ADDRESS:	30-34 Grosvenor Street, Neutral Bay
PROPOSAL:	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.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	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:

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

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