



NORTH SYDNEY COUNCIL

Council Chambers
27 January 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 February 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

BUSINESS

- 1. Minutes**
Confirmation of Minutes of the previous Meeting held on Wednesday 1 December 2021.
(Circulated)
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2. LPP01: 30 Myrtle Street, North Sydney - DA 279/21

Applicant: M. Halmos

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 an existing semi-detached dwelling including first floor addition at land identified as 30 Myrtle Street, North Sydney.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, given over the course of the notifications of the development, more than 10 submissions were received.

Council's notification of the original plans has attracted a total of **twelve (12) submissions** from 10 individual addresses, raising concerns regarding excessive bulk and scale of the development, uncharacteristic built form, variations to setback controls, response to immediate streetscape and heritage conservation area, privacy and overshadowing impacts.

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 the site circumstances.

The proposed alterations and additions will result in a built form that is considered to be appropriate to the context of the site and sympathetic to and in keeping with the established character of the immediate locality and the *Holtermann Estate C – Conservation Area (CA09)*.

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 recommended for **approval** for the proposal given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts from the development of the adjoining properties

Recommending:

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

THAT the North Sydney Local Planning Panel, 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. 279/21 for alterations and additions to an existing semi-detached dwelling including first floor addition at land known as 30 Myrtle Street, North Sydney, subject to the following site specific condition and the attached standard conditions:

Floor to Ceiling Height – First Floor Ensuite (Bathroom) and Walk-in-Robe

C15. The roof over the first floor ensuite (bathroom) and walk-in-must be reduced by 600mm, at the same pitch, with no eaves overhang. The floor to ceiling height of these spaces must also be reduced by 600mm to reflect the amended roof height.

(Reason: To reduce the visual prominence of the first floor addition – northern elevation)

3. LPP02: 54 Benelong Road, Cremorne (S) -DA 292/21

Applicant: Graham Hunt, Delisle Hunt Wood Pty Ltd
Report of Andrew Beveridge, Assessment Officer

This development application seeks NSLPP approval for alterations and additions of the existing 2-3 storey residential flat building at 54 Benelong Road, Cremorne, including a large new rear balcony and deck structure.

This application is reported to North Sydney Local Planning Panel for determination because the proposed works breach the building height limit by greater than 10% and requires determination by the panel.

As the proposal involves works to the existing residential dwelling that are in exceedance of the maximum permitted height limit by 1.44m (16.9%), the applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013. The applicant's submission has been considered with reference to the Land and Environment Court's decision in *Wehbe v Pittwater Council [2007] NSWLEC 827* in order to justify the proposed variation. The applicant's Clause 4.6 is considered to be satisfactory given the site circumstances and on the basis that it will not have a significant impact upon the views or general amenity of adjoining properties.

Notification of the proposal has attracted no submissions and the assessment has considered the performance of the application against Council's planning requirements. The view impacts resulting from the northern extension have been assessed with regard to the Tenacity planning principle, where the impacts are considered to be minor and acceptable within the site circumstances.

The impacts of the overall development upon adjoining bushland areas to the north within the Brightmore Reserve, have also been assessed and, subject to satisfying recommended conditions, was found to be generally acceptable on the basis that the works will maintain a sympathetic scale in relation to the existing building and will not result in any adverse impacts upon bushland areas.

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality or adjoining properties, and the streetscape character will be maintained. The proposal will also not result in any unreasonable impacts on the amenity of adjoining properties such as impacts to views, overshadowing or loss of privacy.

Having regard for the potential impacts upon the amenity of adjoining properties and nearby bushland, subject to conditions, the development application is considered to be satisfactory and 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 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and **grant consent** to Development Application No. 292/21 for the demolition of the existing rear balconies to a residential flat building and construction of new rear balconies with privacy screens and balustrades, and a new common paved area at ground level, on land at 54 Benelong Road, Cremorne, subject to the attached site specific and standard conditions.

4. LPP03: 51 Alexander Street, Crows Nest (W) - DA473/15/2

Applicant: Mr Dimitrios Gongoldis

Report of Kim Rothe, Senior Assessment Officer

This subject 4.55(2) application seeks to modify consent DA473/15 with regard to the demolition of the existing building and construction of a 3 storey mixed use development comprising ground floor retail, 7 apartments and basement parking at 51 Alexander Street, Crows Nest.

The original application was approved by the North Sydney Independent Planning Panel at its meeting of 6 July 2016.

The application seeks approval for the following modifications to the approved development:

1. New fire isolated staircase and lift overrun structure and use of the roof top as communal terrace space comprising on-structure planting, recreation space, and platform landing space.
2. Redesign of the ground floor commercial tenancy, interior layout of residential apartments and circulation space.
3. Reduction of total residential apartments.
4. Reduction in commercial floorspace.
5. Deletion of Lower Basement Level.
6. Increase in bicycle parking spaces.
7. Proposed external materials and finishes.

The application is reported to the NSLPP Panel on the basis that the modification proposal will increase the previously approved building height breach pursuant to Clause 4.3 *Building Height* control of NSLEP 2013 and introduces a new non-compliance relating to Clause 4.4A Non-residential floor space ratios of NSLEP 2013.

Council's notifications of the proposal as modified attracted a total of **one (1) submission** raising concerns regarding development creep, solar access, overshadowing and privacy. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements

The further variation to the building height development standard and new variation to the minimum non-residential floor space ratio is justifiable in the circumstances as the amended proposal would achieve the objectives of the development standard despite the non-compliance. The modified amenity impacts, revised unit layouts, privacy and solar access, are assessed as reasonable and acceptable.

Following this assessment, the Section 4.55 application is considered to be reasonable in the circumstances and is recommended for **approval** subject to amending conditions as detailed in the recommendation of this report.

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, resolve to grant consent to Development Application No. 473/15/2 to modify DA473/15 for demolition of existing building and construction of a three storey mixed use building comprising commercial; 6 apartments and basement parking for 5 cars at 51 Alexander Street, Crows Nest to modification to the following conditions:-

1. To insert Conditions A4, as follows:-

Development in Accordance with Plans (S.4.55 Modifications)

A1. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on:

Plan No.	Issue	Title	Dated	Drawn by	Received
DA100	A	Basement + Lower Ground	28/06/2021	GCCV PTY LTD	29/06/2021
DA101	A	Ground Level	28/06/2021	GCCV PTY LTD	29/06/2021
DA102	A	Residential Level 1	28/06/2021	GCCV PTY LTD	29/06/2021
DA103	B	Residential Level 2	10/11/2021	GCCV PTY LTD	22/11/2021
DA104	C	Roof Plan	12/11/2021	GCCV PTY LTD	22/11/2021
DA105	B	Top of building Plan (Lift Overrun)	10/11/2021	GCCV PTY LTD	22/11/2021
DA200	B	Elevations – Material Selection	12/11/2021	GCCV PTY LTD	22/11/2021
DA201	B	Elevations – Material Selection	12/11/2021	GCCV PTY LTD	22/11/2021
DA202	B	Elevation – east and west	12/11/2021	GCCV PTY LTD	22/11/2021
DA203	B	Elevation – north	12/11/2021	GCCV PTY LTD	22/11/2021
DA204	B	Elevation – south	12/11/2021	GCCV PTY LTD	22/11/2021
DA300	C	Section - AA	12/11/2021	GCCV PTY LTD	22/11/2021
DA301	B	Section – BB & CC	12/11/2021	GCCV PTY LTD	22/11/2021
15-3121 LO1	D	Landscape Plan	17/11/2021	Zenith Landscape Design	22/11/2021

except as amended by the following conditions and this consent.

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

2. To modify Conditions C37, C40 as follows:-

Section 7.11 Development Contributions

C37. A monetary contribution pursuant to the provisions of Section

7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council's Contribution Plan for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

S7.11 Contributions

Open space and recreation facilities	\$54,088.73
Public domain	\$17,931.84
Active transport	\$1,023.65
Community facilities	\$10,863.93
Plan administration and management	\$1,250.83
TOTAL	\$85,158.99

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of payment

The contribution must be paid to Council prior to issue of any Construction Certificate.

Deferred payments will not be accepted.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

BASIX Certificate

C40. 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. **(680696M_02)** 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)

5. LPP04: 1 Bank Lane, North Sydney - RD7/21 - Section 8.2 Review of Determination (DA18/21)

Applicant: Philip Mehrgardt

Report of Annelize Kaalsen of AK Planning

On 2 June 2021, the North Sydney Local Planning Panel (NSLPP) refused DA18/21 for the demolition of the existing contributory dwelling and the construction of a new two storey dwelling, single garage associated landscaping and ancillary works on land at No. 1 Bank Lane, North Sydney

This application seeks a review of determination under Section 8.2 of the Environmental Planning and Assessment Act 1979 (EPA Act) of the application as refused on 2 June 2021.

In accordance with the provisions of Section 8.3(5) of the Environmental Planning & Assessment Act, 1979 (EP&A Act) the review of a determination made by a local planning panel is also to be conducted by the Panel and the review referred to the Panel for determination.

Council's notification of the application attracted four (4) unique submissions, including one in support; raising concerns about privacy impacts, loss of view / outlook; replacement building diminishes heritage value; bulk and scale; not in keeping with the established character of Union Bank Thomas Street HCA. These issues have been discussed in the body of this report.

In accordance with Section 8.3(3) of the EP&A Act, the application includes amended architectural and landscape plans which proposes a number of amendments as compared to the refused DA. The amendments include aligning the new dwelling with Bank Lane consistent with the existing contributory item; removing the excavated garage accessed off Ancrum Street in lieu of a single carport accessed off Bank Lane; the roof eaves and main gable has been lowered by 300mm; the dormer windows fronting Bank Lane were reduced from 3m to 2.3m in height; the skylight fronting Bank Lane was relocated within the eastern roof plane; the extent of excavation was also substantially reduced. The amended proposal is considered to be substantially the same development for the purposes of Section 8.3(3) of the EP&A Act.

The application complies with the building height limit; site coverage and landscaped area provisions. It does however not comply with the side setbacks to both the northern and eastern boundaries.

An independent heritage assessment by Kemp and Johnson Heritage Consultants does not support the demolition of the existing original cottage noting that the cottage is a Contributory Item within CA15 Heritage Conservation Area, and part of a distinctive grouping of single storey late 19th century weatherboard cottages, the demolition would adversely impact on the significance of the heritage conservation area.

Moreover, the proposed replacement dwelling results in a two storey built form with the proposed additions not wholly contained within the roof space allowing for clearly identifiable wall planes creating massing which is considered out of scale with the predominantly single storey weatherboard cottages within the immediate area. As such the proposed dwelling is inconsistent with the predominant built form character of the immediate streetscape as well as the Bank Union Thomas Street Heritage Conservation Area.

As such, following this assessment, and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **refusal** for the reasons as set out in this report.

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, resolve to **refuse** consent to Review Application No. 7/21 for the demolition of the existing contributory item and the construction of a new two storey dwelling; carport and associated landscaping works on land at 1 Bank Lane, North Sydney, for the following reasons:-

1. The application results in adverse impacts on the significance of the Union Bank and Thomas Street heritage conservation area due to its failure to satisfy the heritage requirements of Clause 1.2 and Clause 5.10 of the North Sydney Local Environmental Plan 2013 as well as the heritage requirements of Section 13 the North Sydney Development Control Plan 2013.

Particulars:

North Sydney LEP 2013

- a) Clause 1.2(2) Aims in Part 1 of NSLEP 2013, specifically aim (b)(i) failing to allow for a bulk and scale which is compatible with the existing and desired future character of the area and (f) to protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance;
- b) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (a) to conserve the environmental heritage of North Sydney;
- c) Clause 5.10(1) in Part 5 of the NSLEP 2013, specifically objective (b) to conserve the heritage significance of the heritage conservation areas, including associated fabric, settings and views;
- d) Clause 5.10(4) in Part 5 of the NSLEP 2013, specifically the adverse effect of the proposed development on the significance of the Union Bank and Thomas Street Heritage Conservation area;

North Sydney DCP 2013

- e) The proposed development is not consistent with the objectives or the provisions of Section 13 Heritage and Conservation of the NSDCP 2013, particularly:-
 - i. Section 13.4 Development within the vicinity of Heritage item, as the proposal will diminish the heritage significance of the group of heritage items in the vicinity of the subject property and the significance of the Union Bank and Thomas Street Conservation Area;
 - ii. Section 13.6.2 Form massing and scale, as the proposal does not compliment the character and significance of the heritage conservation area and in particular the immediate grouping of single storey weatherboard cottages. The two storey scale is unsympathetic to the character and significance of the area inconsistent with O1; O2; P1; P2 and P9;

- iii. Section 13.6.4 Additional storeys and levels, as the proposed two storey built form does not respect the single storey scale of the streetscape inconsistent with O1;
- iv. Section 13.6.6 Infill Development within Conservation areas, as the proposal fails to respond to the setting and character of significant buildings within the immediate vicinity and the HCA inconsistent with O1 and P1;
- v. Section 13.8 Demolition, as the application fails to retain buildings which contribute to the significance of the character of the HCA failing to satisfy O1; P3 and P4. In particular:-
 - The existing cottage contributes to the character of the heritage conservation area and its retention is warranted.
 - There is no evidence that alternatives to demolition of the cottage have been considered by the applicants.
 - The proposed replacement dwelling is not compatible with the characteristics of the immediate vicinity within the heritage conservation area, which is a distinctive area of single storey weatherboard cottages.
- vi. The proposed wall dormers are not traditional or complimentary to the heritage conservation area and will adversely impact on the significance of the heritage conservation area failing to satisfy O1; P1; P3; P4 and P8; Section 13.9.2 Dormer windows.
- vii. The proposed development is not consistent with the objectives or the provisions of Part C Lavender Bay Planning Area, Section 9.10 Union, Bank, Thomas Street Conservation Area particularly Section 9.10.6 Characteristic Building element Controls P2 and Section 9.10.7 Uncharacteristic Elements Control P1.

2. **Uncharacteristic form of development**

The proposed two storey replacement dwelling fails to allow for a complementary and respectful building form and scale. It is considered to overwhelm the surrounding context and is not considered characteristics or in keeping with the established character of the Union Bank and Thomas Street Heritage Conservation Area. The proposed development is contrary to the following provisions:

Particulars:

The proposed development is contrary to the following:-

- a) Aims of NSLEP 2013, specifically (2)(b)(i) and 2(f);
- b) Objectives of the R2 Low Density Residential zone, specifically dot point 3;
- c) Objectives a and b of Clause 5.10(1) and Clause 5.10(4) Heritage Conservation of NSLEP 2013
- d) Objective O1 and Provisions P1 in Part B, Section 1.4.1 Context in NSDCP 2013;
- e) Objective O1 and Provision P2 and P9 in Part B Section 1.4.4 Laneway of NSDCP 2013;
- f) Objective O2, and Objective O3 and Provision P2 in Part B, Section 1.4.6 Setbacks in NSDCP 2013.

- g) Objective O1 in Part B, Section 1.4.7 Form, massing & scale in NSDCP 2013;
- h) Objective O1 and Provision P1 in Part B, Section 1.4.8 Built form character in NSDCP 2013; and
- i) Objective O1 and Provisions P1; P2(b) and P3 in Part B Section 1.4.11 Dormers of NSDCP 2013.

3. Not considered to be in the public interest or suitable for the subject site.

The proposed development is not considered suitable for the subject site nor in the public interest.

Particulars:

- a) The proposed development would set an undesirable precedent for the Union Bank and Thomas Street Heritage Conservation area and is considered to be unsuitable for the subject site contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) the application raising particular concerns about privacy impacts, loss of view / outlook; replacement building diminishes heritage value; bulk and scale; not in keeping with the established character of Union Bank Thomas Street HCA. The proposal is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

6. LPP05: 30-34 Grosvenor Street, Neutral Bay - DA 237/20/2

Applicant: Paige Matthews

Report of Robin Tse, Senior Assessment Officer

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent (D237/20) for redevelopment of the subject properties to provide a new four (4) storey residential flat building including changes to the design of the basement with a new level, revised floor levels and an increase in the height of the lift overrun. The application is reported to NSLPP for determination because the proposed modifications involve changes to the setbacks of the basement from the southern (street) and northern property boundaries as specified in the deferred commencement conditions imposed by the Panel.

Council's notification of the proposal has attracted no submissions.

The application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The proposed modifications would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, and the visual mass of the development as approved in the original DA.

The proposed modifications to setbacks of the basement walls would not change the setbacks and built forms of the above ground building elements and no adverse impacts on the landscaping treatments as indicated on the

approved landscape plan as well as the landscape settings of the approved development.

The proposed modifications to the height of lift overrun above the LEP maximum building height limit would have no material impacts on the form of the approved apartment building and the overall character of the locality.

The proposed modifications would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy. Appropriate conditions have been recommended to address the additional excavation works and the use of communal and other facilities within the development.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be **approved** with modifications to existing conditions of consent and the inclusion of new conditions.

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 **D273/20** dated 3 March 2021 in respect of a proposal to the redevelopment of the site for a four storey apartment building development with basement parking at Nos 30 -34 Grosvenor Street, Neutral Bay under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

1. *To modify the conditions of (D237/20) in particular conditions A1, C1, G22 and I1 to read as follows:*

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings:

Drawing No.	Date	Drawn by	Received
A0011 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0098 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0099 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0100 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0101 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0102 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0103 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0104 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0200 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0201 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0300 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/2:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098 Rev D	Basement 01 Floor Plan	Team 2 Architects	3 September 2021
A0099 Rev D	Lower Ground Floor Plan	Team 2 Architects	3 September 2021
A0100 Rev D	Ground Floor Plan	Team 2 Architects	3 September 2021
A0101 Rev D	Level 01 Floor Plan	Team 2 Architects	3 September 2021
A0102 Rev D	Level 02 Floor Plan	Team 2 Architects	3 September 2021

A0103 Rev D	Level 03 Floor Plan	Team 2 Architects	3 September 2021
A0104 Rev D	Level 04 Ground floor Plan	Team 2 Architects	3 September 2021
A0105 Rev D	Roof Plan	Team 2 Architects	3 September 2021
A0200 Rev D	Elevations 01	Team 2 Architects	3 September 2021
A0201 Rev D	Elevations 02	Team 2 Architects	3 September 2021
A0300 Rev D	Section 01	Team 2 Architects	3 September 2021

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

Geotechnical Report

- C1. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report must be prepared, with reference to the Geotechnical desktop report study, dated August 2020 and the Addendum to this report dated 1 September 2021, both prepared by Douglas Partners, which addresses at a minimum (but is not limited to) the following:-
- a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
 - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
 - c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
 - d) The existing groundwater levels in relation to the basement structure, where influenced;
 - e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilized in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilized; and

- f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/ hydro geological engineer or suitable qualified expert with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/ hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- d) vibration is to be minimized or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- f) An adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The report, satisfying the requirements of this condition, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

Covenant and Restriction (Use of Communal Areas)

G22. An Instrument pursuant to Sections 88B and 88E of the *Conveyancing Act 1919* and one copy must be submitted to Council in registrable form, providing for:

- 1) a restriction as to user and positive covenant in favour of North Sydney Council burdening Nos. 30-34 Grosvenor Street, Neutral Bay restricting the use of the communal areas for residents and guest to be maintained as such and shall only be varied with approval of Council; and
- 2) North Sydney Council being nominated in the Instrument as the only party authorised to release, vary or modify the Instrument.

Upon Council being satisfied as to the terms of the Instrument, North Sydney Council's official seal will be affixed to these documents, prior to submission to the Land & Property Information Office for registration

The Instrument creating the restriction and/or covenant under ss 88B and 88E required by this condition of consent must be registered on the Title of the development site prior to the issue of an Occupation Certificate or commencement of use of the site, whichever is the earlier. Evidence of the registration of the instrument referred to in this condition is to be provided to Council prior to the issue of an Occupation Certificate.

All costs associated with the preparation, approval and registration of the Instrument required by this condition of consent must be borne by the person acting on this consent including the reasonable costs of Council in obtaining advice, negotiating the terms or otherwise facilitating the execution and registration of the required Instrument.

(Reason: Compliance and to maintain communal use of the communal area)

Communal Areas

11. The roof terrace communal area on Level 03, the communal facilities on Level 03 and the community room on basement level 02 must be used for communal purposes only by the residents and their guests of the approved development.

The operating hours of the outdoor communal facilities within the proposed development shall be as follows:

Sunday to Thursday: 7.00am to 10.00pm

Friday to Saturday: 7.00am to 11.00pm

A sign showing the above operating hours must be installed at a highly visible location within the affected communal area. The above operating hours must be incorporated in the by-law of any strata plan for the approved development.

(Reason: To restrict the use of the facilities and amenity protection)

2. To insert new conditions A3 and I9 to read as follows:

Terms of Consent (D398/19/2)

A7. Approval is granted for the following modifications only:

- (a) The addition of a new basement level 02 at RL69.65 matching the footprint of the basement level 01 above to provide five (5) parking spaces, storage areas, a plant room, a bulk waste room and a community room;
- (b) Modifications to property boundary setbacks for the basement level 01 to provide a setback of 3.237m to the northern property boundary and 2.137m to the southern (Grosvenor Street) boundary;
- (c) Modifications to the internal layout of parking areas on basement level 01 and the lower ground level to provide ten (10) parking spaces (including two (2) accessible parking spaces and two (2) visitors spaces), two (2) motorcycle parking spaces, bicycle parking, a plant room, a sprinkler & hydrant pump room and a car lift connecting all parking levels. The installation of roller shutters in front certain parking spaces and storage areas on basement Levels 01 and 02;
- (d) Modifications to the building facades including the widening of some external walls and the addition of solid upstands to planters along the perimeter of the building;
- (e) An increase in the height of the lift overrun from RL92.55 to RL92.85;
- (f) Modifications to the floor levels:

Level	Approved	Proposed
Basement 02	N/A	RL69.65
Basement 01	RL73.10	RL72.50
Lower Ground	RL75.90	RL75.65
Ground	RL79.00	RL78.85
Level 01	RL82.10	RL82.00
Level 02	RL85.20	RL85.15
Level 03	RL88.30	RL88.30
Roof	RL91.40	RL91.40

- (g) Increase in the GFA of the development from 1,223sqm to 1,340sqm resulting from the addition of a basement level and adjustments to unit size as follows:

Level/ Nos. of Units & Type	Approved	Proposed
Lower Ground: 1 x 2B + Study	102sqm	110sqm
Ground: 1 x 1B 2 x 3B	66sqm 132sqm & 140sqm	66sqm 131sqm & 140sqm

Level 01: 2 x 3B	120sqm & 158sqm	119sqm & 158sqm
Level 02: 2 x 3B	148sqm & 158sqm	146sqm & 158sqm
Level 03	158sqm	159sqm

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

Use of Underground Facilities

19. The underground parking and storage facilities on the 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 and their guests of the approved development.

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 parking and storage facilities must be incorporated in the by-law of any strata plan for the approved development.

(Reason: To ensure compliance)



NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 1 DECEMBER 2021, AT 2.00PM.

PRESENT

Chair:

Gary Shiels in the Chair.

Panel Members:

Jan Murrell, Panel Member

Tony Caro, Panel Member

Jane van Hagen, Community Representative

Staff:

Administrative Support

Robyn Pearson, Acting Manager Development Services

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, 3 November 2021 were confirmed following that meeting.

2. Declarations of Interest

Jane van Hagen declared a perceived conflict of interest for Item No. 1.

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

Jane van Hagen declared an interest in this item and therefore did not take part in the deliberation.

DA No:	95/2021
ADDRESS:	313 Pacific Highway, North Sydney
PROPOSAL:	Demolition of existing structures and construction of four (4) storey development with ground level retail, boarding house with 31 rooms on levels 1, 2 and 3, and basement level to provide bicycle parking and services
REPORT BY NAME:	Lara Huckstepp, Executive Planner
APPLICANT:	Elton Consulting

Submitter	Applicant/Representative
Naomi Lloyd - Resident	Ian Armstrong - Architect
Justine Butler - Resident	Ben Salon - Legal Counsel
Michael John Butcher - observing only	Linda Rodriguez - Applicant
	Rob Thomas - Applicant

Panel Determination

The Panel members have undertaken independent site inspections 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 Motorcycle Parking Requirements in clause 30(1)(h) of the ARHSEPP, the Non-Residential Floor Space pursuant to Clause 4.4A NSLEP 2013 and the Height of Building Development Standard in Clause 4.3 in NSLEP 2013 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. 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 Officer's Report, Recommendation, Addendum and Conditions are noted by the Panel and supported with the following additional conditions: -

Height of Parapet

- C42. The parapet height of the proposed building is not to exceed the base height of the pediment element, being the triangular detail atop of the adjacent heritage item at 317 Pacific Highway [item no. I 0961 - Former Masonic Temple Building]

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 be sympathetic to the character of the adjacent heritage item)

Natural light to the circulation corridors

- C43. The windows on the north-western (side) elevation facing the side wall of No.317 Pacific Highway must be constructed to ensure adequate natural light is available to the circulation corridors on the typical floor of the subject building.

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 maintain the residential amenity)

Panel Reason: The Panel agreed that the proposed building and its use as a boarding house was appropriate in the site context because its architectural style, height and the bulk and scale were compatible with the adjoining heritage item. The impacts of the building are acceptable because there would be minimal privacy impacts with the proposed privacy louvres, privacy screens and the separation provided by the laneway.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y				
Jan Murrell	Y				
Tony Caro	Y				

ITEM 2

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

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

Submitters	Applicant/Representative
Ken Hu - Resident	Ashleigh Coombes - Town Planner
Daniel Bryant - Resident	Steven Isaacs - Architect
Ann Hull - Resident	
Brendan Hull - Resident	
Craig Bryant - Objector	
Deborah Telford - observing only	

Public submissions

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

Panel Determination

The Council Officer's Report, Recommendation and Conditions are noted by the Panel. The Panel considered that the compliance with the maximum height standard was not clearly expressed and raised concerns in relation to view impacts arising from the dwelling, particularly arising from the north-eastern corner of the additions.

The Panel resolved to defer the application for additional information to address the following:

1. Revised building height compliance diagrams, building elevations and sections based on an accurately determined existing ground line. The Panel noted the sub-floor level of the existing dwelling may result in a non-compliance with the 8.5m maximum height standard which has not been adequately addressed and is not supported by an updated Clause 4.6 written request for variation.
2. Amended plans to incorporate the amendments recommended by the consultant planner in Condition C1 of the report. Those amendments being:

- a. *The fixed metal blade structures located on the northern and eastern elevations of the proposed first floor terrace is to be deleted.*
 - b. *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.*
 - c. *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.*
3. Further consideration should be given to the possibility of increased views that will be available if the building was setback in accordance with the DCP at the corner of King George Street and Bay View Street
 4. Examine the opportunity to reduce the size of the basement.
 5. A revised view impact analysis is required which accurately projects a compliant building height line and accurately depicts the impacts from the surrounding neighbouring properties.

Panel Reason: The matter was deferred 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.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Jane van Hagen	Y	
Tony Caro	Y				

ITEM 3

DA No:	209/21
ADDRESS:	80 Cairo Street, Cammeray
PROPOSAL:	Substantial alterations and additions to an existing dual occupancy including a new car space in the existing garage, and a roof extension.
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	Belinda Walter

Public Submissions

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

Submitter	Applicant/Representative
	Belinda Walter - Applicant
	James Phillips - Heritage Consultant
	Annelize Kaalsen - Planning Consultant
	Brigit Salter - Owner

Panel Determination

The Council Officer's Report, Recommendation and Conditions are generally supported by the Panel

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 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 and grant **deferred commencement consent** to Development Application No. 209/21 for substantial alterations and additions to an existing dual occupancy including a new car space in the existing garage, and a roof extension, on land at 80 Cairo Street, Cammeray, subject to the following attached conditions:-

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition has been satisfied.

AA1 Amended Plans (Heritage)

The following items are not approved by this consent and are to be deleted from the plans:

- a) *The submitted Materials Schedule ('A-005') by Atlas Urban dated 5 October 2021, titled Drawing DA_3 and received at Council on 21 October 2021, to be replaced with more appropriate materials that are compatible with the character of the conservation area such as Marseilles unglazed terracotta roof tiles, timber picket style balustrades, face brick to be unpainted.*
- b) *The proposed new dormer to the north-western roof plane.*
- c) *The proposed deck extensions to the Lower Ground and Ground Levels.*
- d) *Alterations to the existing balustrade materials on the northern dormer from timber to steel palisade.*
- e) *The submitted exterior colour scheme ('Painting Specifications'), dated 6 June 2021, and prepared by Design Research Associates, comprising 'Resene Nocturnal', 'Half Nocturnal' and 'Black White', are not recommended given their likely detrimental impact upon the significance of the conservation area.*
- f) *Windows W8 and W10 on the western elevation should be deleted and the awning dimensions to be reduced to the width of W9 only.*

The following heritage requirements are to be met, and the lodged plans herein listed in the Schedule of Condition A1 must be amended to show the following:

- a) New roof tiles are to match the existing roof tiles.
- b) Face brickwork on the original dwelling is not to be painted.
- c) Replacement balustrades, staircase and handrails are to be constructed in timber and are to be painted to match the building's exterior colour scheme.
- d) New retaining walls are to match the existing materials.
- e) New windows and doors on the North Elevation are to be timber framed. All other new windows are to have aluminium or steel framing sections of a width 45mm or wider, or are to be timber framed.
- f) New front door to be a timber high-waisted Federation style door with two or three vertical moulded panels at the base and glazed upper panel.

The applicant must submit architectural plans and documentation complying with the requirements of this consent for the written approval of Team Leader Assessments.

(Reason: To retain the heritage significance of the Federation style building in the conservation area; and to ensure the use of materials, finishes, and colours that are consistent with the character of the Conservation Area and the original dwelling)

The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the dated of the grant of this consent this consent will lapse in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

Panel Reason: The Panel was of the view that the proposed balcony extensions and the proposed north-western dormer would have a detrimental impact on the character of the existing building and its contribution to the historical character of the Conservation Area generally.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Jane van Hagen	Y	
Jan Murrell	Y				
Tony Caro	Y				

ITEM 4

DA No:	299/21
ADDRESS:	34 & 36 Cammeray Road, Cammeray
PROPOSAL:	Subdivision of Lot 19 in DP 15073 into two lots and alterations to an existing dual occupancy (attached) to create a pair of semi-detached dwellings.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Max Chipchase

Public Submissions

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

Submitter	Applicant/Representative
	Max Chipchase - Applicant

Panel Determination

The Council Officer's Report, Recommendations and Conditions are supported 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 Minimum Lot Size 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 demonstrate 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 Panel raised concerns about the retention of the trees and the natural features within the rear setback and imposed the following condition:-

Retention of remnant trees

- Any development on either lot for the portion of land located above the rocky outcrop at the rear of the site (as identified on the site survey) is to be restricted to environmental protection works, drainage and fencing only.

(Reason: To maintain the verdant character of the site)

Panel Reason: The size, dimensions and orientation of the proposed lots are consistent with the existing development on the site and the prevailing character of this section of Cammeray Road that includes a mix of detached and semi-detached dwellings that are generally located on similar small lots.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Jane van Hagen	Y	
Jan Murrell	Y				
Tony Caro	Y				

ITEM 5

DA No:	206/21
ADDRESS:	8 Baden Road, Kurraba Point
PROPOSAL:	Alterations and additions to a heritage listed dual occupancy including an attic addition and partial enclosure of ground floor verandah.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Anne Colville

Public Submissions

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

Submitter	Applicant/Representative
	Tony Moody - Planning Consultant
	Colin Brady - Heritage Consultant
	Anne Colville - Applicant

Panel Determination

The Council Officer's Report, Recommendation and Conditions are noted by the Panel.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is not satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request fails to demonstrate that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the development will not be in the public interest because it is not consistent with the objectives of the standard and the zone objectives because the proposal would have a detrimental impact upon the significance of the Heritage Item and the built form of the adjoining heritage item.

Panel Reason: The proposed attic addition would have a detrimental impact upon the significance of the Heritage Item. The bulk and scale of the proposed attic together with the dormer window at No. 8 Baden would significantly alter the character of the Heritage Item.

By way of comment, the Panel is of the mind that there may be an opportunity to provide for a more sympathetic addition and in this regard the applicant is encouraged to discuss with the relevant heritage officer of council.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Jane van Hagen	Y	
Jan Murrell	Y				
Tony Caro	Y				

ITEM 6

DA No:	229/21
ADDRESS:	4-6 MacPherson Street, Cremorne
PROPOSAL:	Demolition of existing semi-detached dwellings and the construction of a four (4) storey residential flat building containing eleven (11) apartments and basement parking for eleven (11) cars.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Corben Architects

No Written Submission

Submitter	Applicant/Representative
	Phillip Corben - Applicant
	Nicole Witney - Architect
	Brett Brown - Town Planner
	Steve Perks - observing only
	David Perks - observing only

Panel Determination

The Panel members have undertaken independent site inspections 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 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. 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 Officer’s Report, Recommendation and Conditions are noted by the Panel and supported with the following amendments to the conditions:-

(a) Condition I6 to be amended as follows:

Allocation of Spaces

I6. 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:

10	Residential
1	Residential - Visitors

Carparking 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 owner's corporation for use by building visitors.

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

(b) A new condition C45 to be added requiring the design of the basement car park to be capable to provide a charging facility for electric vehicles

Charging Facility for Electric Vehicles

C45. Appropriate provisions must be incorporated in the design of the basement car park to allow the installation of a charging facility for electric vehicles.

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)

Panel Reason: The proposed residential flat building is acceptable in terms of its architectural design, bulk and scale given that the site is located in a High Density Residential Zone (R4). Furthermore, the proposal would not result in any unacceptable impacts on the amenity of the adjoining properties in terms of view loss, overshadowing, and/or privacy loss)

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Jane van Hagen	Y	
Jan Murrell	Y				
Tony Caro	Y				

The public meeting concluded at 4.10pm.

The Panel Determination session commenced at 4.20pm.

The Panel Determination session concluded at 5.40pm.

Endorsed by Gary Shiels

North Sydney Local Planning Panel

1 December 2021