



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