



NORTH SYDNEY COUNCIL

Council Chambers
30 September 2021

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room, North Sydney via Zoom at 2.00pm on Wednesday, 6 October 2021 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 September 2021.
(Circulated)

2. LPP01: 13 Shellcove Road, Kurraba Point - DA33/21

Applicant: Mary Ann Beregi

Report of Annelize Kaalsen of AK Planning

This application was reported to the North Sydney Local Planning Panel on 4 August 2021 proposing alterations and additions to the existing heritage listed dwelling including excavation for two levels below the existing dwelling, a 25m pool, internal and external alterations to the existing dwelling and associated landscaping works, on land at 13 Shellcove Road, Kurraba Point with a recommendation for refusal.

At the above meeting, NSLPP deferred the matter to allow the applicant the opportunity to amend the plans in order to more appropriately resolve the relationship of the heritage dwelling and the extensive alterations and additions proposed. The original application was reported to NSLPP because 10 or more unique submissions were received, and because the owner is a Councillor, which require determination by NSLPP as directed by the Minister for Planning, Industry and Environment.

The applicant has submitted amended plans as requested by the NSLPP. Although some improvements have been made the amended plans are considered to not adequately address the criteria as detailed in the Minutes from the meeting held on 4 August 2021. Particularly, the Lower Ground 2 floor plan has not been treated as a “*largely subterranean level*”, and the amendments do not conceal its presentation as a visible level.

Following re-notification of the amended plans, Council received three (3) further submissions that raised concerns about the extent of excavation and structural stability, and the location and size of the proposed *Angophora costata* trees. The submissions have been considered in the assessment of the application where it is concluded that the proposal is unlikely to give rise to any unreasonable amenity impacts given the amended proposal is compliant with the key planning controls including site coverage and can be addressed by the recommended conditions.

The independent heritage assessment undertaken by Kemp and Johnson Heritage Consultants, in part supports the amended proposal, since the amendments are more sympathetic and in keeping with the character of the Arts and Craft style of the Heritage Item. However, the infill of the front porch for the purposes of new stairs to the lower level is considered an unacceptable adverse impact on the original fabric of the house. In addition, the large aluminium framed openings to the eastern and northern elevations remains as unsympathetic additions to the heritage dwelling. The independent heritage consultant has recommended conditions of consent to deal with outstanding concerns including the treatment of the eastern façade; the infill of the front porch, the proposed materials and finishes and the excessive glazing to ensure the works conserve the heritage significance of the Heritage Item and surrounding Conservation Area.

Following this assessment and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 (as amended), the application is recommended for **deferred commencement approval** subject to a re-design of the Lower Ground 2 floor plan in order to conceal its

presentation as a visible level and address the heritage requirements as outlined in the independent heritage assessment.

Recommending:

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

THAT the North Sydney Local Planning Panel, as the consent authority, assume the concurrence of the Minister of Planning, Industry and Environment, and grant deferred commencement consent to Development Application No.33/21 for alterations and additions to an existing dwelling house including excavation, two level addition below the existing dwelling, 15m pool, internal and external alterations to existing dwelling, landscaping works at No. 13 Shellcove Road, Kurraba Point subject to the following site specific conditions and the attached conditions:

AA. Deferred Commencement Condition

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

The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 6 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 condition within 6 months from the date of this consent, this consent will lapse in accordance with Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 95(6) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant's evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

Deferred Commencement Matters

AA1 Amended plans, addressing the following matters, must be submitted for the written approval of Council's Manager Development Services:

- a) The Lower Ground 2 level is to be treated as a subterranean level so as to conceal its presentation as a visible level to the eastern elevation. The terrace is to be deleted and the eastern external wall is to be relocated to the west so as to adjoin the proposed games room.
- b) The proposed swimming pool is to be relocated further to the east at a grade which would allow the finished levels of the pool and surrounds to not exceed 500mm above the existing ground level.
- c) Relocate the staircase proposed within the front porch/veranda on the ground level, internally to the area of the proposed storeroom, near the proposed lift and walk in wardrobe close to Bedroom 4, to provide access to the lower ground levels.

- d) Remove the existing late 20th century glazing to the existing eastern verandah so as to reinstate it as an open verandah.
- e) Redesign the eastern elevation of the Lower Ground level 1 to continue the engaged columns within the existing eastern façade down to the new ground level and arrange timber-framed vertically proportioned windows/doors around these engaged columns.
- f) The glazing on the rear / eastern elevation to Lower Ground Level 1, is to be amended such that it is vertically proportioned with multi-panned glazing (not less than two) within each opening.
- g) All new external windows and doors are to be timber framed.
(Reason: To ensure that the character of the Arts and Craft style heritage listed dwelling is retained)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

- B. Subject to the above deferred commencement condition being satisfied within 6 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following standard and site specific conditions:

Terms of Consent (D33/21)

- A4. No approval is given or implied in this consent for the alterations to existing window or door openings, not covered by this consent and any other previous approvals issued by the relevant consent authorities or a Principle Certifying Authority, both internal and external, within the subject property.
(Reason: To ensure the terms of the consent are clear)

Front fence

- C1. The front fence is to consist of a sandstone wall to a maximum height of 1.2m above the existing footpath level adjacent, including a timber pedestrian gate (with similar or lower height).
The Principal Certifier 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 provide safety and security to the dwelling without adversely impacting on the character of the street)

Single Occupancy

- I1. The subject four-level detached dwelling, including all residential accommodation on ALL levels, must be used as a single occupancy at all times.
No approval granted or implied in this consent for the use of the subject property other than a single occupancy.
(Reason: To ensure the use of the existing dwelling as a single occupancy)

3. LPP02: 206 Blues Point Road, McMahons Point - DA 101/21

Applicant: Toongame P/L

Report of Hugh Shouldice, Development Assessment Officer

The applicant seeks development consent for alterations and additions to the Commodore Hotel, including alterations to existing entry points, an existing outdoor terrace and conversion of an existing ground floor parking to a gaming room. The Commodore Hotel is an existing licensed premises located on land at 206 Blues Point Road, McMahons Point.

The application is reported to the NSLPP for determination as the application received ten (10) or more submissions during the notification period. As per the ministerial directions, the application is required to be determined by the North Sydney Local Planning Panel.

The application was notified in accordance with the North Sydney Community Participation Plan 2019. The notification period resulted in **ten (10)** submissions to Council. The concerns raised in the submission were acoustic privacy impacts, loss of car parking, uncharacteristic development for the McMahons Point area, traffic impacts, ethical impacts of gambling machines, overdevelopment, safety and security.

There is no proposed change to the hours of operation or capacity. The Hotel's hours of operation will remain between 10am and 12 midnight the following day, Monday to Thursday, between 10am and 1am the following day, Friday to Saturday, and between 10am and 10pm Sunday. The applicant has advised that the proposed capacity is to remain unchanged at a total of 405 patrons.

A Plan of Management has been submitted with the application which is to be implemented as part of the Application. The Plan of Management includes provisions for responsible service of alcohol, security, acoustic recommendations, complaints register and other operational details to ensure that potential impacts on surrounding sensitive land uses would not have additional adverse impact as a result of the Application.

As part of the application documentation an Acoustic Report was submitted to Council for assessment. The report makes an acoustic assessment based on 34 people in the gaming area, 47 people in the sports bar up until midnight and 34 people in the gaming area and the sports bar vacant post midnight. The proposed acoustic impacts caused are considered to be acceptable on merit, which is discussed later in the report.

Following this assessment, and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the application is considered to be reasonable in the site circumstances and recommended for **approval** subject to standard and site-specific conditions of consent.

Recommending:

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

THAT the North Sydney Local Planning Panel, grant consent to Development Application **DA101/21** for alterations and additions to an existing hotel, including the conversion of an existing ground floor parking to a gaming room and new illuminated signage on land at 206 Blues Point Road, McMahons Point, subject to the following site-specific conditions and the attached standard conditions: -

Terms of Consent

- A4. Approval is granted for alterations and additions to the existing food and drink premise (pub) on the subject site, including the conversion of a ground floor car park to a gaming room with associated business identification signage. No consent is granted for any other works other than that outlined in this consent.

Furthermore, any future requests for on-street drop off/pick up or any other short or long-term parking spaces for future patron's will not be granted consent by Council due to existing patron car spaces becoming a gaming room.

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

Plan of Management

- C1. The Plan of Management as prepared by Design Collaborative dated April 2021, must be complied with at all times. Any changes to the Plan of Management must be approved by Council.

(Reason: To ensure the ongoing operation of the premise is in accordance with the terms of this consent)

Construction Management Plan

- C2. A Construction Traffic Management Plan be prepared and submitted to Council for approval by the North Sydney Traffic Committee prior to the issue of the Construction Certificate.

Reversing into the loading dock from Blues Point Road is to be approved by Transport for NSW due to proximity of the driveway access to the traffic signal at the intersection of Blues Point Rd and Lavender Street/Union Street prior to the issue of the Construction Certificate.

Any use of Council property shall require appropriate separate permits/approvals.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

NSW Police Conditions

- C3. The following conditions are recommended by the NSW Police:
- i. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
 - ii. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance". Appropriate internal signs should be used to guide patrons through the property.
 - iii. All 'Staff only' areas should be clearly marked as such and physical barriers such as doors and gates should be erected to prevent unauthorised entry.
 - iv. Staff should be provided with a secure area in which to store their personal effects whilst working.

- v. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
 - vi. Windows within the building should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
 - vii. An emergency control and evacuation plan should be implemented within the hotel. Management and staff should be trained in the execution of the plan in emergency situations.
 - viii. The landscaping design around the hotel needs to be free from potential hiding places and provide sightlines throughout the outside areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials, which could, when mature, serve as screens or barriers to impede views.
- (Reason: To ensure the safety of the owners, customers and general community)

Union Street Signage

- C4. The proposed signage on the Union Street frontage is to be backlit and not wholly internally illuminated.
- 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 a reasonable level of amenity for nearby residential properties)

Plan of Management to be updated

- G1. The Plan of Management prepared by Design Collaborative Pty Ltd, received by Council on 19 April 2021, must be updated to reflect the requirement of this consent and a copy be provided to Council prior to the issue of the occupation certificate.
- The use of the gaming room and sports bar must not commence until the amended plans of management document required by this consent has been submitted to Council.
- (Reason: To ensure the ongoing operation of the premises is in accordance with the requirements of this consent)

Patron Numbers

- l1. The total number of patrons permitted under this consent may be in the following areas of the pub:
- | | |
|--------------------------------|----|
| Lower ground floor | |
| - Gaming Room & Sports Bar | 34 |
| Ground floor | |
| - Sports Bar | 47 |
| Total Patrons (max) 405 | |
- The operator of premises must ensure that at all times during

operation, the capacity of any area of the premises identified in this condition does not exceed the total patron numbers permitted by this consent.

(Reason: To limit patron number in accordance with historical development consents and to reflect the total number patrons assessed as acceptable for the gaming room and sports bar under the acoustic report

Noise

12. The use of the premises must not cause the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

(Reason: To ensure reasonable level of acoustic privacy for nearby residential properties is maintained.)

NSW Police Conditions

13. The following recommendations by NSW Police are outlined below:
1. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a ‘white light’ source. Note that high or low pressure sodium ‘orange’ lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from ‘Staff only’ areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.
 2. Lighting around the hotel will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
 3. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual who may be involved in criminal behaviour.
 4. Wheel chair access should at no time be blocked nor impede access to anyone with a disability.
 5. The proprietors/management of the premises must take all steps necessary to ensure that no increased noise emissions occur from persons entering or leaving the premises. Management must also ensure the behaviour of patrons entering and leaving the premises
-

does not detrimentally affect the amenity of the neighbourhood and that patrons leave the vicinity in an orderly manner.

6. An electronic surveillance system should be included to provide maximum surveillance of all areas of the hotel including entry/exits, bar and service areas, corridors and areas where cash is either kept or handled. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.

(Reason: To ensure safety and security and protect the amenity of surrounding areas)

4. **LPP03: 26 Thomas Street, McMahons Point - DA 172/21**

Applicant: Dieppe Design Pty Ltd - Edward Dieppe

Report of Hugh Shouldice, Development Assessment Officer

This development application seeks North Sydney Planning Panel (NSLPP) approval for alterations and additions to a heritage item within a conservation area at No. 26 Thomas Street, McMahons Point.

This application is reported to NSLPP for determination because the development application involves partial demolition of a heritage item. The development application is therefore, required to be determined by the North Sydney Local Planning Panel in accordance with the Minister's directions.

The notification of the application is in accordance with the *North Sydney Community Participation Plan 2019*. At the end of the notification period, Council received **eight (8)** submissions raising concerns about loss of residential amenity, solar access, view loss, setbacks and heritage impacts. The assessment has considered these concerns as well as the performance of the amended application against Council's planning requirements.

The application has been amended to delete the originally proposed roof terrace and to address concerns raised by Council's Conservation planner. The amended proposal is supported on the basis that the majority of the proposed works are located at the rear of the existing dwelling or within the existing side garden area of the subject site behind the primary building line.

The proposal is compliant with Council's maximum height of building requirement as well as site coverage and landscaped area controls. The proposal is consistent with the objectives and provisions specified in Section 5.10 of the NSLEP 2013 and adequately responds to the design requirements for alterations to a heritage dwelling under Section 13 - Heritage & Conservation of Council's NSDCP 2013. The proposed additions and alterations are a reasonable balance between contemporary living requirements and the preservation of the existing building form and fabric. The proposed additions, as amended would maintain a reasonably low density, form and scale commensurate with adjoining dwellings the surrounding area.

Standard and site-specific conditions have been recommended in the condition set to minimise heritage impacts. For the reasons outlined throughout the report, the application is recommended for **approval**.

Recommending:

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

THAT the North Sydney Local Planning Panel, grant consent to Development Application No. **172/21** for alterations and additions to a heritage listed dwelling house within a conservation area, on land described as No. 26 Thomas Street, McMahons Point as shown on the plans and the following site specific conditions and the attached standard conditions.

Delete Carport

C1. The proposed carport within the front setback is to be deleted from the proposal as it is uncharacteristic element within the conservation area. The proposed carport structure is also considered to maintain views and sightlines from public domain.

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 maintain views and remove uncharacteristic built elements within the conservation area)

Heritage Amendments - Schedule of Conservation Works and Interpretation Plan

C2. The following amendments to the proposal are to be undertaken:

- A detailed schedule of conservation works to be carried out is to be prepared by a heritage consultant reflecting the approved design must be submitted and approved by Council.
- An interpretation plan must be prepared in consultation with a heritage consultant which reflects the areas of significance to be removed by the proposed works. The interpretation plan should have regard for the location of the existing fireplaces, original room layouts and the alignment of the existing southern wall of the dwelling. The interpretation plan should include consideration of floor markings or other such interpretive devices to reflect the original layout of the heritage item. The interpretation plan must be submitted to Council for approval to the satisfaction of the Manager of Development Services prior to the issue of the Construction Certificate.
- The details of the conservation works to the windows and doors of the front façade are to be submitted to Council's Heritage Officer for approval prior to issue of the Construction Certificate. 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 protect the heritage significance and setting of the subject heritage item and the adjoining heritage item at 28 Thomas Street and protect the character and significance of the streetscape and the Union, Bank and Thomas Streets conservation area)

Southern Side Setback

C3. The proposed retaining wall along the southern side boundary is to be setback a minimum of 900mm to allow for a small walkway down towards the rear of the subject site.

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 appropriately manage potential impacts arising from excavation)

5. LPP04: 1 Blue Street, North Sydney (SHORE School) – DA 183/21

Applicant: Church of England Grammar School (Shore)

Report of Hugh Shouldice, Assessment Officer

The applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to the Shore School House on land at 1 Blue Street, North Sydney. The site is identified as a local heritage item under Schedule 5 of the NSLEP 2013. Council does not have the delegation to determine the application as the site is zoned SP2 Infrastructure. The application is therefore required to be determined by the North Sydney Local Planning Panel.

The application is reported to the NSLPP for determination as the works, whilst a majority of which are internal to the building, are located more than 10% above the maximum building height that applies to the site. The application also involves some minor demolition work to a local heritage item.

The written request prepared pursuant to Clause 4.6 in NSLEP 2103 seeking a variation to the building height development in Clause 4.3 in NSLEP 2013 is considered to be well-founded. The written request has adequately demonstrated that strict compliance with the building height development standard is considered unreasonable and unnecessary noting that the existing building breaches this standard and all new works above the standard are internal to the building. There are also considered to be sufficient environmental planning grounds to justify the breach to the standard given the works will result in improved access to the learning spaces on the upper levels of the building.

The Middle Block provides a learning space for the students has a high heritage significance. The proposal will provide for improved facilities for students

without adversely impacting the heritage significance of the building or nearby properties.

Following this assessment and having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the application is considered to be reasonable in the site circumstances and recommended **for approval** subject to standard and site-specific conditions of consent.

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, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 NSLEP2013 with regards to the non-compliance with Clause 4.3 (Building Height) and **grant consent** to Development Application No. 183/2021 for alterations and additions to the Shore School House on land at No. 1 Blue Street, North Sydney, subject to the following site specific condition and attached standard conditions:-

Detail of Conservation Work

C2. Details of the following heritage conservation work is to be provided to a suitably qualified heritage consultant and approved in writing:

- i. Details of the retention of appropriate nib walls and bulk heads connecting the existing rooms sufficient that are sufficient to enable the ongoing interpretation of the existing room configuration and potential reversal; and
- ii. Detail of the installation of the new windows; and
- iii. Details of how the proposed fitting and fixtures relating to the proposed glass balustrade and its fixture to the existing stair balustrade, lighting, fans and acoustic panels shall be undertaken.
- iv. Photos to clarify the location of the works and measures taken to minimize the loss/damage to existing building fabric.

Details sufficient to satisfy the engaged heritage consultant must be provided to the Certifying Authority with the Construction Certificate application.

(Reason: To protect the heritage significance of the heritage item).

6. LPP05: 5 Earle Street, Cremorne – DA 63/2021

Applicant: Rahmani Esan

Report of Michael Stephens, Senior Assessment Officer

This development application seeks approval for construction of a part 2, part 3 storey dwelling house with a double garage, retaining walls and associated landscaping, and is reported to North Sydney Local Planning Panel for determination as the proposed development breaches the maximum permitted building height by 10%.

The written request to vary the development standard in clause 4.3 satisfactorily demonstrates that strict compliance with the development standard is unreasonable and unnecessary in the circumstance as the proposed

development is consistent with the objectives of the standard and that there are sufficient environmental planning grounds to justify the variation. The proposed variation is caused by the previous excavation where the previous dwelling has been demolished under CDC142/20. Without demolition, the proposed development would otherwise comply with the development standard when compared to the existing land levels within the side setback areas which provide a reasonable indication of the height of the proposed development in its setting.

The proposed dwelling has a more contemporary design, however, the subject site is located within an area that includes mixed architectural styles from different periods of development. The use of materials and high quality finishes would provide an attractive built form softened through the proposed landscaping.

The proposed development complies with the relevant numerical building envelope and landscaping controls. The proposed rear building line extends beyond the prevailing rear building line of the adjoining properties however complies with the Benelong Neighbourhood character statement and would have an acceptable impact on the amenity of the adjoining properties, with the exception of the proposed overhang which exacerbates the inconsistency between the adjoining properties and creates an incohesive built form. A deferred commencement condition is recommended to realign the rear building line by removing the proposed overhang on the upper most level.

Notification of the proposal has attracted seven submissions raising particular concerns regard the proposed building height, built form character, bulk and massing, privacy, views, solar access and landscaping.

The application has been assessed having regard to the submissions received and the relevant development controls and is considered to be reasonable in the circumstances and is recommended for **deferred commencement approval** subject to conditions

Recommending:

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

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, assume the concurrence of the Secretary, 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 of NSLEP 2013 and grant consent to Development Application No. 63/2021 for the construction of a dwelling house retaining walls, fencing and associated landscaping on land at No. 5 Earle Street, Cremorne subject following site specific and the attached standard conditions:

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 6 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 6 months from the date of this consent It

will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

Design Amendments

AA1. The following amendments are required:

- a. The rear building line of the second floor level (Drawing 10) is to be shifted 800mm to the north to align with the rear building line of the level below. An associated internal replanning to accommodate change may be undertaken.
- b. The retaining walls and garden beds within the rear setback area are to be redesigned to accommodate the retention of trees T10, T15 and T16 (as identified in the Arborist Report prepared by Treehaven Envionscapes, dated 2/3/2021).

(Reason: To rationalise the rear building line to create a cohesive building form, and to retain existing landscaping)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

7. LPP06: 45 Willoughby Street, Kirribilli - DA 398/19/2

Applicant: Filmer Architects

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 (D398/19) to provide pedestrian access to a heritage listed dwelling via a new staircase within the front garden and the relocation of a skylight.

The application is reported to NSLPP for determination because the proposed modifications involve changes to the approved dwelling access via the side (north-western) elevation as required by the deferred commencement conditions imposed by the Panel. Council's notification of the proposal has attracted one (1) submission in support of the application.

The application has been assessed against the relevant provisions within NSLEP 2013 and NSDCP 2013 and was found to be generally 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, bulk and scale of the development as approved in the original DA.

The proposed modifications would not cause a further variation to the LEP maximum building height development standard.

The proposed modifications would result in positive heritage outcomes with the re-instatement of an active use of the original dwelling entrance at the front (north-east elevation) of the dwelling with no material impacts on the landscape setting of the subject site.

The proposed modifications would result in a net increase in landscaped area within the subject site as compared to the original DA approval.

The proposal would have no material adverse impacts on the amenity of the adjoining properties in terms of the loss of significant views, solar access, visual and acoustic privacy.

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 addition 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 D398/19 dated 10 November 2020 in respect of a proposal to alterations and additions to an existing detached dwelling at No. 45 Willoughby Street, Kirribilli 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 development consent (D398/19) and modify conditions A1, A4, C4, C5, C13 and C26 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 number	Rev	Title	Drawn by	Dated
DA 1.1.1	E	Proposed Site + Roof	Filmer Architects	27/08/2020
DA 1.1.2	F	Proposed Lower Ground Floor	Filmer Architects	27/08/2020
DA 1.1.3	F	Proposed Ground Floor	Filmer Architects	27/08/2020
DA 1.1.4	E	Proposed First Floor	Filmer Architects	27/08/2020
DA 1.1.5	F	Proposed Terrace Floor	Filmer Architects	27/08/2020
DA 2.1.1	G	North-West Elevation	Filmer Architects	27/08/2020
DA 2.1.2	F	South-East Elevation	Filmer Architects	27/08/2020
DA 2.1.3	D	North-East Elevation	Filmer Architects	27/08/2020
DA 2.1.4	F	South-West Elevation	Filmer Architects	27/08/2020
DA 2.2.1	E	Section A - A	Filmer Architects	27/08/2020
DA 2.2.2	F	Section B - B	Filmer Architects	27/08/2020
DA 4.1.2	F	Landscape Plan Lower Ground Floor	Filmer Architects	27/08/2020
DA 4.1.3	G	Landscape Plan Ground Floor	Filmer Architects	27/08/2020
DA 4.1.4	D	Landscape Plan Roof	Filmer Architects	27/08/2020
DA 6.1.1	C	Material Sample Board	Filmer Architects	27/08/2020
SK1A			Filmer Architects	02/09/2020

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D398/19/2:

Plan Nos.	Rev No	Description of works	Prepared by	Dated
DA 1.1.1	G	Proposed Site + Roof	Filmer Architects	20.07.21
DA 1.1.2	K	Prop. Lower Ground Floor	Filmer Architects	20.07.21
DA 1.1.3	K	Prop. Ground Floor	Filmer Architects	20.07.21
DA 1.1.4	G	Prop. First Floor	Filmer Architects	20.07.21
DA 1.1.5	H	Prop. Terrace Floor	Filmer Architects	20.07.21
DA 2.1.1	L	North-west Elevation	Filmer Architects	20.07.21
DA 2.1.2	H	South-east Elevation	Filmer Architects	20.07.21
DA 2.1.3	G	North-east Elevation	Filmer Architects	20.07.21
DA 2.1.4	K	South-west Elevation	Filmer Architects	22.09.21
DA 2.2.1	G	Section A - A	Filmer Architects	20.07.21
DA 2.2.2	L	Section B – B	Filmer Architects	20.07.21
DA 4.1.2	G	Landscape Plan Prop. Lower Ground Floor	Filmer Architects	20.07.21
DA 4.1.3	H	Landscape Plan Prop. Ground Floor	Filmer Architects	20.07.21
DA 4.1.4	E	Landscape Plan Prop. Terrace Floor	Filmer Architects	20.07.21
DA 6.1.1	E	Material Sample Board	Filmer Architects	20.07.21

		(1 of 2)		
DA 6.1.2	A	Material Sample Board (2 of 2)	Filmer Architects	20.07.21
SK 1A	D	Proposed Gates & Entry Portal	Filmer Architects	20.07.21

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

External Finishes & Materials

A4. External finishes and materials must be in accordance with those specified within the approved drawings listed within Condition A1 of this consent (D398/19/2), unless as otherwise modified by Council in writing.

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

Council Embankment and Retaining Wall

C4. The applicant must provide structural certification to Council prior to issue of any Construction Certificate that the proposed works to the sandstone rock face and wall will not undermine the embankment and stability of the rest of wall. If the proposed cut-in does impact upon the structural viability of the wall and embankment, the applicant must undertake all necessary works (design and construction) to ensure the wall is structurally sound. The applicant must engage a Structural and Geotechnical Engineer to design the wall in accordance with current Australian standards and submit documentation to Council prior to issue of any Construction Certificate. The design shall be consistent with the plans/documentation submitted including the approved plans, Geotechnical Report, dated July 2020, prepared by WITT Consulting and the Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting and the additional geotechnical report required by Condition C13 in this consent. All costs associated with any design and construction work must be borne by the applicant. 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 protection of existing public infrastructure)

Compliance with Geotechnical Report and Excavation Methodology Statement

C5. The recommendations, implementation program, monitoring program, contingency plans, mitigation measures, design details and the like for the natural rock features along the Willoughby Street (north-eastern) property boundary as contained in the approved plans, Geotechnical Report, dated July 2020, prepared by WITT Consulting and the Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting and the additional geotechnical report required by Condition C13 in this consent must

be implemented in full during the relevant stages of demolition, excavation and construction.

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 protection of existing natural rock features)

Geotechnical Report

C13. Prior to issue of any Construction Certificate a Geotechnical/Civil Engineering report for the proposed development, including additional works relating to D398/19/2, must be prepared 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 Geotechnical Report must be prepared in accordance with the recommendations within the Geotechnical Report, dated July 2020, prepared by WITT Consulting, Excavation Methodology Statement, dated 14 August 2020, prepared by WITT Consulting, and in particular the use of rock saws and vibration limits, except for the recommended removal of the whole retaining wall fronting Willoughby Street, which shall not be permitted.

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)

BASIX Commitments

C26. 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. A359270_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)

2. To insert a new condition A7 to read as follows:

Terms of Consent (D398/19/2)

- A7. Approval is granted for the following modifications only:
- (a) Construction of a new pedestrian access through a new opening on the approved retaining wall on the eastern side of the approved entrance courtyard on the lower ground floor;
 - (b) Construction of a staircase along the front boundary to provide pedestrian access between the lower ground floor entrance courtyard and the ground floor front garden; and
 - (c) Deletion of an approved skylight near the south-eastern (rear) of the approved two storey addition and the repositioning of an approved skylight (SK 3) over the first floor bathroom.

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)



NORTH SYDNEY LOCAL PLANNING PANEL

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

PRESENT

Chair:

Helen Lochhead in the Chair.

Panel Members:

Jan Murrell, Panel Member
Gerard Turrisi, Panel Member
Veronique Marchandeanu, Community Representative

Staff:

Administrative Support

Stephen Beattie, Manager Development Services
Robyn Pearson, Team Leader Assessments
David Hoy, Team Leader Assessments
Michael Stephens, Senior Assessment Officer
Andrew Beveridge, Graduate Assessment Officer
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, 4 August 2021 were confirmed following that meeting.

2. Declarations of Interest

Nil.

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:	117/21
ADDRESS:	135 Carabella Street, Kirribilli
PROPOSAL:	Substantial demolition and alterations and additions to dwelling
REPORT BY NAME:	Andrew Beveridge, Graduate Assessment Officer
APPLICANT:	Yulan He, C/- Anthony Solomon, COSO Architecture

Public Submissions

1 written submission

Submitter	Applicant/Representative
Geoffrey James Thomson - Resident	Anthony Solomon - Architect on behalf of Applicant
Oliver Greeves - Resident	

Panel Determination

The Panel members have undertaken independent site inspections 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 amended conditions:

Conditions C2 and C3 be amended to provide that the reports be prepared by a suitably qualified structural/geotechnical engineer. A copy of the reports to be provided to the relevant neighbouring property owners.

Dilapidation Report Private Property (Excavation)

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations, including 135A and 137 Carabella Street, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a suitably qualified structural/geotechnical engineer and provided to the relevant neighbouring property owners.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of properties prior to the commencement of construction)

Dilapidation Survey Private Property (Neighbouring Buildings)

- C3. A photographic survey and dilapidation report of adjoining properties No's. 135A and 137 Carabella Street, detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members, and other similar items, **SHALL BE** submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person. A copy of the report is to be provided to Council, if Council is not the Certifying Authority, prior to the issue of any Construction Certificate.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

If access to undertake the photographic survey and dilapidation report is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: Proper management of records)

Condition C19 is to be amended to achieve the balustrade that has 75% solid to void ratio.

(Reason: To ensure privacy and amenity is maintained)

Balcony Balustrades

C19. The balustrades of the four rear balconies on the Upper Ground Floor and Lower Ground Floor levels is to be amended to achieve a balustrade that has 75% solid to void ratio to ensure privacy and amenity is maintained.

Details of the balustrades required by this condition must be provided 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 by the Applicant, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the privacy of adjoining properties)

Condition C20, Section 7.11 Contributions to be corrected to read Section 7.12 Contributions.

(Reason: Incorrect Referencing)

Panel Reason:

The Panel is satisfied that the application can be approved, subject to the imposition of appropriate conditions regarding measures to ensure reasonable privacy and the stability of the site and adjoining properties, and that it will not cause significant amenity impacts in terms of overshadowing, excavation, view loss and privacy.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Veronique Marchandean	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

ITEM 2

DA No:	141/21
ADDRESS:	34 Phillips Street, Neutral Bay
PROPOSAL:	Demolition of existing dwelling and garage and construction of new two storey dwelling and associated landscaping.
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	Egil & Lisa Paulsen

Public Submissions

No written submissions

Submitter	Applicant/Representative
Ralph O'Grady - Resident	Jennie Askin - Town Planner
Denise Mroz - Resident	David Selden - Architect
Elaine Collins - Resident	
Richard Recsei - Resident	

Panel Determination

The Panel members have undertaken independent site inspections 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 amendments:

AA1. - conditions amended to achieve a 300mm reduction in overall height.

Condition C2 be amended to provide that the required report is to be prepared by a suitably qualified structural/geotechnical engineer. A copy of the reports to be provided to the relevant neighbouring property owners.

Dilapidation Report Private Property (Excavation)

- C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a suitably qualified structural/geotechnical engineer and provided to the relevant neighbouring property owners.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

If access to undertake the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

(Reason: To record the condition of properties prior to the commencement of construction)

Amendments to Condition C22;

C22(a). - condition amended to include a solid wall to the kitchen and window setback behind a planter as depicted in drawings VN.10, 11 and 12 Issue A, dated 30 August 2021 as submitted to the Council.

C22(b). - deletion of obscure glass.

(Reason: To minimise view loss and protect privacy of neighbouring properties)

Construction and Traffic Management Plan (Major DAs & sites with difficult access)

B1. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and

- ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following: -
 - i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RMS ‘red card’ qualification).
 - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all time.

A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.
- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- (e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council’s Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Certifying Authority for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Panel Reason:

The Panel is satisfied that the proposal is consistent with the LEP and DCP controls and with the proposed amendments, minimises view loss to neighbouring properties, and maintains privacy, amenity and the stability of the site and adjoining properties.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Veronique Marchandean	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

ITEM 3

DA No:	67/21
ADDRESS:	22-26 Spruson Street, Neutral Bay
PROPOSAL:	Demolition of three existing residential flat buildings and construction of a residential flat building containing eleven apartments over two levels of basement parking, associated site works and landscaping.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Made Property Group

Public Submissions

1 written submission

Submitter	Applicant/Representative
Michelle and Mark Isherwood - Resident	Greg Boston - Town Planner
Mark Isherwood read a submission from Karen Bell - Resident	
Brendan Lyon - Resident	
Eugene Joseph - Resident	

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 standards are unnecessary in the circumstances of the case. Further, the Panel considers that the proposed 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 endorsed by the Panel, subject to the following amendments:

Condition G13. Regarding street lighting upgrade condition to be deleted.

(Reason: There is no clear nexus for the street lighting upgrade because of the development)

Dilapidation Report Private Property (Excavation)

C2. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the ‘zone of influence’ of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a suitably qualified structural/geotechnical engineer and provided to the relevant neighbouring property owners.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

If access to undertake the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant’s and adjoining owner’s interest for it to be as full and detailed as possible.

(Reason: To record the condition of property/ies prior to the commencement of construction)

New condition to be added as follows:

Privacy Screens to Southern Boundary

C47. The proposed southern balcony privacy screens are to be extended while ensuring solar access to the apartments is reasonably maintained.

(Reason: To achieve increased privacy to the balconies on the top two levels)

Panel Reason:

The Panel is satisfied the proposed development is largely consistent with the DCP and relevant planning controls, and the proposed amended conditions address the construction impacts and residential amenity. The Panel also notes the development complies with the maximum parking controls in Council’s DCP. The Panel was of the view that the proposed affordable housing levy was correctly calculated based on the current use.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Veronique Marchandean	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

ITEM 4

DA No:	336/16/4
ADDRESS:	315 Ernest Street, Neutral Bay
PROPOSAL:	Section 4.55 (2) Application to modify DA 336/16 with regards to the addition of privacy screens to terraces, conversion of the approved non-trafficable section of roof to a southern level 2 terrace, an extension to the approved northern level 2 terrace over the approved non trafficable section of roof, changes to internal stairs and western window and addition of nib walls.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Barry Babikian

Public Submissions

3 written submissions

Submitter	Applicant/Representative
	Barry Babikian - Applicant

Panel Determination

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

The Panel is satisfied the application is substantially the same development as approved, and the application has been notified and submissions have been considered. Furthermore, the Panel has had regard to the reasons in the consent as originally issued.

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

Panel Reason:

The Panel does not consider the proposed southern terrace (unit 5) is acceptable given impacts to adjoining properties, and notes that the principal private open space to the apartment is to the north.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Veronique Marchandean	Y	
Jan Murrell	Y				
Gerard Turrisi	Y				

The public meeting concluded at 3.31pm.

The Panel Determination session commenced at 3.45pm.

The Panel Determination session concluded at 5.40pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
1 September 2021