



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 Marchandean, 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