



NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, NORTH SYDNEY, ON 2 JUNE 2021, AT 2.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Tony Caro, Panel Member
Ian Pickles, Panel Member
Jane van Hagen, Community Representative

Staff:

David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Josh Jongma, Governance Co-ordinator (Minutes)

Not Present for Determination Session

Thomas Holman, Development Assessment Officer
Kim Rothe Development Assessment Officer
Robin Tse, Development Assessment Officer
Michael Stephens, Development Assessment Officer
Hugh Shouldice, Development Assessment Officer
Surb Bhatti, Conservation Planner
Lucinda Varley, Conservation Planner

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 5 May 2021 were confirmed following that meeting.

2. Declarations of Interest

Jane van Hagen declared a non-pecuniary but significant interest in item LPP01, 22-24 Carabella Street, Kirribilli as a friend of a submitter. Jane van Hagen therefore took no part in the briefing, public meeting or determination session in the matter by leaving the room.

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:	323/20
ADDRESS:	22-24 Carabella Street, Kirribilli
PROPOSAL:	Partial demolition of two residential flat buildings, internal alterations and additions to the rear of the site resulting in two x part three, part four storey residential flat building containing 26 apartments over three levels of basement parking and associated landscaping.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Abellco Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Joshua Anderson	Tina Christy - Town Planner
Richard Burek	Felicia Huang - Applicant
Julie Mackenzie	
Stephanie Bradstock	
Nadine Valma Wheeler	
Tanya Tegon	

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

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 address 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 and Recommendation is endorsed by the Panel subject to an additional design change condition to be satisfied by written approval of Council’s Manager Development Services prior to the Construction Certificate being issued:

C50 The following design changes are to be made:

- a) The design of the parapet of the Peel Street façade should be refined to have a more consistent height and detail.
- b) The north eastern wall of the apartment 24 L3-02 living room is to be setback an additional 2 metres towards the south west and with consequential floor plan reconfiguration.

Plans and specifications which comply with this condition and are endorsed with written approval from Council's Manager Development Services must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate

(Reason: To improve the architectural relationship between the old building and the new building in the Peel Street context)

Panel Reason:

The Panel considers that the proposed development subject to conditions is satisfactory for the R4 zone having regard to heritage, the conservation area and Council's planning framework.

The impacts on existing residents have been considered in the revised scheme and the Panel considers the impacts have been mitigated. The Panel considers that the proposal is now acceptable subject to the above design change.

ITEM 2

DA No:	11/21
ADDRESS:	6 John Street, McMahons Point
PROPOSAL:	Use of relocatable shed for repair and maintenance purposes at existing boat repair facility.
REPORT BY NAME:	Brett Brown, Consultant Town Planner
APPLICANT:	Hamptons Property Services Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Douglas Nicol	Kristy Hodgkinson - Applicant's planner
Karen Foster	Lance Hodgkinson on behalf of the Applicant
Michael Stevens	
Leon Reardon	

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

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

Panel Reason:

The Panel is not satisfied that the documentation and plans provide any certainty as to the purpose of the proposal, its impacts and outcomes. Furthermore, the Panel does not consider that a structure of this size can be feasibly relocated on site without any details provided including anchoring the structure as depicted in the generic diagrams. Furthermore, the Panel does not consider relocation provides certainty and the structure would need to be clearly identified as to the permanent location.

While the Panel supports the concept of a continuing working harbour in Sydney and the need for maritime facilities, more information would need to be submitted for this application to be supported. The applicant is encouraged to develop a holistic masterplan for the site that would inform future decision making.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 3

DA No:	308/20
ADDRESS:	11 Bennett Street, Cremorne
PROPOSAL:	Addendum to report of Pierre Le Bas & Tia Gao, Turnbull Planning, dated 27 January 2021.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Ocean King Enterprises Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Lisa Wilkinson	Kate Bartlette - Planner
Gillian Cappelletto	Lisa Zhang - Project Manager

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is endorsed by the Panel with additional reasons for refusal being:

- The proposed dual occupancy is a form of development prohibited within a conservation area where existing structures on site have not been demolished pursuant to Clause 6.6(2)(a) in NSLEP 2013**
- Unacceptable Form Bulk and Scale:**

The proposed dual occupancy is unacceptable in terms of its form, bulk and scale and its relationship with the adjoining heritage items within the conservation area.

Particulars:

- a) The proposed development does not satisfy the aims of North Sydney LEP 2013 including Clause (2)(a) because the proposal provides an inappropriate response to the context of the locality; Clause (2)(b)(i) because the form, bulk and scale of the proposed development is incompatible with the desired character of the area; and Clause (2)(f) due to the adverse effects on heritage significance within the area.
- b) The proposed development does not satisfy the planning objective (Dot Point 3) for the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because the form, bulk and scale of the proposal will have adverse impacts on the significance of the nearby heritage listed items and the Cremorne Conservation Area.
- c) The built form of the proposed development does not respond to the existing character and context of the adjoining heritage items and site context contrary to the planning objectives concerned with context in section 1.4.1 in Part B of NSDCP 2013.
- d) The proposed development does not reflect, re-inforce or complement the existing character of the locality and is contrary to the provisions in section 1.4.8 (Built Form Character) in Part B of NSDCP 2013.
- e) The proposed development is excessive in terms of bulk and scale because its design is contrary to the provisions in section 1.4.7 (Form, Bulk and Scale) in Part B of NSDCP 2013.

3. Public Interest

Particulars:

- a) The approval of the proposed development is not in the public interest because the development is prohibited in accordance with Clause 6.6(2)(a) in NSLEP 2013; and the adverse impacts on the significance of the adjoining heritage items and the conservation area given the built form and the inappropriate bulk and scale of the proposal.

Panel Reason:

The Panel considers the appropriate course of action to provide certainty is for the existing dwelling and ancillary structures to be demolished and the property subdivided in accordance with the current consent of DA 237/18. Following this, the applicant can then seek approval for development on each allotment.

The Panel notes that the site is now in different ownership and the new owner's representatives stated that demolition could commence in early June and be completed by mid-July, however, it is also noted that all the relevant dilapidation reports must be completed prior to the commencement of works on site. The Panel also urges the applicant to provide copies of the dilapidation reports to the owners of the adjoining heritage dwellings.

The Panel notes the original assessment report for the proposed development did not make reference to the heritage item at 4 Bertha Road. Given that a determination of the development application has not been made the Panel has decided the future built form must be more sympathetic to the existing heritage conservation items and context. With demolition yet to commence architectural design changes can be carried out during this stage.

The Panel urges the applicant to submit amended architectural plans via a section 8.2 review having regard to the heritage items and conservation area. These plans should include addressing the following issues:

- The Panel has architectural concerns about the bulk and scale of the proposed development with the juxtaposition of the two heritage items on the southern and eastern boundaries.
- The upper level should read primarily as a strong pitched roof form that has the capacity to contain internal spaces. This in essence will require a reduction in floor area and replanning of the dwellings. Unification of the roof form for each building will provide a better street presentation and avoid a mirror image.
- Deletion of the rear external stairs.
- More skilful architectural design that reduces, and or mitigates, the intensity of development for the sites.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 4

DA No:	18/21
ADDRESS:	1 Bank Lane, North Sydney
PROPOSAL:	Demolition of existing contributory item and construction of new two storey dwelling, car space, associated landscaping and ancillary works.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
APPLICANT:	Philip Jokob Mehrgardt

Public Submissions

Submitter	Applicant/Representative
Vivienne Predebon	Jessica Watson - Architect
	Peter Lonergan - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report and Recommendation is generally endorsed by the Panel. The demolition of the existing building must form part of a future approval to satisfy the requirements of the *North Sydney Council Development Control Plan 2013* section 13.8. The Panel considers that subject to an appropriate built form outcome for the conservation area that demolition could be justified due to the poor external condition. The Panel notes that the original Victorian two room house portion is highly compromised by the numerous later additions and dilapidation. As a contributory item in the conservation area, in the circumstances of this case the Panel is of the opinion that it is the contribution of this dwelling form to the streetscape that is more important than the remaining internal fabric. The cottage scale and alignment to Bank Lane is unique and important for this immediate heritage setting.

Panel Reason:

The Panel considers the applicant should be encouraged to submit an 8.2 review with an amended proposal to address the following concerns:

- The two storey presentation should be modified to be more consistent with the existing context of the conservation area, in particular the immediate surrounds to respect the low scale fine fabric. The redesign should further develop the option of providing rooms largely within the roof form to present more as a single storey scale.
- The alignment of the dwelling to be parallel and address Bank Lane in a manner that is consistent with the existing contributory item.
- The access for an off-street car space should be from Bank Lane and be discreet in design by being incorporated into the landscape and with a retractable sliding fence appropriate to the conservation area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 5

DA No:	20/21
ADDRESS:	15 Waiwera Street, Lavender Bay
PROPOSAL:	Alterations and additions to a heritage listed item being a detached dwelling.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
APPLICANT:	Tsai Design

Public Submissions

Submitter	Applicant/Representative
	Willem Van Wyk – Town Planner
	Jack Chen & Kirstin Farchaus – Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

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 requests in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objective of the standard and the zone objectives.

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

Panel Reason:

The Panel is satisfied the proposed development will not adversely impact on the heritage value or have an unacceptable impact on the amenity of the adjoining properties.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 6

DA No:	333/19/2
ADDRESS:	182 Kurraba Road, Kurraba Point
PROPOSAL:	To modify a consent for alterations and additions to convert duplex into a residential flat building with Strata Subdivision
REPORT BY NAME:	Geoff Mossemenear, Executive Planner
APPLICANT:	Daniel Younan & Associates Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	David Rahme – Applicant
	Daniel Younan – Project Architect

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

The Council Officer's Report, Addendum and Recommendations are endorsed by the Panel.

Panel Reason:

The Panel is satisfied that the modification of the application is substantially the same as the application that was approved and considers that the impacts are insignificant. Therefore, the application warrants approval subject to conditions including those in the addendum report.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 7

DA No:	84/21
ADDRESS:	12 Fernhurst Avenue, Cremorne
PROPOSAL:	Alterations and additions including first floor addition.
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	Group Architects Pty Ltd

No Public Submissions

Submitter	Applicant/Representative
	Michael Munro – Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the 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 and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel considers that the application is satisfactory and has no adverse impacts on adjoining properties. The Panel notes no submissions were received during the exhibition.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 8

DA No:	294/20
ADDRESS:	38 Cowdroy Avenue, Cammeray
PROPOSAL:	Substantial alterations and additions to dwelling including partial demolition of the existing dwelling, internal reconfiguration, a new double garage, additions to the main dwelling, a single storey rear addition, a new swimming pool and deck, earthworks and landscaping works.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Troy Davis

No Public Written or Oral Submissions**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the 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 and Recommendation is endorsed by the Panel subject to:

- (i) a change from #36 to #40 in condition C2;
- (ii) condition C1 being amended requiring a landscape plan to be prepared by a qualified landscape architect; and
- (iii) the inclusion of a deferred commencement condition to be satisfied prior to the operation of the consent: This Deferred Commencement Condition is to read as follows:

Revised Architectural Plans

AA1. The applicant must submit revised architectural plans, prepared in accordance with the requirements for plans as contained in Schedule A in the NSW Land and Environment Court - Practice Notes for Class 1 Residential Development Appeals, for the written approval of Council’s Manager Development Services.

(Reason: The plans require greater detail to ensure certainty of outcomes in the quality of the built form and compliance with the necessary regulations)

Panel Reason:

The Panel is satisfied that the height exceedance is a factor of the topography and will not unreasonably impact views. Furthermore, the development as assessed and conditioned will not create unacceptable impacts on the built or natural environment.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 9

DA No:	86/21
ADDRESS:	79 Willoughby Road, Crows Nest
PROPOSAL:	Construction of a permanent shading structure on Council's footpath.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
APPLICANT:	Jacob Tanous Yeah Nah JTAA Pty Ltd

No Public Submissions or Oral Submissions

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting.

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

Panel Reason:

The Panel is satisfied that the structure is appropriate and will not have adverse impacts.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Tony Caro	Y				
Ian Pickles	Y				

The public meeting concluded at 4.50pm.

The Panel Determination session commenced at 5.05pm.

The Panel Determination session concluded at 8.20pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel

2 June 2021