



SECOND ADDENDUM TO REPORT OF PIERRE LE BAS & TIA GAO, TURNBULL PLANNING DATED 27 JANUARY 2021

SUBJECT: 11 BENNETT STREET, CREMORNE
APPLICATION NO. D308/20
AUTHOR: ROBIN TSE, SENIOR ASSESSMENT OFFICER
DATE: 1 June 2021

BACKGROUND

This report should be read in conjunction with the following reports:

- (a) LPP02 dated 27 January 2021, prepared by Pierre Le Bas & Tia Gao of Turnbull Planning, concerning a development application (**DA308/20**) seeking NSLPP approval for the construction of part two and part three storey dual occupancy on each lot following the demolition of existing dwelling and subdivision of the land under **DA237/18**. The report LPP02 was considered by the NSLPP at its meeting held on 3 February 2021; and
- (b) LPP03 Addendum Report, dated 25 May 2021, prepared by Robin Tse, Senior Assessment Officer.

PURPOSE

The purpose of this addendum is to provide comments/information regarding the issues raised in the additional submissions received to date objecting to the proposed development.

SUBMISSIONS RECEIVED

At the time of writing of this report, Council has received a total of fifteen (15) submissions objecting to the proposal since the confirmation of the agenda for the subject Panel meeting on Thursday 27 May 2021 and they fall within two categories:

- (a) Two (2) submissions detailing the reasons for supporting the refusal of the subject application (**D308/20**); and
- (b) Twelve (12) pro forma style submissions supporting the recommendation in LPP03 for the refusal of application.

It is also noted that a submission was received supporting the proposed development.

All submissions received to date have been forwarded to the Panel members.

ISSUES RAISED IN SUBMISSIONS

1. *Non-compliance with Clause 6.6(2)(a) in North Sydney LEP 2013*

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Comment

This issue has been considered in detail in the original report (LPP02) dated 27 January 2021, prepared by Pierre Le Bas & Tia Gao of Turnbull Planning as well as the First Addendum Report (LPP03) dated 25 May 2012, prepared by Robin Tse, Senior Assessment Officer.

2. *The lack of due process when the matter was heard by NSLPP at the meeting on 3 February 2021*

Submitters raised concerns about the lack of notification to many submitters about the NSLPP meeting held on 3 February 2021.

Comment

The matter preliminary relates to the notification of submitters prior to the NSLPP meeting that does not form part of the required notification process for a development application as contained in the Environmental Planning and Assessment Act 1979 and North Sydney DCP 2013.

According to Council's Information Sheet "Making a Submission to Council", interested parties concerned with specific DAs are required to register their email address online via Application Tracking 'Notify Me' to receive email notifications as to the progress of any DA and to be notified when the DA is either to be determined by Council staff, or on the agenda for the North Sydney Local Planning Panel.

An examination of the 'Notify Me' register has revealed that email notifications were sent to the submitters who have registered their email addresses prior to the NSLPP meeting held on 3 February 2021. However, it was noted that a number of submitters did not register their email addresses and subsequently did not receive an electronic notification from Council.

In view of the circumstances, a special notification arrangement has been made for this item to notify all submitters following the confirmation of the agenda for the June NSLPP meeting regardless of their registration on the 'Notify Me' function in the Application Tracking on Council's website to ensure that all submitters have been notified about the consideration of this application.

3. *Inadequacies/Omissions in the reports provided to the NSLPP for the meeting held 3 February 2021*

Submitters have raised concerns about the lack of consideration of the following:

- (a) Unsympathetic nature of the proposed development,
- (b) Impacts on the heritage listed properties within the adjoining properties;
- (c) Local building height restrictions
- (d) Privacy impacts on the adjoining properties; and
- (e) Impacts on an existing *Magnolia Grandiflora* within the rear yard of the subject site.

Comment

The original LPP report (LPP02), dated 27 January 2021, prepared by Pierre Le Bas & Tia Gao of Turnbull Planning, contains comments from Council's Conservation Planner, Development Engineer and Landscape Officer as well as a detailed assessment of various aspects of the proposed development against the relevant controls including LEP building height variation and DCP requirements including setbacks, site coverage and landscape area.

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Furthermore, the Consultant Planner considered that the impacts of the proposed development are considered to be generally acceptable. In addition, conditions were also recommended requiring an updated landscape plan in order to ensure the protection of the existing *Magnolia Grandiflora* within the rear yard of the subject site.

It is noted that the Consultant Planner was generally satisfied with the merits of the proposed development with the exception of the non-compliance with Clause 6.6(2)(a) in North Sydney LEP 2013.

4. *The absence of Site Visits to Neighbouring Properties*

Submitters have raised concerns that Panel members have not inspected the neighbouring properties due to COVID restrictions.

Comment

Whilst group inspections by Panel members have not been conducted due to COVID restrictions, it is noted that Panel members may inspect properties on a need basis independently.

RECOMMENDATIONS:

A. THAT the addendum be noted.

SIGNED

ROBIN TSE
SENIOR ASSESSMENT OFFICER

Endorsed by

ROBYN PEARSON
TEAM LEADER ASSESSMENTS

GAVIN McCONNELL
A/MANAGER DEVELOPMENT SERVICES