

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 7 APRIL 2021, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

Michel Reymond (Panel Member)

Peter Brennan (Panel Member)

Veronique Marchandean (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

Robyn Pearson, Team Leader Assessments

Peita Rose, Governance Officer (Minutes)

Apologies: Nil**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 3 March 2021 were confirmed at that meeting.

2. Declarations of Interest

Jan Murrell perceived a conflict of interest on Item 6, as she was a member of the Panel that determined the original Development Application.

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.

Panel Members inspected sites independently and have had access to Council's electronic file, including details of all written submissions, plans, site photographs and supporting documentation. This meeting was recorded for the purposes of preparing minutes in accordance with the NSW Panel Secretariat's Panel Operating Guidelines.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	297/20
ADDRESS:	77 Holtermann Street, Crows Nest
PROPOSAL:	Alterations and additions to a semi-detached dwelling within a conservation area.
REASON FOR NSLPP REFERRAL	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
APPLICANT:	Gregg Barr Jones, Rapid Plans

Public Submissions**4 Public Submissions**

Submitter	Applicant/Representative
Cate & Mary Allen	Danielle Deegan, Town Planner
	Gregg Barr-Jones, Applicant/Builder designer
	Paul Zammit, Owner

Panel Determination

The Council Officer's Report and Recommendation is endorsed by the Panel, subject to the following changes to the recommended conditions:

- The imposition of an amended condition that requires a 450mm blade to the window instead of a sill height of 1.5m.
- The imposition of a new condition that requires a carpet runner to be installed and maintained for the entire run of the staircase. (reason: to further mitigate noise for the adjoining property.)
- Condition C6. The proposed skylight S6 is to be deleted and the solar panels are to be installed to be not visible from Holtermann Street; and
- Condition C19 is to be deleted.

The manager of Development Services is delegated the power to impose appropriate conditions to reflect the above.

Panel Reason

The Panel, after careful consideration of the submitters concerns, is satisfied the proposed development assessed under the current controls does not have unreasonable impacts. The alterations and additions are generally compliant with Council's controls and guidelines. The Panel, however, has imposed a condition to further mitigate potential noise from the timber staircase by requiring a carpet runner for the entire length of the stair case and the provision of a privacy blade to address those concerns.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Michel Reymond	Y				

Peter Brennan	Y			
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ITEM 2

DA No:	263/20
ADDRESS:	69A Carter Street, Cammeray
PROPOSAL:	Demolition of an existing structures and construction of multi dwelling development with four (4) units, basement car parking, landscaping and an upgrade of the driveway off Carter Street.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to the North Sydney Local Planning Panel for determination as there is a height variation that is greater than 10% and Council has received more than 10 submissions.
APPLICANT:	Michael Lowry, Mundarra Pty Ltd

Public Submissions**2 Public Submissions**

Submitter	Applicant/Representative
Michelle Lewis	Michael Lowry, Applicant
Sue Raye	Tina Christy, Town Planner
	Wieger Meijer, Architect

Panel Determination

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 the following additional conditions and changes:

Signal System

C38. A traffic signal system must be provided to allow entry and exit from the subject site to allow vehicles to safely access the access handle off Carter Street. The signal system shall be designed by a suitably qualified person with a design to ensure that all vehicular traffic movement entering or exiting the access handle do so in a forwards direction. The design must also include the locations of the signals and appropriate signposting, laser beam or trip devices.

The system is to be approved by the Manager of Development Services prior to the issuing of the Construction Certificate.

(Reason: To ensure the provision of a signal system on the shared driveway for the safety of residents)

Design Modification

C3. Delete (a) and (b) and replace with the design of the development is to be amended by providing a fixed privacy screen to a height of 1.5m on the western balcony edge of level 2 bedroom of town house 4, instead of a 1m setback to the balcony.

Condition B1 is amended to add the requirement for the CTMP to be approved by the Traffic Committee of North Sydney Council. A copy of the Construction and Traffic Management Plan has to be kept on site at all times and can be made available on request.

Panel Reason:

The Panel has carefully considered concerns raised by submitters and additional conditions have been imposed. The Panel considers the intensification of traffic on the right of way by 3 additional residences would not warrant refusal of the application and the provision of a pedestrian path on the western side would improve pedestrian safety for all residents served by the row and this and lights to control vehicle entry and exit is also an additional safety measure. Furthermore, a condition is imposed requiring the CTMP to be approved by Council.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandeanu	Y	
Michel Reymond	Y				
Peter Brennan	Y				

ITEM 3

DA No:	1/21
ADDRESS:	2A Cowdroy Avenue, Cammeray
PROPOSAL:	Alterations and additions to an existing detached dwelling to provide a new roof and new garages.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to the North Sydney Local Planning Panel for determination as a variation is sought to the building height development that is greater than 10%.
APPLICANT:	Wail El Waili c/- COSO Architects

Public Submissions

Submitter	Applicant/Representative
	Anthony Solomon, Architect

Panel Determination

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 amendment to Condition AA1(a) to require a 900mm landscaping boundary setback and 1.5m setback to the carport structure.

(Reason: This is to allow the existing slab to be utilised but maintains an overall 1.5m setback.)

Panel Reason:

The Panel has determined the development is satisfactory subject to the conditions as recommended with the above change.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Michel Reymond	Y				
Peter Brennan	Y				

ITEM 4

DA No:	8/21
ADDRESS:	101 Blues Point Road, McMahons Point
PROPOSAL:	Alterations and additions to a heritage item (operating as a medical centre) that includes new administration areas associated with the medical centre and a first floor addition in the form of shop top housing.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination because the development application involves partial demolition of a heritage item.
APPLICANT:	Peter Princi Architects

Public Submissions

3 Public Submissions

No persons elected to speak on this item.

Panel Determination

The Council Officer’s Report and Recommendation is endorsed by the Panel and the application is refused.

The Panel notes the applicant did not seek to address the Panel on the matter.

Panel Reason:

The Panel concurs with the Officer's reasons for refusal.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

ITEM 5

DA No:	282/20
ADDRESS:	64 Bank Street, North Sydney
PROPOSAL:	Alterations and additions to a heritage listed dwelling
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel as the demolition works are to a heritage listed dwelling.
APPLICANT:	Kimberley Williams

Public Submissions

Submitter	Applicant/Representative
	Danny Broe, Applicant
	Eli Gescheit, Town Planner
	John Oultram, Heritage Planner

Panel Determination

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

Panel Reason:

The Panel is satisfied the heritage significance of the dwelling is maintained by a separate rear pavilion addition and at the same time this will greatly improve the amenity and liveability of the item.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

ITEM 6

DA No:	41/20
ADDRESS:	10 Oak Street, North Sydney
PROPOSAL:	Review of determination pursuant to S8.2 EP&A Act 1979 for alterations and additions to a semi-detached dwelling including a rear two storey addition.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the original determination DA 41/2020 was refused by NSLPP and in accordance with S8.3(5) EP&A Act 1979 the review must be conducted by the Panel..
APPLICANT:	Simon Rosewell Pty Ltd

Jan Murrell declared a perceived conflict of interest in this item, as she was a member of the Panel that determined the original Development Application and abstained from and did not participate in the decision process.

Public Submissions**1 Public Submission**

Submitter	Applicant/Representative
	Simon Rosewell, Applicant
	Annelize Kaalsen, Town Planner
	Cameron Gilles, Owner

Panel Determination

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

Panel Reason:

The Panel having considered all the submissions is satisfied the heritage significance of the dwelling is maintained by a separate rear pavilion addition and has minimal impact on the amenity of the adjoining premises, and at the same time will greatly improve the amenity and liveability of the item.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell		absent	Veronique Marchandau	Y	
Michel Reymond	Y				
Peter Brennan	Y				

ITEM 7

DA No:	204/18/3
ADDRESS:	35 Myrtle Street, North Sydney
PROPOSAL:	Modification
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the application seeks to change conditions that were modified by the Panel in its original determination.
APPLICANT:	MODOG Pty Ltd

Public Submissions**3 Public Submissions**

Submitter	Applicant/Representative
	James Lovell, Town Planner

Panel Determination

The Council Officer's Report and Recommendation is endorsed by the Panel, subject to the addition of a new condition:

Shared vehicular access way to be re-surfaced

G20. The shared vehicular access way shall be re-surfaced and all damage repaired prior to the issue of an Occupation Certificate.

(Reason: To ensure that damage that has occurred during construction is appropriately rectified and the shared access way is returned to an acceptable condition)

Panel Reason:

The Panel notes the applicant agreed to rectification resurfacing the right of way that serves a number of properties.

The Panel considers a Section 88E instrument is appropriate to advise future buyers of the small car spaces as per condition G18.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandeanu	Y	
Michel Reymond	Y				
Peter Brennan	Y				

The public meeting concluded at 3.52 pm.

The Panel Determination session commenced at 4.00pm.

The Panel Determination session concluded at 5.10pm.

Endorsed by Jan Murrell
Chair North Sydney Local Planning Panel
7 April 2021