

**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 2 DECEMBER 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

Ian Pickles, Panel Member

Garry Fielding, Panel Member

Jane van Hagen, Community Representative

Staff:

Stephen Beattie, Manager Development Services

Melissa Dunlop, Governance Co-ordinator (Minutes)

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

The Minutes of the NSLPP Meeting of 4 November 2020 were confirmed at that meeting.

2. Declarations of Interest

Garry Fielding declared an interest in Item 1 – LPP01 127 Alexander Street, Crows Nest - DA 224/20 and did not take part in any discussions or deliberations on this Item.

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:	224/20
ADDRESS:	127 Alexander Street, Crows Nest
PROPOSAL:	Alterations and additions to commercial building.
REASON FOR NSLPP REFERRAL	The proposal involves a non-compliance with a development standard (building height) exceeding 10%.
REPORT BY NAME:	Geoff Mossemeneer, Executive Planner
APPLICANT:	O2 Architecture

Public Submissions

1 written submission.

Submitter	Applicant/Representative
	Rocky Zappia - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions to the exhibition and the further submission received.

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

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 zone objectives.

Panel Reason:

The Panel notes that the development will provide for further employment generating floor space and does not create unreasonable impacts by the addition of an additional floor.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	DoI				

ITEM 2

DA No:	29/18/2
ADDRESS:	4-6 McKye Street, Waverton
PROPOSAL:	A Section 4.55(2) application to modify consent to DA 29/18 with regards to various changes to an approved residential flat building.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application proposes the modification of a development consent granted by the Panel and meets the criteria for a contentious development as set out in Schedule 1 of the Minister's Directions as greater than 10 submissions were received.
APPLICANT:	Shanlin L Property Pty Ltd, C/- City Planning Works

Public Submissions

1 written submission received.

Submitter	Applicant/Representative
	Rouzbeh Loghmani - Urban Planner
	Andrew Talbot - Project Architect

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and note the submissions received during the exhibition and prior to the meeting.

The Council Officer's Report, Recommendation and the Addendum Report for approval is endorsed by the Panel (the Addendum identifies a current BASIX Certificate and a consequential amendment to Condition C42).

Panel Reason:

The Panel is satisfied the development is substantially the same as approved and is satisfied the modification warrants approval.

The Panel notes the modification application is in respect of a previous approval, however, the envelope is generally maintained and the amended plans represent an improved built form and amenity outcome.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

ITEM 3

DA No:	198/20
ADDRESS:	425-429 Pacific Highway, Crows Nest
PROPOSAL:	Proposed alterations and additions to Levels 4, 5 and roof and changes to signage.
REASON FOR NSLPP REFERRAL	The proposal has a greater than 10% variation to the building height development standard and partial demolition works to a heritage item.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Legge and Legge Architects Pty Ltd

Public Submissions

Nil.

Submitter	Applicant/Representative
	Navin Prasad - Director Traffic & Safety Solutions
	Tony Moodie - Planning Consultant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received. The Panel notes the application was amended to delete the residential component and provide commercial office space and this overcomes concerns.

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

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 zone objectives.

The following conditions are amended as follows:

- G2 shall be amended to reference 5 years with an additional sentence at the end,

Panel Reason: The Panel considers 5 years an appropriate time frame to reassess changes in the character of the area.

- I1(b) is to include 8.00am to 9.30am weekdays.

Panel Reason: To cover the AM school zone.

The following sentence is inserted at the end of this condition:

"The requirements of this condition may be subject to variation following the submission by the Applicant and an assessment of a modification application under Section 4.55."

Panel Reason:

The Panel is satisfied that the proposal involving replacement of the existing sign with an LED sign presents improved heritage and visual amenity outcomes.

The Panel agrees with the Assessment Officer's report that the dwell time remain at 60 seconds due to the busy intersection and local road network. The Applicant has the ability in the future to submit a Section 4.55 modification application for this to be varied.

The Panel has amended the conditions to allow for a 5-year consent as opposed to 3 years and once again this is subject to extension through a modification application.

An appropriate condition is to be imposed to require the content of advertising during School Zone periods to be of a suitable content (excluding gambling, alcohol and cigarettes).

The conditions are to be amended accordingly to reflect the facilitative provisions of Section 4.55.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

ITEM 4

DA No:	151/20
ADDRESS:	24 Hodgson Avenue, Cremorne Point
PROPOSAL:	Alterations and additions to an existing detached dwelling including internal alterations and a new first floor rear addition.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to NSLPP because Council received more than 10 submissions following two rounds of notification of the original and the amended proposal. Under the directions from the Minister for Planning, Industry and Environment, this application requires determination by NSLPP.
APPLICANT:	Richard Garside, C/- Corben Architects

Public Submissions

4 written submissions received.

Submitter	Applicant/Representative
Stefanie Sng	Andrew Minto - Town Planner
Julia Cranwell	Philip Corben - Architect
Shirley Kirkwood	

Panel Determination

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

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the first floor addition being set back an additional metre from the rear northern boundary and the plans being amended prior to the issuing of a Construction Certificate. The wording of an appropriate condition to achieve this outcome is delegated to the Manager of Development Services.

The Condition C1 is clarified by deleting the words, "frosted or opaque" and replacing with "obscure" in relation to glazing.

Panel Reason:

The Panel has carefully considered submissions received from both adjoining neighbours and the Applicant and has determined that the bulk of the extension would be mitigated by a reduction of one metre and this will also provide the opportunity for improved view sharing without unreasonably impacting on the amenity of the rooms. The Panel however considers that further amendments are not required as the development is compliant and views across side boundaries are difficult to protect.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

ITEM 5

DA No:	170/20
ADDRESS:	75 Bank Street, North Sydney
PROPOSAL:	Partial demolition of an existing dwelling, construction of new alterations and additions to the dwelling including new first floor and associated landscaping.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	Non-compliance to Statutory Height of Building (Clause 4.3 of NSLEP 2013) control.
APPLICANT:	Antonio Caminiti Architect

Public Submissions

Nil.

Submitter	Applicant/Representative
	Antonio Caminiti - Architect
	Rebecca Charles - Owner

Panel Determination

The Applicant requested the matter be deferred to allow consideration of draft amended plans that had been submitted prior to the meeting on 30 November 2020, however, this time has not allowed for an assessment to be carried out to inform the Panel.

The Panel notes that the draft amended plans reduce the height breach which is the reason the matter has been referred to the Panel. In the circumstances, the Applicant is advised to consult with Council Officers as to what would be appropriate amendments to overcome concerns raised in the Officer's Report.

The Council Officer's Report and Recommendation for refusal is endorsed by the Panel. The Applicant is encouraged to submit a new Development Application which reduces any height breach to less than 10% and thus an assessment and determination can be carried out in accordance with standing delegation by the Manager Development Services. Alternatively if the Applicant wishes to submit amended plans under Section 8.2 for a review, then the matter would be required to be referred to the Panel.

Panel Reason:

The plans as submitted do not warrant approval for the reasons articulated in the Officer's Report and are not capable of conditional support. The above delegation to the Manager Development Services is recommended to the Applicant to allow a timely assessment and determination.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

ITEM 6

DA No:	219/20
ADDRESS:	31 King Street, Waverton
PROPOSAL:	Alterations and additions to an existing single storey dwelling including a two-storey rear addition, a car-stacker and associated landscaping works.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The Development application is reported to NSLPP for determination because the development application involves partial demolition of a heritage item.
APPLICANT:	Miriam Green

Public Submissions

Submitter	Applicant/Representative
	Miriam Green - Applicant
	Zoltan Kovacs - Heritage Consultant

Panel Determination

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to Conditions C13, C14 and C16 being rationalised and to require the approval of the Manager Development Services.

Panel Reason:

The Panel considers the development warrants approval and will not create adverse impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

ITEM 7

DA No:	230/20
ADDRESS:	23 Victoria Street, McMahons Point
PROPOSAL:	Change of use from a commercial building to a single residential dwelling.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the Panel for determination because elements of the proposed works would breach the height limit by greater than 10%.
APPLICANT:	Studio Barbara

Public Submissions

Submitter	Applicant/Representative
	Felicity King - Applicant

Panel Determination

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

Panel Reason:

The Panel is satisfied the development warrants approval.

By way of comment, the Panel notes that the natural ventilation for two bedrooms must be in accordance with the National Construction Code.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane van Hagen	Y	
Ian Pickles	Y				
Garry Fielding	Y				

The public meeting concluded at 3.45pm.

The Panel Determination session commenced at 4.00pm.

The Panel Determination session concluded at 5.30pm.

Endorsed by Jan Murrell
 Chair North Sydney Local Planning Panel
 2 December 2020