



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 OCTOBER 2020, AT 2.00PM.**

PRESENT

Chair:

Jan Murrell

Panel Members:

Peter Brennan, Panel Member

Veronique Marchandau, Community Representative

Staff:

David Hoy, Team Leader (Assessments)

Peita Rose, Governance Officer (Minutes)

Apologies: Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 2 September 2020 were confirmed at 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.

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:	149/20
ADDRESS:	1 The Boulevardde Cammeray
PROPOSAL:	Alterations and additions to the existing/approved residential flat building including the addition of 2 bedrooms within the roof space of the existing building, a change in roof materials from tile to colorbond metal, landscaping, bin storage area and the addition of one off-street car space accessed from a new driveway crossing at the end of North Avenue.
REASON FOR NSLPP REFERRAL	The application is referred to NSLPP as it is a development to which SEPP 65 applies and the proposal involves a non-compliance with a development standard (building height) exceeding 10%.
REPORT BY NAME:	Geoff Mossemenear, Executive Planner
APPLICANT:	Cable Residences Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	James Lovell - (Town Planner)

Panel Determination

The Panel members have undertaken independent site inspections as deemed necessary prior to the meeting and have noted the submissions 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 height of buildings standard.

The development is approved subject to the conditions contained in the Officer's report.

Panel Reason:

The Panel is satisfied the development now shown in the current plans will not have unreasonable impacts and will sit appropriately in its context.

The Panel support the deletion of the additional car space as this will improve the landscaping presentation to North Avenue.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandeanu	X	
Peter Brennan	X				

ITEM 2

DA No:	163/20
ADDRESS:	201 Miller Street, North Sydney
PROPOSAL:	Installation of four (4) building identification signs to replace four existing “McAfee” sky signs to a heritage item
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to NSLPP for determination because the application received fifteen (15) submissions during the notification period of the application.
APPLICANT:	Eventbright Industries Pty Ltd

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel members have undertaken independent site inspections as deemed necessary prior to the meeting, and notes the submissions received.

The Council Officer’s Report and Recommendation for refusal is endorsed by the Panel.

Panel Reason:

The Panel adopts the reasons for refusal as outlined in the report due to the impact on the Heritage Item, non-compliance with: SEPP 64; NSLEP 2013; and NSDCP 2013, and the amenity impacts of the proposed illumination to the surrounding residential units.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandau	X	
Peter Brennan	X				

ITEM 3

DA No:	125/20
ADDRESS:	13 King Street, Waverton
PROPOSAL:	Alterations and additions to dwelling including a Level 1 addition.
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination given 10 unique submissions were received against the application.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Queenie Chow

Public Submissions

The Panel notes all the submissions received during the exhibition period and also the three further submissions made to the Panel, as well as the email forwarded today by Mary McCune in lieu of being able to address the Panel on this matter.

Submitter	Applicant/Representative
Mary McCune (email)	Queenie Si Ying Chow (Applicant)

Panel Determination

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

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the recommended conditions in the officer's report.

Panel Reason:

The Panel notes that the development is generally compliant with Council's controls and guidelines and has been appropriately redesigned to minimise the impact on the amenity of the adjoining properties.

The Panel notes that the development is compliant with the height controls and the development is one that could reasonably be anticipated in the zone.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 4

DA No:	144/20
ADDRESS:	73 Bay Road, Waverton
PROPOSAL:	Alterations and additions to a residential apartment building.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination given that the proposed works result in a variation to the height of building development standard in NSLEP 2013 of 10.59% (max).
APPLICANT:	Alan Connolly

Public Submissions

Submitter	Applicant/Representative
	Andrew Minto (Town Planner)
	Alan Peter Connolly (Applicant)

Panel Determination

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

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the deletion of condition C1 (a) and (b).

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. The Panel is of the opinion 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 height of buildings standard.

Panel Reason:

The Panel considers that the development is not highly visible from the public domain and the reduction in the eyelid dormers is not necessary in the circumstances. Furthermore the dormers as shown in the plans will provide greater internal amenity.

The Panel notes the conditions requiring compliance with the BCA and fire requirements should facilitate upgrading for not only performance but the appearance of the rear section of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 5

DA No:	20/20
ADDRESS:	1/27 Churchill Crescent, Cammeray
PROPOSAL:	Alterations and additions to an existing duplex development.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	The development is reported to North Sydney Local Planning Panel for determination as the building height breaches the maximum control.
APPLICANT:	Rifai Hussein

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions 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. The Panel is of the opinion that 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 height of buildings standard and the objectives for development within the R2 zone in which the development is proposed to be carried out.

Panel Reason:

The Panel is satisfied the development will have minimal environmental impact and is worthy of approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandeanu	X	
Peter Brennan	X				

ITEM 6

DA No:	132/20
ADDRESS:	2 Commodore Crescent, McMahons Point
PROPOSAL:	Construction of a garage, lift enclosure of a rear balcony
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination as the proposal exhibits a breach to the statutory Clause 4.3(2) Building Height Control of NSLEP 2013.
APPLICANT:	Archispectrum

Public Submissions

No persons elected to speak on this item.

Panel Determination

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

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. The Panel is of the opinion that 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 height of buildings standard and the objectives for development within the R2 zone in which the development is proposed to be carried out.

The Council Officer’s Report and Recommendation for approval is endorsed by the Panel subject to the additional condition below to require a canopy tree in the front lawn area.

Landscaping to Commodore Crescent

- G6. Prior to the issue of the final occupation certificate, one (1) canopy tree is to be planted centrally within the garden to the west of the dwelling adjacent to the Commodore Crescent frontage. The selected tree must consist of a locally endemic tree species that is capable of achieving a height of 12 to 18 metres height at maturity. If the health of the tree fails within 5 years of the date of the issue of the final OC a replacement tree is to be planted.

(Reason: To improve the landscape presentation to Commodore Crescent)

Panel Reason:

The Panel is satisfied the development subject to a condition to provide a Canopy tree in the front setback, will not create unreasonable impacts and is satisfactory in the circumstances.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

ITEM 7

DA No:	104/20
ADDRESS:	12 Waters Road, Neutral Bay
PROPOSAL:	Demolition of existing commercial building and the construction of a five storey mixed use/shop top housing development containing three (3) commercial/retail tenancies and sixteen (16) apartments on the upper levels with a roof top communal area and a part 3 / 4 level basement with a retail/commercial tenancy, plant areas and car parking for 25 cars.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to NSLPP for determination because the proposal is subject to SEPP 65 and proposes a variation to the building height development standard which is greater than 10%.
APPLICANT:	CE Waters Pty Ltd

Public Submissions

Submitter	Applicant/Representative
Candice Lombard	Adam Haddow (Project Architect)
David Saba	Anthony Betros (Project Consultant Planner)

Written submissions received - 2

Panel Determination

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

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. The Panel is of the opinion that 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 and consistent with the objectives of the height of buildings standard and the objectives for development within the B4 zone in which the development is proposed to be carried out.

The Council Officer’s Report and Recommendation for approval is endorsed by the Panel subject to a design change to the upper roof top area to provide a setback to the private front terrace area facing the adjoining property at Nos. 4-8 Waters Road from the side boundary. This is detailed in a new Condition C47 (and consequential changes to other conditions if necessary).

Modifications to Roof Terrace

C47. The southern edge of the planter/parapet wall on the southern side of the proposed private roof terrace above the south-eastern 3-bedroom apartment on Level 4 (Unit B51) must provide a 1m setback from the southern property boundary to the adjoining property at Nos. 4-8 Waters Road.

The modified design must be submitted for the written approval of Team Leader Assessments prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To improve the amenity for the adjoining properties)

Panel Reason:

The Panel is satisfied the development subject to conditions is appropriate, and one that would be anticipated in the B4 zone. The additional condition above will provide for increased amenity to the adjoining units and complies with the height in this location.

The Panel noted the concerns of the adjoining owners in respect to construction noise, particularly during the excavation phase, and is satisfied with the imposition of conditions C2, C39 and E12 to address these issues. With respect to privacy concerns the Panel is satisfied the separation distances are in excess of the Department’s Apartment Design Guidelines (ADG).

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandeanu	X	
Peter Brennan	X				

ITEM 8

DA No:	408/17/2
ADDRESS:	398-400 Military Road (aka 93 Parraween St) Cremorne
PROPOSAL:	Section 4.55 (2) application seeking modifications to the approved mixed use building for an extension of the approved communal roof terrace.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The proposed Section 4.55(2) modifications involve a variation to the LEP maximum building height development standard, which requires determination of the application by the Panel as directed by the Director of Planning, Industry and Environment
APPLICANT:	Mecone Pty Ltd, C/- Mijollo

Public Submissions

Submitter	Applicant/Representative
	Matthew Cumming – (Applicant)

Panel Determination

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

The Panel is satisfied the proposed modification:

- is of minimal environmental impact;
- is substantially the same development as the development for which consent was originally granted in DA 408/17;
- has been notified;
- has been assessed having regard to the relevant matters in s4.15 of the EP&A Act 1979; and
- the reasons of the consent authority that granted consent have been taken into account.

The Council Officer's Report and Recommendation for approval is endorsed by the Panel subject to the conditions as recommended.

Panel Reason:

The Panel is satisfied the modification application will not create unreasonable impacts and is worthy of approval.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Peter Brennan	X				

The public meeting concluded at 3pm.

The Panel Determination session commenced at 3.10 pm.

The Panel Determination session concluded at 4.45pm.

Endorsed by Jan Murrell
Chair North Sydney Local Planning Panel
7 October 2020