



NORTH SYDNEY COUNCIL

Council Chambers
27 August 2020

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 2 September 2020 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

KEN GOULDTHORP
GENERAL MANAGER

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 5 August 2020.
(Circulated)

3.1 12 Premier Street, Neutral Bay - DA 382/18/3

Applicant: Stuart Bryson

Report of Michael Stephens, Assessment Officer

This application seeks approval to modify development consent DA 382/18. The proposed amendments relate to minor changes to the internal layout, changes to windows and balconies, and landscaping.

The application is reported to the North Sydney Local Planning Panel for determination, subject to the Minister for Planning and Public Space's Direction dated 30 June 2020, requiring the referral of applications made pursuant to section 4.55(2), as:

- the proposed amendments relate to a condition of consent added by the panel; and
- meets the criteria for development applications set out in the Schedules relating to a departure from a development standard.

The proposed amendments have incorporated the requirements of the conditions of consent as added by the Panel. Amendments to window locations have been proposed following the demolition of the adjoining residential flat building, as the previously existing site condition has changed.

The approved development resulted in a variation of greater than 10% to the height of buildings development standard in clause 4.3 of NSLEP 2013. The approved building has a maximum height of 9.7m. The proposed modifications, however, do not further increase the height of the building or involve any new work above the height standard.

Notification of the proposed modification, in accordance with Council's Community Engagement Protocol, did not result in any submissions. However, the Applicant has provided submissions of support from two adjoining property owners.

The proposed amendments are considered to be minor in nature and would not result in any additional impacts to the amenity of the surrounding properties.

Following this assessment, the development application to modify development consent DA 382/18 is considered to be reasonable in the circumstances and is recommended for **approval**, subject to revised conditions.

Recommending:

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT under the provisions of Section 4.55 of the Environmental Planning and Assessment Act (as amended), the North Sydney Local Planning Panel exercising the functions of Council, approve the modification of development consent DA 382/18, dated 6 February 2019, for alterations and additions to an existing semi-detached dwelling on land at 12 Premier Street, Neutral Bay only so far as to provide the following:

1. The following conditions are to be imposed as follows:

Development in Accordance with Plans (S4.55 Amendments)

A5. The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications on:

Plan No	Title	Dated	Prepared	Received
S4.55 01	Lower Ground and Ground	6 July 2020	Wolski Coppin Architecture	7 July 2020
S4.55 02	Level 1 & Roof/Site Plan	6 July 2020		7 July 2020
S4.55 03	Elevations 01	6 July 2020		7 July 2020
S4.55 04	Elevations 02	6 July 2020		7 July 2020
S4.55 05	Sections 01	6 July 2020		7 July 2020
S4.55 06	Sections 02	6 July 2020		7 July 2020
FS01	Finishes Schedule	6 July 2020		7 July 2020

except as amended by the following conditions and this consent.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Air Conditioners in Residential Premises

C26. The use of any air conditioner installed on the premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2008 and State Environmental Planning Policy (Infrastructure) 2007 and must not:

- (a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or Public Holiday; or
 - (ii) before 7.00am or after 10.00pm on any other day
- (b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy will be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To maintain residential amenity)

2. The following conditions are to be modified as follows:

External Finishes & Materials

A4. External finishes and materials must be in accordance with the submitted schedule Finishes Schedule FS01 dated 6 July 2020, prepared by Wolski Coppin Architecture and received by Council on 7 July 2020, unless otherwise modified by Council in writing.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

BASIX Certificate

C19. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A300101_04, dated 6 June 2020 for the development are fulfilled. Plans and specifications

complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. (Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

3. *Delete Conditions C16, C17 a) and b), and C20 a), b), c) and d).*

3.2 173 West Street, Crows Nest - DA 270/19

Applicant: Woodhouse and Danks Pty Ltd

Report of Lara Huckstepp, Executive Assessment Planner

This development application seeks approval for the demolition of a dwelling and construction of a boarding house which will be operated by a Social Housing Provider. The application is reported to the North Sydney Local Planning Panel (NSLPP) for determination due to the non-compliance with Clause 30(1)(a) SEPP Affordable Rental Housing 2009 with regards to motorbike parking.

Notification of the proposal has attracted 4 submissions raising particular concerns about bulk, scale, privacy overshadowing, context, use of boarding house, noise, lack of car parking and lack of motorbike parking. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The boarding house development is considered to be generally compliant with Council's built form controls and is considered to result in reasonable impacts on surrounding properties.

The site provides no on-site car parking or motorbike parking. SEPP Affordable Rental Housing 2009 requires 2.6 car parking spaces and 3 motorbike parking spaces be provided. A Clause 4.6 request for variation has been lodged in relation to motorbike parking as this requirement is considered to be a development standard. The site is located in an accessible area and is close to amenities within Crows Nest and Cammeray Town Centres. For reasons set out within this report, the provision of zero car parking on this site is not considered to be determinative. The applicant's Clause 4.6 request for variation in relation to motorbike car parking is considered to be well founded.

A Plan of Management has been submitted and various conditions are recommended to require measure are in place to ensure the premises can operate without adverse amenity impacts upon the locality.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 30(1)(h) SEPP ARH 2009 and **grant consent** to Development Application No. 270/19 for the

demolition of a dwelling and construction of a boarding house on land at 173 West Street, Crows Nest, subject to the following site specific and attached standard conditions:-

Salvage and Re-use of Building Materials

- C1. Original decorative architectural features and building materials within the existing buildings are to be salvaged for re-use within the development or within the wider community. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the building plans and specifications submitted fully satisfy the requirements of this condition. (Reason: To allow for improved sustainability through the recycling of building materials)

Boarding House - Operational Plan of Management

- I3. The management of the boarding house shall be conducted in accordance with the *Management Plan for 173 West Street, dated April 2019, prepared by Link Housing* and must comply with the requirements of the following relevant legislation:
- Schedule 2 (Standards for places of shared accommodation) to the Local Government (general) regulation 2005
 - The public health act 1991 and
 - Boarding houses act 2012.
 - North Sydney Council's Boarding House controls under Section 4 of Development Control Plan 2013.

Except as otherwise amended by the conditions of this consent.

(Reason: To ensure the ongoing operation of the boarding house is in accordance with the terms of this consent)

Registration of Boarding House

- I4. The boarding house must be registered with Council.
(Reason: To allow Council to maintain appropriate records)

No Subdivision

- I5. No approval shall be granted for the strata subdivision or community title subdivision of the boarding house.
(Reason: To comply with Part 4, provision 52 of SEPP ARH 2009)

Provision of Affordable Housing

- I6. All rooms in the proposed boarding house must only be used for the purpose of affordable housing, as defined in *State Environmental Planning (Affordable Rental Housing 2009)* (or any SEPP relating to Affordable Housing that may replace this SEPP in the future) for the life of the proposed development.
(Reason: To ensure that the development provides affordable housing and to ensure that the purpose built boarding house is not used for any other purpose)

Minimum Occupancy Period

- I7. The minimum occupancy period of any tenant of the boarding house shall be not less than minimum of three (3) calendar months.
(Reason: To comply with the terms of this development consent and for safety/ amenity)

Use of common open space

- I8. The use of the common open space at the rear of the site shall not occur between the hours of 10.00pm and 7am daily.

(Reason: To protect the amenity of surrounding properties)

Boarding house must be operated by a registered social housing provider

I9. The premises must be operated at all times by a registered social housing provider.

(Reason: To comply with the terms of this development consent)

CCTV Coverage

I10. CCTV coverage of the premises is to be provided 24 hours a day seven days per week. The camera placement and operation of the system shall be in accordance with the following requirements:

- a) The CCTV system shall provide a 24 hour 7 day visual time stamped recording with a good quality resolution minimum rate of ten (10) frames per second at a resolution of at least 640 pixels by 480 lines/pixels and include sound recording.
- b) The positioning of all surveillance cameras shall be made in consultation and agreement with the Commander, Harbourside Local Area Command or his or her delegate
- c) A sign is to be erected in a prominent location within the premises advising that the premises are under CCTV surveillance for the purpose of protecting the amenity of the adjoining properties.
- d) The Managing Agent is responsible for ensuring the tenants of the premises comply with the conditions imposed by this consent and the approved Management Plan of the Premises. If the CCTV system identifies a customer or visitor breaching the conditions of consent then the manager is to take action, including removal from the premises, and prohibition of future entry as appropriate, to ensure that the is compliance with the conditions of consent.
- e) The CCTV recordings shall be kept for a period not less than 3 months and shall be provided to Council upon request.

(Reason: To promote the safety/minimise impact on neighbours)

3.3 10 Oak Street, North Sydney - DA 41/20

Applicant: Cameron Gillies

Report of Luke Donovan, Senior Assessment Officer

The applicant seeks consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to a heritage listed semi-detached dwelling including a rear two storey addition on land at 10 Oak Street, North Sydney.

The application is reported to the NSLPP for determination as the proposal involves demolition work to a local heritage item.

Council's notification of the original proposal attracted two (2) submissions raising concerns about bulk and scale, heritage, loss of solar access and natural light, overlooking, overshadowing, site coverage and non-compliant side setbacks. The amended proposal attracted one (1) submission that largely reinforced the concerns raised in the previous submissions.

The subject site is identified an item of environmental heritage in Part 1 of Schedule 5 in NSLEP 2013. The subject site forms part of a group of semi-detached dwellings at 2-12 Oak Street. Council's Conservation Planner considers that the form, massing and scale of the proposed two storey rear

addition is over scaled and will overwhelm the heritage significance of the original dwelling and the nearby heritage items that are located within the Edward Street Conservation Area. Whilst it is acknowledged that the applicant has made some amendments to the design following the Pre DA and during the course of the DA assessment, this issue relating to form, massing and scale of the rear addition has remained largely unresolved.

Council's Conservation Planner has suggested that the applicant give consideration to a 'room in roof' style addition at the rear with a single storey linking structure in order to address this issue of form, massing and scale. These amendments, would however result in a substantially different built form at the rear which should be considered as part of a new DA and not as a further amendment to the current DA.

The proposal is non-compliant with the site coverage, landscape area and side setback controls in NSDCP 2013. The proposed site coverage is 67.6% and non-compliant with the maximum site coverage control of 60%. The proposed landscape area is 7.05% and non-compliant with the minimum landscape area of 20%. These non-compliances are indicative of an overdevelopment of a very small site.

The blank two storey western wall is non-compliant with the minimum side setback control in Part B, Section 1.4.6 in NSDCP 2013 and does not assist in minimising the bulk and scale and would result in adverse visual impacts for the adjoining property at 8 Oak Street. The removal of the 'wing' comprising bedroom 1 and dining would largely address these remaining issues.

Having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act 1979 (as amended)*, the proposal is unsatisfactory and is recommended for **refusal** due to adverse impacts on the heritage significance of the heritage listed semi-detached dwelling and Edward Street Conservation Area and an overdevelopment of the site.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, resolve to **refuse** development consent to Development Application No. 41/20 for alterations and additions to a heritage listed semi-detached dwelling including two storey rear addition on land at 10 Oak Street, North Sydney, as shown on Drawings numbered DA101- DA135 (inclusive) Amendment A, prepared by Simon Rosewell Pty Ltd dated 14/05/2020 and received by Council on 12 June 2020, for the following reasons:

1. Adverse heritage impacts

The proposed two storey rear addition would not conserve the heritage significance of the heritage item and Edward Street Conservation Area.

Particulars:

- (a) The form, massing and scale of the proposed two storey rear addition is over scaled will be visible from the primary street frontage and will overwhelm the heritage significance of the original single storey semi-detached dwelling which is heritage listed and nearby heritage items that are similarly located with the Edward Street Conservation Area.
- (b) The proposed two storey rear addition is inconsistent with:
 - i. Objective (a) and (b) in Clause 5.10 (1) in NSLEP 2013 and Clause 5.10(4) in NSLEP 2013;

- ii. Aims of Plan, Clause 1.2(2)(a), (b)(i), and (f) in NSLEP 2013.
- iii. Objective, dot point 3, of the R2 Low Density Residential in NSLEP 2013;
- iv. Objective O1 and Provision P1 in Part B, Section 13.4 ‘Development in the vicinity of heritage items’ in NSDCP 2013;
- v. Objective O1, O2, O3, O6 and Provision P3 in Section 13.5.1 ‘Protecting heritage significance’ in NSDCP 2013;
- vi. Objective O1, O2, Provisions P1, P2 and P5 in Part B, Section 13.5.2 ‘Form, massing, scale’ in NSDCP 2013;
- vii. Objective O1, Provision P1 and P2 in Part B, Section 13.5.3 ‘Additional storeys’ in NSDCP 2013;
- viii. Objective O1 and Provision P1 in Part B, Section 13.5.4 ‘Roofs’ in NSDCP 2013;
- ix. Objective O1 and Provision P5 in Part B, Section 13.5.5 ‘Interior layouts’ in NSDCP 2013;
- x. Objective O1 in Part B, Section 13.6.1 ‘General objectives’ – Heritage Conservation Areas in NSDCP 2013;
- xi. Objectives O1, O2 and Provision P1 in Part B, Section 13.6.2 ‘Form, massing & scale’ in NSDCP 2013;
- xii. Objective O1, Provision P1, P2 and P3 in Part B, Section 13.6.4 ‘Additional storeys and levels’ in NSDCP 2013;
- xiii. Objective O1, O2 and Provision P2 in Part B, Section 13.10.2 ‘Single storey attached dwellings’ in NSDCP 2013;
- xiiii. Provisions P3, P5 and P6 in Part C, Section 10.12.6 ‘Characteristic built elements’ in NSDCP 2013 and Provision P1 in Part C, Section 10.12.7 ‘Uncharacteristic elements’ in NSDCP 2013 for the Edward Street Conservation Area’;
- xv. Objective O1 and Provision P1 in Part B, Section 1.4.1 ‘Context’ in NSDCP 2013;
- xvi. Objective O1 and Provision P2 in Part B, Section 1.4.7 ‘Form, Massing and Scale’ in NSDCP 2013; and
- xvii. Objective O1 and Provision P1 in Part B, Section 1.4.8 ‘Built Form Character’ in NSDCP 2013.

2. **Overdevelopment of the site**

The proposed two storey rear addition results in site coverage, landscape area and side setback DCP non compliances which have not been adequately offset by the landscape or design response. The degree of non-compliances demonstrate an overdevelopment of the site. The excessive bulk and scale will result in adverse visual impacts for the adjoining property at 8 Oak Street.

Particulars:

- (a) The proposed site coverage is 67.6% and non-compliant with the maximum site coverage control of 60% in Provision P1 in Part B, Section 1.5.5 ‘Site coverage’ in NSDCP 2013.
- (b) The proposed landscape area is 7.05% and non-compliant with

- the minimum landscape area of 20% in Provision P1 in Part B, Section 1.5.6 ‘Landscape area’ in NSDCP 2013.
- (c) The non-compliances referred to in (a) and (b) result in a dwelling of excessive footprint which significantly reduces opportunities for landscaping and private open space at the rear of the site. The proposal is inconsistent with:
 - i. Objective O1, O3, O4 and Provision P1 in Part B, Section 1.5.5 ‘Site coverage’ in NSDCP 2013’
 - ii. Objective O1(a), (b), (f), (g) and (i) in Part B, Section 1.5.6 ‘Landscape area’ in NSDCP 2013;
 - iii. Objective O2 and Provision P1 in Part B, Section 1.5.10 ‘Private and communal open space’ in NSDCP 2013.
 - (d) The blank two storey western wall is non-compliant with the minimum side setback control of 1500mm in Part B, Section 1.4.6 ‘Setbacks’ in NSDCP 2013.
 - (e) The non-compliance referred to in (d) results in a dwelling of significant bulk and scale that will have adverse visual impacts for the adjoining property at 8 Oak Street. The proposal is inconsistent with:
 - i. Objective, dot points 3 and 4 of the R2 Low Density Residential zone;
 - ii. Objectives O2, O3 and O4 in Part B, Section 1.4.6 ‘Setbacks’ in NSDCP 2013;

3.4 49 Carter Street, Cammeray – DA 157/20

Applicant: Thomas Wing-Evans

Report of Michael Stephens, Assessment Officer

This development application seeks consent for alteration and additions to an existing dwelling house, including the enclosure of an existing roof balcony, additional excavation of the lower ground floor level and construction of a front roof terrace over the existing garage.

The application is reported to North Sydney Local Planning Panel (NSLPP) for determination as a portion of the proposed alterations and additions are above the maximum building height development standard of 8.5 metres pursuant to Clause 4.3(2) in NSLEP 2013. The existing dwelling has a maximum height of 9.5m and the maximum height of the proposed alterations is 9.4m, resulting in a variation to the development standard of 10.6%.

The applicant has submitted a clause 4.6 submission seeking a variation to the building height standard which is considered to be well founded as compliance with the development standard is considered unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the variation. The alterations are generally consistent with the existing built form and would not result in adverse impacts to the residential amenity of the surrounding area. The variation is a result of the previous excavation of the lower ground floor level below the natural ground level.

The application was notified in accordance with Council’s Community Engagement Protocol however, no submissions were received. The potential impact of the proposed development on the amenity of the surrounding properties and the character of the area has been considered. The proposed alterations to the existing built form would not result in excessive bulk and

massing and would not adversely impact the amenity of the adjoining properties with regard to the retention of views, privacy and solar access.

Conditions have been recommended to ensure that the proposed excavation does not affect the stability of the surrounding land.

The proposed development is considered reasonable and is recommended for approval.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel exercising the functions of Council as the, assume the concurrence of the Director General of the Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 with regard to the exception to the development standard for building height and **grant consent** to Development Application No. DA 157/2020 for alteration and additions to an existing dwelling house including, additional lower ground floor areas, enclosure of roof terrace and construction of front terrace over the existing garage on land at 49 Carter Street, Cammeray subject to the following site specific and the attached standard conditions:

Amendments to the Roof Form

- C1. The pitch of the roof over the enclosed roof terrace ‘winter garden’ is to be re-pitched downwards at a 5 degree angle reducing the height at the eave by approximately 350mm as indicated in red on the approved plans. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. (Reason: To minimise the visibility of the proposed roof between the existing roof features)

3.5

61 Lavender Street, Milsons Point – DA 112/14/01

Applicant: Aqualand, North Sydney Lavender Development Pty Ltd

Report of George Youhanna, Executive Assessment Planner

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify development consent DA112/01 for conversion of a commercial building to a mixed use development and is reported to the North Sydney Local Planning Panel for determination as more than ten (10) unique submissions have been received.

Development application DA 112/01 for conversion of the former 19 storey Samsung commercial building to a mixed use building was approved by Council on 19 March 2001. The development was physically commenced in approximately March 2005 involving works to the basement car parking levels. The original consent has previously been modified pursuant to s.96 and s.4.55 of the EP&A Act 1979 on twelve (12) previous occasions.

The currently proposed modifications include basement modifications to improve the layout and function of the basement facilities, including waste management, ground floor modifications to the non-residential tenancies and adjoining terrace, reconfiguration of the approved “shop top housing” involving a reduction in the number of shop top housing units from five units to three larger units, modifications to the ground floor post room and communal room, and modification of the ground floor awning over the terrace and entry stairs.

Council's notification of the proposal has attracted eighteen (18) submissions raising particular concerns about traffic, parking, pedestrians, noise, privacy, waste, odours, hours of operation, residential character of the area, narrow footpath to Cliff Street, stratum subdivision, stormwater drainage, ventilation of non-residential tenancies and other concerns. The assessment has considered these concerns as well as the performance of the modification against Council's planning requirements and the relevant statutory provisions.

Following this assessment, the application to modify development consent DA112/01 is considered to be reasonable in the circumstances and is recommended for **approval**.

Recommending:

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel as the consent authority approve the modification of development consent DA112/01 for a mixed use development at No.61 Lavender Street, Milsons Point under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

To replace conditions A1 and G7 of the consent with the following new conditions:

1. Development in Accordance with Plans

A1. The development being carried out in accordance with the following drawings:

Plan No.	Issue	Title	Drawn By	Dated
A-000	W	Cover Sheet	PTW Architects	7/8/20
A-050	W	Basement B3	PTW Architects	7/8/20
A-051	V	Basement B2	PTW Architects	24/7/22
A-052	V	Basement B1	PTW Architects	24/7/22
A-053	V	Ground Floor	PTW Architects	24/7/22
A-054	T	Level 1	PTW Architects	1/5/20
A-055	Q	Level 2-3 typical	PTW Architects	23/11/17
A-056	Q	Level 4-7 typical	PTW Architects	23/11/17
A-057A	R	Level 8	PTW Architects	1/5/20
A-058	A	Level 9-17 typical	PTW Architects	1/5/20
A-071	Q	Level 18	PTW Architects	23/11/17
A-072	Q	Level 19	PTW Architects	23/11/17
A-073	R	Level 20	PTW Architects	1/4/18
A-074	R	Upper roof plant	PTW Architects	23/11/17
A-100	P	North Elevation	PTW Architects	1/5/20
A-102	N	South Elevation	PTW Architects	1/5/20
A-104	N	East Elevation	PTW Architects	1/5/20
A-106	N	West Elevation	PTW Architects	1/5/20
A-110	Q	Section AA	PTW Architects	1/4/18
A-111	R	Section BB	PTW Architects	1/4/18

A-130	K	Sample Board	PTW Architects	6/1/17
A-140	B	Upper Roof	PTW Architects	4/9/17
A-141	K	Aneeta Operable Facade	PTW Architects	20/7/17

except where amended by the following conditions.

(Reason: To ensure that the form of development undertaken is in accordance with the determination of Council)

Restrictive Covenant - shop top housing

G7. Prior to the use or occupation of the premises, a restrictive covenant pursuant to Section 88E of the Conveyancing Act, 1919 shall be created on the title of each of the three (3) shop top housing allotments providing that the ground floor of each allotment, being the non-residential level, shall at all times be used exclusively for non-residential purposes (subject to obtaining development consent, where necessary). North Sydney Council and its successors shall be named as the sole authority empowered to release or modify the restrictive covenants.

(Reason: To provide certainty in relation to the ongoing use of the ground floor for non-residential purposes.)

Additional Condition C28B to be included:

Section 7.11 Contributions

C28B. An additional monetary contribution is required in relation to the additional non-residential floor space of 175m², less credit for the deletion of two x studio apartments, approved under s.4.55 application DA112/10/14, pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the “North Sydney Section 94 Contributions Plan” for the public amenities/ services detailed in column A below and, for the amount detailed in column B below, must be paid to Council.

A	B (\$)
Administration	\$221.74
Community Centres	\$153.01
Child Care Facilities	\$1,400.34
Library and Local Studies Acquisition	\$45.73
Library Premises & Equipment	\$130.74
Multi-Purpose Indoor Sports Facility	\$100.47
Olympic Pool	\$327.23
Open Space Acquisition	-
Open Space Increased Capacity	-
North Sydney Public Domain	-
St Leonards Public Domain Improvements	-
Public Domain Improvements	\$1,157.13
Traffic Improvements	-
The total Contribution is	\$3,53639

The contribution MUST BE paid prior to issue of any Construction Certificate for the modified development.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Section 94 Contributions Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

**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 5 AUGUST 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

David Brigden, Panel Member
John McInerney, Panel Member
Kenneth Robinson, Community Representative

Staff:

Robyn Pearson, Team Leader Assessments

Administrative Support

Melissa Dunlop, Governance Co-ordinator (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 1 July 2020 were confirmed following 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 were instructed and have 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:	21/20
ADDRESS:	314-316 West Street, Cammeray
PROPOSAL:	Demolition of existing dwellings, site amalgamation, tree removal and excavation, and construction of a multi-dwelling housing development of 7 dwellings with basement parking.
REPORT BY NAME:	Lisa Kamali, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	Max. building height exceedance of over 10% and the application has attracted more than 10 unique submissions.
APPLICANT:	Platino Properties Pty Ltd

Public Submissions

Written submissions received - 1

Submitter	Applicant/Representative
	Paula Mottek, Town Planner
	George Revay, Town Planner
	Rebecca Gordon, Consultant Planner

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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 R3 zone in which the development is proposed to be carried out.

The Panel concurs with the conditions recommended to be imposed with the exception of C5 which is to be deleted and an additional condition of C13a to allow the salvage and re-use of building materials:

Salvage and re-use of building materials

Original decorative architectural features and building materials within the existing buildings are to be salvaged for re-use within the development or within the wider community.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To allow for improved sustainability through the recycling of building materials.)

The Panel also recommends the deletion of Condition C26 (Garbage & Recycling Facilities) to allow individual unit owners to manage their own general household waste.

Panel Reason:

The Panel is satisfied the development is appropriate for the zone and having regard to the future draft amendments to the zone.

The Panel considered that individual garbage bins are more suitable in the circumstances of the case with 7 dwellings, each having direct street access as shown on the plan.

The Panel has imposed an additional condition to facilitate re-use of existing building materials salvaged from the site. The Applicant did not object to this condition.

The Panel considers that the development will sit comfortably in the streetscape and provides choice in the housing market.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

ITEM 2

DA No:	56/20
ADDRESS:	58 Cowdroy Avenue, Cammeray
PROPOSAL:	Demolition of existing dwelling and construction of a new dwelling with associated tree removal and earthworks.
REPORT BY NAME:	Lisa Kamali, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	Max. building height exceedance of over 10%.
APPLICANT:	Paul Etherington & Renata Etherington C/- COSO Architects

Public Submissions

Written submissions received - 3

Written submissions in support of application - 3

Submitter	Applicant/Representative
Tim & Carolyn Keith	Anthony Solomon, Architect
Ian Glasson	Paul Etherington
Thomas Blamey	
Mark Solomon - Representing 2 Folly Point - Plan Urbia	
Raymond Ng - Representing 2 Folly Point - Play-Co Architecture	
Stanley Yuen	

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions received, both written and oral (this includes the written material recently forwarded by the Applicant).

The Applicant requested the matter be delayed for consideration for one month for amended plans. The Panel considers the most appropriate course of action for amended plans to be submitted and assessed is facilitated through the review provision of Section 8.2A of the EP&A Act. Furthermore, the Panel does not have the benefit of the extent or nature of the Applicant's proposed changes. The application currently before the Panel does not warrant approval and as such the Council Officer's Report and Recommendation is generally endorsed and the application is **refused**.

Pursuant to the provisions of clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel was not 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 addressed the required matters in clause 4.6 of the LEP. The Panel was of the view that the written request failed to demonstrate compliance with the development standard was unnecessary in the circumstances of this case. Further, the Panel considered that the proposed development will not be in the public interest because it is not consistent with the objectives of the height of buildings standard and the objectives for development within the E4 zone in which the development is proposed to be carried out.

It is recommended in the event of amended plans and request for a Section 8.2A Review that the matter be assessed in a timely manner and referred back to the Panel as soon as possible.

Panel Reason:

The Panel is aware of the constraints and context of the site and recognises that maintaining complete views across boundaries is an unrealistic expectation, at the same time consideration is to be given to the concept of view sharing.

The Panel considers that in the event of amended plans being submitted, the reasons for refusal below should be addressed, together with any other appropriate amendments to mitigate the impacts of the development:

- The height and overall massing of the building should be reduced to mitigate impacts from the public domain and have regard to view sharing.
- The site coverage should be reduced to allow space for landscaping and canopy trees and where possible to retain trees. As such the parking platform and any associated structure prevents this objective being achieved.
- The design should be amended to provide a more modulated form which steps down with the topography having regard to existing ground levels.

Any amended plans shall be accompanied with a new Clause 4.6 that correctly identifies the extent of the height breach (refer to NSLEP definitions for building height and existing ground level); and is supported by a View Impact Assessment from neighbouring properties (by way of comment neighbours should allow access to facilitate such an analysis).

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

ITEM 3

DA No:	61/20
ADDRESS:	Unit 1 & 2, 85 Bay Road, Waverton
PROPOSAL:	Alterations and additions to shop top housing, specifically the addition of an attic to Units 1 and 2.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The proposed works are greater than 10% above the permissible height limit of 8.5m pursuant to Clause 4.3(2) in NSLEP 2013.
APPLICANT:	O2 Architecture Pty Ltd

Public Submissions

No public submissions received.

Submitter	Applicant/Representative
	Greg Foster - Town Planner

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 subject to conditions 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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 B1 zone in which the development is proposed to be carried out.

Panel Reason:

The Panel is satisfied the development will sit comfortably in the streetscape and will have minimal environmental impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

ITEM 4

DA No:	204/2018/2
ADDRESS:	35 Myrtle Street, North Sydney
PROPOSAL:	Section 4.55(2) modification to modify development consent DA 204/2018 with regards to numerous changes internally and externally to an approved shop top housing development.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
REASON FOR NSLPP REFERRAL:	The number of submissions that have been received exceeds 10.
APPLICANT:	Modog Pty Ltd

Public Submissions

Written submissions received - 4

Submitter	Applicant/Representative
Martin Ryan	James Lovell

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 subject to an amendment to the following conditions:

1. Condition C35 is added:**Panel lift door**

C35. The garage shall be provided with a panel lift door and not a roller door. The panel lift door shall be set in a minimum of 200mm from the outer face of the brick façade.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, reference on and

accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To address acoustic and visual impacts on the surrounding locality)

2. Condition G16 is modified:

Allocation of spaces

G16. Car parking spaces must be provided and maintained at all times on the subject site. The spaces shall be allocated to uses within the building in accordance with the following:

- 4 spaces – residential tenancies with a maximum of one space allocated to any one apartment.
- 1 space – ground level non-residential tenancy.

The car parking spaces are to be identified on-site by line-marking and numbering upon the completion of the works and prior to the issue of an Occupation Certificate. Car parking spaces provided must only be used in conjunction with the approved uses contained within the development.

In the case of strata subdivision any car parking for strata lots for residential purposes must be individually allocated to its corresponding residential strata lot as part of each lot's unit entitlement and one parking space is to be allocated to the commercial unit.

(Reason: To ensure that adequate parking facilities to service the development are provided on the site)

3. Condition I3 is DELETED

With the additional condition C35 for a panel lift door to replace the roller door, the Panel considers the imposition of this condition is not necessary and furthermore would be difficult to enforce. The Panel notes that existing Conditions C26 (Noise from plant and equipment) and C27 (Vibration from plant and equipment) remain imposed on the development consent to adequately address noise impacts.

Panel Reason:

The Panel considers the amended plans will not create unreasonable impacts. However, the roller door for the garage area is to be changed to a panel lift door to reduce noise impacts, and recessed a minimum of 200mm from the face of the building. The Panel notes the Applicant did not object to the panel lift door. The Panel also considers that the one space allocated to the commercial area is to be retained and as such one dwelling unit will not be allocated a car space. The reason is to make the commercial unit more viable.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

ITEM 5

DA No:	124/20
ADDRESS:	34 McLaren Street, North Sydney
PROPOSAL:	Internal alterations including minor demolition to a heritage building.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The development applications involves demolition of a heritage item, including part demolition.
APPLICANT:	Anglican Church Property Trust Diocese of Sydney

Public Submissions

Comments from the applicant provided to Panel - no written submissions objecting or supporting.

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 subject to the conditions contained within the report.

Panel Reason:

The Panel is satisfied the proposed works will not adversely impact on the heritage significance of the item and maintain it into the future.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell			Kenneth Robinson		
David Brigden					
John McInerney					

ITEM 6

DA No:	116/20
ADDRESS:	Unit 14, 95A Ridge Street, North Sydney
PROPOSAL:	The installation of air conditioning unit to an existing balcony of a residential flat building.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	The proposed works breach the height limit by greater than 10%.
APPLICANT:	Justin Pettit (Strata Manager)

Public Submissions

No public submissions received.

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 subject to conditions 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 was 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 addressed the required matters in clause 4.6 of the LEP. The Panel agreed that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered 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 R4 zone in which the development is proposed to be carried out.

Panel Reason:

The Panel is satisfied the works are minor and within the overall envelope of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
David Brigden	Y				
John McInerney	Y				

The public meeting concluded at 3.25pm.

The Panel Determination session commenced at 3.35pm.

The Panel Determination session concluded at 5.00pm.

Endorsed by

Jan Murrell

Chair North Sydney Local Planning Panel, 5 August 2020