



NORTH SYDNEY COUNCIL

Council Chambers
25 June 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 1 July 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 3 June 2020.
(Circulated)

2. LPP01: 6 Shellbank Parade, Cremorne (T) - DA 95/20

Applicant: Wei Li

Report of Lisa Kamali, Senior Assessment Officer, 19 June 2020

This development application seeks North Sydney Local Planning Panel approval for the construction of a roof and associated structures over the upper level of the previously approved balconies (DA356/19) on the rear (north western) elevation of an existing three storey detached dwelling at No.6 Shellbank Parade, Cremorne.

The application is referred to the North Sydney Local Planning Panel for determination because the variation sought to the building height development standard is greater than 10%, which requires determination of the application by the Panel in accordance with the directions from the Secretary of Planning, Industry and Environment.

The application has been assessed against the relevant provisions and requirements of the relevant planning instrument/controls including the North Sydney LEP 2013, and North Sydney DCP 2013.

Consideration has also been given to the Clause 4.6 request for a variation to the LEP's building height development standard. The variation to the building height development standard is justifiable because the building element above the LEP maximum building height is unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and the loss of privacy.

The notification of the application attracted four (4) submissions against the application with the key concerns including non-compliant building height with inadequate Clause 4.6 to justify the exceedance, loss of views and outlooks, loss of solar access, loss of visual and aural privacy, non-compliance with the prevailing rear setback line, adverse impact on the architectural merit of the dwelling, and previous unauthorised development. Submitters also consider that the application should be refused to achieve consistency in decision making, and that refusal would be in the public interest. The issues raised in the submissions received have been addressed in the report.

This application is an evolution of two previous proposals for the site. On that basis it has been assessed by an officer who is independent of the earlier applications and is to be determined by a panel who is independent of those previously involved.

Overall, the proposed development is considered to be satisfactory having regard to the relevant Environmental Planning Instruments, Development Control Plans and Council policies and is therefore 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, assume the concurrence of the Secretary of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and **grant consent** to Development Application No. 95/20 for a flat roof and associated support structures over the previously approved rear balconies on land at No. 6 Shellbank Parade, Cremorne, subject to the attached conditions.

3. LPP02: 55A Carter Street, Cammeray- DA 40/20

Applicant: New Generation Housing Pty Ltd

Report of George Youhanna, Executive Planner, 23/6/2020

This development application seeks approval for demolition of the existing building containing two x two bedroom dwellings, removal of trees and landscaping, construction of two semi-detached dwellings with basement parking and Torrens Title subdivision into two lots, and is reported to North Sydney Local Planning Panel for determination as there is a potential technical non-compliance with the subdivision site area development standard.

Notification of the proposal has attracted two submissions raising particular concerns about the proposed boundary fence, visual impact, building height, views, landscaping, tree loss and property value. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **deferred commencement 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, under the delegation of the General Manager as the consent authority, grant deferred commencement consent to Development Application No.40/20 for demolition of existing building, removal of trees, construction of two semi-detached dwellings with basement parking and Torrens Title subdivision into two lots, subject to the attached conditions:-

4. LPP03: 182-186 Blues Point Road, McMahons Point (W) - DA 82/20

Applicant: The A2 Milk Company

Report of David Hoy, Team Leader Assessments, 11 June 2020

This development application seeks approval for fit out on Levels 3 and 4, and associated works including an interconnecting staircase, in an existing heritage listed commercial building.

The application is reported to the North Sydney Local Planning Panel for determination as the site is subject to an 8.5m building height development standard pursuant to Clause 4.3 of North Sydney Local Environmental Plan 2013, however the proposed works, at 17.49m in height, exceed this standard by greater than 10%.

The owners of adjoining properties were notified of the proposed development for a 14-day period in accordance with Council's Community Engagement Protocol. The notification resulted in no submissions.

The assessment has considered the performance of the application against Council's planning requirements.

The application proposes internal works including fitout works and installation of new stairs between Levels 3 & 4. The proposal does not affect the external form or heritage significance of the building. There are no unreasonable impacts to neighbours' views, sun, privacy or amenity. There are no unreasonable impacts to the street or local area.

A request to vary the Building Height development standard has been submitted pursuant to Clause 4.6 of NSLEP 2013 and assessed to be justifiable in the circumstances of the case and well founded on planning grounds. The proposal is within the existing building height and envelope and will not give rise to any additional breaches or increase in development yield. The variation is thus considered technical in nature.

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 SECTIONS 4.16 AND 4.17 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, assume the concurrence of the Director General of the Department of Planning, Industry and Environment and invoke the provisions of Clause 4.6 Exceptions to Development Standards in NSLEP 2013 with regards to the non-compliance with Clause 4.3 Building Height and grant consent to Development Application No. 82/20 for fit out on Levels 3 and 4 and associated works including an interconnecting staircase on land at 182-186 Blues Point Road, McMahons Point, subject to the following site specific conditions and attached standard conditions:-

Water Conservation

E1. Any:

- (a) taps for use over a basin, ablution trough, kitchen sink or laundry tub;
- (b) flow restrictors;
- (c) white goods, such as clothes washers or dishwashers;

installed must have the highest WELS star rating available at the time of development.
(Reason: To minimise water use)

5. LPP04: 2/146 Kurraba Road, Kurraba Point (V) - DA 311/19

Applicant: A Total Concept Landscape Architects

Report of Robyn Pearson, Team Leader Assessments, 29 May 2020

This development application seeks approval for alterations and additions to a dwelling within an existing attached dual occupancy at 2/146 Kurraba Road, Kurraba Point

The application is referred to the North Sydney Local Planning Panel for determination as the proposed development breaches the development standard for height by more than 10%. The proposed works, specifically the roof attic storage, have a maximum height of 10.57m which results in a variation of 24.35% to the 8.5m development standard applicable to the site. The applicant has submitted a clause 4.6 variation that is considered to be worthy of support as it has adequately demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the variation.

The determination of this application has been somewhat delayed due to the length of time taken for the Heritage Office NSW to provide their General Terms of Approval.

The proposal is identified as integrated development given that approval is also required under section 58 of the *Heritage Act 1977* because the building, "Hollowforth", is listed as an item of state significance in schedule 5 of NSLEP 2013. The site is also located within the Kurraba Point Conservation Area.

The application was considered by Heritage NSW and General Terms of Approval were issued on 1 May 2020, subject to conditions to ensure that the proposed works retain and conserve the heritage significance of the site and any significant original fabric.

An assessment of the proposed alteration and additions did not raise any concerns with regards to bulk and scale, built form character or potential amenity impacts such as view loss, overshadowing or overlooking.

Council's notification of the proposal has attracted one submission, which raised concerns about stormwater and boundary landscaping. These concerns have been considered within this assessment as well as the performance of the application against Council's planning requirements.

The proposed alterations and additions are considered to be sympathetic to the character of the existing heritage building constructed in 1891, and the character of the Kurraba Point Conservation Area within the South Cremorne Planning Area.

Following this assessment and having regard to the additional approval from Heritage NSW, the development application is considered reasonable and is recommended for **approval** subject to the General Terms of Approval issued by Heritage NSW and standard conditions of consent.

Recommending:

PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (As Amended)

THAT the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and **grant development consent** to Development Application No. 311/2019 for alterations and additions to an existing dwelling within an attached dual occupancy listed as a State Heritage Item at 2/146 Kurraba Road, Kurraba Point subject to the following conditions and General Terms of Approval issued by Heritage NSW.

PLANNING PROPOSALS**6. PP01: 50-56 Atchison Street, St Leonards (T) - PP 3/18**

Applicant: Urbis Pty Ltd, on behalf of Epic Leisure Pty Ltd

Report of Nigel Riley, Strategic Planner, 17 June 2020

On 6 April 2018, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 50-56 Atchison Street, St Leonards. The site is located within the St Leonards and Crows Nest 'Planning Precinct' established by the Department of Planning, Industry and Environment (DPIE) in July 2016.

The Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 20m to 58.1m (RL147.1);
- increase the non-residential FSR control for the site from 0.6:1 to 1.7:1; and
- establish an overall maximum Floor Space Ratio (FSR) control for the site of 6.4:1.

The indicative concept scheme accompanying the Planning Proposal seeks to provide a 16 storey mixed-use commercial and residential building which is consistent with Council's endorsed *St Leonards/Crows Nest Planning Study – Precincts 2 and 3* (Planning Study) and the DPIE's draft *St Leonards and Crows Nest 2036 Plan* (draft 2036 Plan).

The Planning Proposal, as submitted, seeks to increase the maximum building height to RL 147.1, which could potentially result in a building greater than 16 storeys. The Planning Proposal should be amended to reflect a maximum height of 56m to ensure consistency with Council's Planning Study and the DPIE's draft 2036 Plan is ultimately achieved.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) comprising monetary and in-kind contributions towards public infrastructure in the precinct.

Having completed an assessment of the Planning Proposal and draft VPA against Council's Study and the DPIE's draft 2036 Plan and relevant Regional and District Plans, subject to the above amendment to the maximum building height control, the Planning Proposal should be supported to proceed to Gateway Determination.

To further investigate opportunities to reduce car reliance and ownership in favour of sustainable transport choices, a draft Green Travel Plan should be prepared by the applicant prior to commencement of public exhibition of this Planning Proposal, addressing matters detailed in section 8.6.4 of this report.

The Planning Proposal and draft VPA should then be exhibited concurrently, so as to allow the community a full understanding of what is being proposed.

The Planning Proposal is considered to be satisfactory subject to the identified amendments contained in this report and it is therefore recommended that the Local Planning Panel supports the progression of the Planning Proposal to the DPIE seeking a Gateway Determination.

Recommending:

Subject to the identified amendment contained in this report, it is therefore recommended that the Local Planning Panel supports the progression of the Planning Proposal to the DPIE seeking a Gateway Determination.

7. PP02: 41 McLaren Street, North Sydney (W) - PP 1/20

Applicant: Erolcene Pty Limited & Claijade Pty Limited

Report of Planning Ingenuity (Independent Planning Consultant), 16 June 2020

On 13 February 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 41 McLaren Street, North Sydney. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum height of building from RL 100 to RL 226; and
- Increase the minimum non-residential floor space ratio from 0.5:1 to 3:1.

The proposal also includes an offer by the proponent to enter into a voluntary planning agreement to provide a monetary contribution of \$4.75 million to be paid to Council which could be used for the provision of affordable housing or works in kind.

Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- The proposal does not demonstrate strategic merit as it is contrary to the North Sydney Local Strategic Planning Statement (LSPS), and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality, and that is integrated within the LSPS, particularly the Ward Street Precinct Masterplan and North Sydney CBD Public Domain Strategy.
- The proposal is contrary to key priorities of the North District Plan, namely:
 - Planning Priority N8 (*Eastern Economic Corridor is better connected and more competitive*) as it will result in a loss of non-residential floor space that conflicts with the strengthening of the employment role of the Eastern Economic Corridor; and
 - Planning Priority N6 (*Creating and renewing great places and local centres, and respecting the District's heritage*) as it would have a significant adverse impact on the heritage item on the site.
- The loss of commercial floor space and adverse impacts to the heritage item also mean the proposal is inconsistent with Section 9.1 Ministerial Directions *1.1 Business and Industrial Zones* and *2.3 Heritage Conservation*.
- The proposal does not demonstrate site specific merit due to the following:
 - the expected increase in overshadowing and the reduction in solar access likely to occur on the public open space proposed under the Ward Street Precinct Masterplan and North Sydney CBD Public Domain Strategy;
 - insufficient information has been provided on the potential increased overshadowing of residential buildings to the east of the site;
 - the substantial adverse impacts on the heritage significance of the existing heritage building ('Simsmetal House') on the site; and
 - the proposal is of an inappropriate height given its location in the northern extent of the North Sydney CBD, and would be out of scale and character with the immediate surroundings and the desired streetscape of McLaren Street, as well as being inconsistent with the *North Sydney Civic Precinct Planning Study* which identifies the block on the northern side of McLaren Street as a transition area from the CBD and Ward Street Precinct where heights will transition down towards the low-scale residential area to the north.

Recommending:

That the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination.



NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 3 JUNE 2020, AT 2.00PM.

PRESENT

Chair:

Jan Murrell

Panel Members:

Michel Reymond - Panel Member
Grant Christmas - Panel Member
Jane Van Hagen - Community Representative

Staff:

Stephen Beattie, Manager Development Services

Administrative Support

Peita Rose, Governance Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 6 May 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:	397/19
ADDRESS:	2 Folly Point, Cammeray
PROPOSAL:	Alterations and additions to an existing dwelling house.
REPORT BY NAME:	Michael Stephens, Assessment Officer
APPLICANT:	Yiu Chung Yuen

Public Submissions

Submitter	Applicant/Representative
	Mark Solomon – Planner
	Raymond Ng – Architect

Panel Determination

The Panel has the benefit of a site inspection and the submissions received.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the changes to the conditions as set out below:

Condition A4 to be amended to include the following sentence:

The reference to "ST1" as the finish of the steel awning structure on the Plans and Elevations listed in Condition A1 is to be amended to "SS1" which specifies a Stainless Steel finish.

(Reason: To ensure clarity and consistency of material finishes)

Condition C10 to be amended with permanent not operable or removable bollards.

(Reason: To ensure appropriate vehicle manoeuvring access is maintained.)

Condition C11 to allow a 1.8m in lieu of a 1.5m fence.

(Reason: The front fence, given the steep topography, will not be visible from the street and the public domain. Furthermore, the existing vegetation between the street and front fence will be retained)

Pool Access

C12. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. 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 that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

The following new conditions be added:

Installation of Irrigation System

- C13. An automated irrigation system is to be installed on the roof level to irrigate the approved landscaping shown on drawing A101 Site/Roof Plan, drawn by Play Co Pty Ltd, dated 10 March 2020.

(Reason: To ensure that the approved landscaping is able to be adequately maintained)

Maintenance of Landscaping

- I4. The owner of the premises at 2 Folly Point, Cammeray is to maintain the landscaping approved by this consent generally in accordance with drawing number A101 Site/Roof Plan, drawn by Play Co Pty Ltd, dated 10 March 2020.

The automated irrigation system installed as required by condition C13 *Installation of Irrigation System* is to be appropriately programmed to provide sufficient irrigation to the planters.

The landscaping is to be maintained to ensure that the height does not exceed 1.8m above the finished floor level of the rooftop area.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

ITEM 2

DA No:	39/20
ADDRESS:	44 Jeffreys Street, Kirribilli
PROPOSAL:	Alterations and additions to a dwelling including replacement of hatch to roof terrace with glass door.
REPORT BY NAME:	Robyn Pearson, Team Leader, Assessments
APPLICANT:	Urbanism

There were three written submissions from objectors received and read.

There were two written submissions from owner and planner received and read.

Public Submissions

Submitter	Applicant/Representative
Sophie Lappin	Christina Dixon – Owner
	Wesley Folitarik – Planner

Panel Determination

The Panel has the benefit of an inspection of the roof top terrace and the written and oral submissions.

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

The Panel has considered the Section 4.6 written request to vary the height standard under Clause 4.3 and is of the opinion that it satisfies the requirements of Clause 4.6(3). Furthermore, the Panel is satisfied that both the zone objectives and development standard are met and therefore it is in the public interest to approve the contravention.

The Panel is satisfied the development does not unreasonably impact on views, from the adjoining roof top terraces in the row, having regard to the extent of views enjoyed. The door accessing onto the roof will only impact on a relatively small portion of the total view, with the main view obtained to the Opera House and Harbour Bridge being unaffected.

The Panel has decided to approve the application subject to appropriate standard conditions being imposed with this function delegated to the Manager Development Services, and with an additional condition imposed to ensure that all landscaping and fixed fittings and furniture on the rooftop shall not exceed the height of the parapet wall.

Panel Reason:

The Panel in its determination has carefully considered all submissions before approving the application. The additional condition imposed is to provide certainty to ensure the principles of view sharing are maintained by landscaping and furniture limited to the height of the parapet wall.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

ITEM 3

DA No:	416/19
ADDRESS:	49 Reynolds Street, Cremorne
PROPOSAL:	Additions and alterations to a detached dwelling including a new first-floor extension, new carport, replacement swimming pool and landscaping.
REPORT BY NAME:	Lisa Kamali, Senior Assessment Officer
APPLICANT:	Damian O'Toole, Town Planner

Public Submissions

No persons elected to speak on this item.

Panel Determination

The Panel has the benefit of a site inspection and the written submissions received.

The Council Officer's Report and Recommendation is endorsed by the Panel. This matter had been previously deferred to allow the applicant to submit amended plans and these now satisfy the concerns previously raised and therefore warrant approval.

Panel Reason:

The Panel notes the plans now comply with the development standards and an appropriate amenity for adjoining residents is maintained.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

ITEM 4

DA No:	87/20
ADDRESS:	Unit 68, 171 Walker Street, North Sydney
PROPOSAL:	The enclosure of three (3) balconies to Unit 68 within an existing residential flat building.
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
APPLICANT:	Daniel Ng

Public Submissions

Submitter	Applicant/Representative
	Daniel Ng – (Architect – Applicant)

Panel Determination

The Panel has the benefit of a site inspection and submissions received.

The Council Officer's Report and Recommendation is noted by the Panel. However, The Panel has determined that only the main southern facing balcony should be enclosed with the two smaller balconies off bedrooms to the north and west, to remain as existing to provide outdoor open space for the amenity of occupants of the unit, consistent with the principles as set out in SEPP 65. An appropriate condition is to be imposed to this effect.

The Architect requested the deletion of Conditions I1 and I2. However, the Panel considers the condition is to remain for the southern balcony also. The approval, therefore, is to allow the enclosure of the balcony as a winter garden for the amenity of the adjoining main living room. This is consistent with the principles as set out in SEPP 65. The area is to remain as an enclosed balcony.

The Panel considers the Section 4.6 written request to vary the height standard under Clause 4.3 satisfies the requirements of Clause 4.6(3). Furthermore, the Panel is satisfied that both the zone objectives and development standard are met and therefore it is in the public interest to approve the contravention.

Reason:

The provision of open space balconies is consistent with best practice in the Apartment Design Guidelines (SEPP65). Therefore, the Panel is not persuaded that the enclosure of all three balconies warrant approval.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane Van Hagen	X	
Michel Reymond	X				
Grant Christmas	X				

The public meeting concluded at 2.40pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 3.52pm.

Endorsed by

Jan Murrell

Chair North Sydney Local Planning Panel, 3 June 2020