



## NORTH SYDNEY COUNCIL

Council Chambers  
30 April 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 6 May 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**

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### BUSINESS

**1. Minutes**

Confirmation of Minutes of the previous Meeting held on Wednesday 15 April 2020 (Postponed from 1 April 2020 due to Covid-19).  
(Circulated)

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**2. LPP01: 116 Military Road, Neutral Bay (T) - DA 322/19**

Applicant: Cerno Management Pty Ltd

Report of Luke Donovan, Senior Assessment Officer, 28 April 2020

The applicant seeks consent from the North Sydney Local Planning Panel (NSLPP) for substantial alterations and additions to the existing 'Big Bear' Shopping Centre and 'Aurecon' office building including ancillary works on land at No. 116 Military Road, Neutral Bay.

**The application is reported to NSLPP for determination given the proposed variation to the building height control is greater than 10% above the development standard specified in Clause 4.3(2) in NSLEP 2013 and the proposal involves works to a heritage listed item.**

Council's notification of the original proposal attracted zero submissions.

The written request provided by the applicant seeking a variation to Clause 4.3 (height of buildings) has adequately addressed Clause 4.6(3) in NSLEP 2013 and is also considered to be in the public interest because it is consistent with the objectives of the height of building standard and the objectives of the B4 Mixed Use zone.

The development was referred to the North Sydney Design Excellence Panel in September 2019. Amendments received on 23 March 2020 were submitted to address the main issues raised by the Design Excellence Panel.

The proposal will provide for a significant improvement in ground level retail activation in association with the 'Big Bear' shopping centre and an increase in commercial floor space for the 'Aurecon' building. The two-storey scale to Military Road is consistent with the desired built form in the Neutral Bay Town Centre Character Statement.

The consolidation of the mechanical plant onto the level 7 roof of the 'Aurecon' building will not adversely impact the skyline or result in any unreasonable amenity impacts for surrounding properties given it will be screened from view and no higher than the parapet of the existing building.

The retention of the existing driveway entry ramp located off Military Road maintains existing vehicular access arrangements to basement levels of the building. Transport for NSW has provided concurrence in support of the proposal noting the minor realignment of this driveway, addition of new pavers to match the adjoining footpath and the retention of existing bollards will maintain existing pedestrian safety measures to Military Road with minor improvements to streetscape conditions.

The proposal involves changes to the existing bus waiting area which will result in the loss of casual seating across the frontage of the site which is not supported. A deferred commencement condition is recommended that the proposed 'Liquorland' extension be deleted and the existing public seating in these locations be retained as they represent an existing public benefit.

Having regard to the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended), the application is considered to be reasonable in the site circumstances and recommended for **deferred commencement approval** subject to amendments to delete changes to the 'Liquorland' extension and the retention of the existing causal public seating in these locations and a darker colour palette to the front façade to better complement the adjoining Oaks Hotel.

**Recommending:**

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

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**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 and invoke the provisions of Clause 4.6 NSLEP2013 with regards to the non-compliance with Clause 4.3 (Building Height) and grant **deferred commencement consent** to Development Application No. 322/19 for substantial alterations and additions to the existing ‘Big Bear’ Shopping Centre and ‘Aurecon’ office building including ancillary works on land at 116 Military Road, Neutral Bay, subject to the following deferred commencement condition and attached operational conditions:-

**AA Deferred commencement condition**

This consent shall not operate until the following deferred commencement condition has been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement condition within 12 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement condition within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*.**

**Design amendments**

AA1 The following design amendments must be made to the development: The liquorland extension notated on the ground level plan (*DA102 Rev 15 dated 17 March 2020*) totally an area of 43m<sup>2</sup> must be deleted. The area must be reinstated as public seating and landscaped planters and be generally consistent with the existing arrangement in these locations. The front façade in these locations are to be re-designed accordingly to accommodate the public seating and landscape planters.

A colour scheme for the cladding tiles to the front façade is to be provided which utilises a darker colour palette than that indicated on the architectural plans to better complement the adjoining Oaks Hotel.

(Reasons:

1. To retain, as far as possible, existing casual public seating along the Military Road frontage to the site consistent with the relevant provisions in the NSDCP 2013;
2. To improve pedestrian safety adjacent to the crossing on Military Road.
3. The colour of the cladding should be more compatible with adjoining development)

This consent shall not operate until such time as the written approval stating that the requirements of this condition have been satisfied.

Subject to the above deferred commencement condition being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached operational conditions.

**3. LPP02: 80 Pacific Highway, North Sydney (W) - DA 50/20**

Applicant: Spectrum Property & Projects

Report of Robyn Pearson, Team Leader Assessments, 14 April 2020

This development application seeks consent from the North Sydney Local Planning Panel (NSLPP) for the re-cladding of parts of upper level facades (level 13 & above) at 80 Pacific Highway, North Sydney, being a multi-level commercial office building.

**The application is reported to NSLPP because the proposed alterations are above the permissible height limit of 12 metres pursuant to clause 4.3(2) in NSLEP 2013. The non-compliance with the permitted height limit is greater than 10% requiring determination by NSLPP as directed by the Department of Planning, Industry and Environment.**

In accordance with Section 4.2 of the *Environmental Planning and Assessment Act, 1979*, building works to a commercial office building are a permissible form of development in an B3 Zone with development consent.

Council's notification of the proposal has attracted no submissions. Nevertheless, the public interest has been considered within this assessment as well as the performance of the application against Council's planning requirements.

The applicant submitted a Clause 4.6 submission seeking a variation to the building height control that is considered to be well founded as the proposed breach will not increase the existing height or alter the overall built form of the building. In addition, the proposal will not materially reduce the residential amenity of surrounding properties in terms of solar access, privacy or views.

The proposed alterations are considered to be consistent with, and sympathetic to, the character and overall appearance of the existing commercial building constructed in 2000, and the character of the Central Business District within the North Sydney Planning Area.

Following this assessment and having regard to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act, 1979*, the application is considered to be reasonable in the site circumstances and recommended for **approval** subject to standard and site specific conditions of consent.

**Recommending:**

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

**THAT** the North Sydney Planning Panel, exercising the functions of Council, 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. 50/20 proposing the replacement of external cladding to the east and south elevations of the commercial building at No. 80 Pacific Highway, North Sydney, subject to the attached standard conditions.

**4. LPP03: 73 Miller Street, North Sydney (W) - DA173/18/5**

Applicant: Buildcorp

Report of Lara Huckstepp, Executive Planner, 29/4/2020

This modification application seeks approval to allow construction hours from 5pm-12midnight Monday to Friday, for works associated with the internal lift installation, within an approved commercial building, for a maximum three month period.

The application is reported to the North Sydney Local Planning Panel for determination due to the number of the submissions received. Notification of the proposal has attracted 18 submissions raising particular concerns including noise, disturbance, amenity impacts on the locality, precedence of construction hours, cumulative impacts, lack of adequate justification and general loss of amenity in the locality.

The assessment has considered these concerns as well as the performance of the application against Council's planning requirements. It is recommended that construction hours be permitted for the internal construction works between 5pm-10pm Monday to Friday. A condition is recommended to impose an initial two week trial period, together with other requirements to mitigate the impacts on surrounding residential amenity.

As part of the condition, a requirement is also recommended to be imposed that in the event of investigation, complaints are found, through appropriate noise testing, to be justified and that noise impacts negatively upon surrounding residential properties and sensitive land uses, then Council can require by notice to the applicant, owner and developer, that the construction hours must revert to the standard construction hours nominated in Condition E12.

The condition also requires that works must be carried out within sealed building components, that all car parking must be contained within the basement of the site and appropriate mechanisms are in place to deal promptly with any complaints.

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

**Recommending:**

PURSUANT TO SECTION 4.55(1A) 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, modify development consent DA73/18/5 for alterations and additions to a commercial building at No.73 Miller Street, North Sydney under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act only insofar as will provide for the following:-

**1. To add new Condition E23:**

**Extension of construction hours for internal lift installation – trial period**

E23. For a trial period of **two weeks**, construction work limited to the internal lift installation, may be carried out between 5pm – 10pm Monday to Friday.

The installation of the lift shall involve use of only the following equipment:

Use of magnetic drill inside the lift shaft for 10mins every hour at 1 min intervals

(1) Use of hammer drill inside the shaft for 5 mins every hour at 1 min intervals

Prior to the internal works commencing and during construction works:

(a) All building work, including all plant and equipment operating contemporaneously, shall **comply with estimated noise levels set out in the *Construction Noise Assessment***, prepared by ADP Consulting Engineering, dated 30 January 2020, and shall not negatively impact any surrounding residential receiver, or sensitive land use.

(b) The works shall be carried out within the **sealed building façade**.

(c) A **Parking Management Plan** shall be prepared that shall specify the parking arrangements for all workers. Car parking for all workers shall be wholly contained within the basement levels of the site. The plan should address noise abatement measures that will be in place to minimise disturbance to surrounding residential properties when workers are leaving the site. A copy of the Parking Management Plan shall be provided to Council prior to the commencement of the extended construction hours.

(d) **No deliveries** are permitted.

(e) The builder shall display, on-site, their **twenty-four (24) hour contact telephone** number, which is to be clearly visible and legible from any public place adjoining the site.

(f) A **Complaint Resolution Plan** shall be prepared to ensure that all complaints from surrounding residents are promptly attended to and resolved. A copy of the Complaint Resolution Plan shall be provided to Council prior to the commencement of extended constructed hours.

(g) A **letterbox** drop shall be undertaken to affected residents providing details of their twenty-four (24) hour telephone number and their Complaint Resolution Plan.

The applicant shall provide notification to Council, in writing, 2 days prior to the commencement of the construction works. At the conclusion of the two week trial period, the applicant shall provide to Council details of any complaints received. Should Council's review conclude that the noise impacts negatively on surrounding residential receivers and sensitive land uses, then Council will require by notice to the applicant, owner and developer, that the construction hours must revert to the standard construction hours nominated in Condition E12. The uptake of this consent shall be an indication that the beneficiary of the consent accepts this condition.

Should Council deem it unnecessary to take any action following the conclusion of the trial period, extended construction hours in accordance with the requirements of this condition are permitted for a maximum 3 months from the date of commencement.

If investigation of complaint(s) at any time throughout the 3 months, through appropriate noise testing, establishes that the complaints are justified and that the noise impacts negatively on surrounding residential receivers and sensitive land uses, then Council will require by notice to the applicant, owner and developer, that the construction hours must revert to the construction hours nominated in Condition E12.

(Reason: To ensure the reasonable retention of residential amenity in the surrounding locality)

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**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 15 APRIL 2020, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

**Panel Members:**

John McInerney - Panel Member

Annelise Tuor - Panel Member

Kenneth Robinson - Community Representative

**Staff:**

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Robyn Pearson, Team Leader Assessments

Robin Tse, Senior Assessment Officer

**Administrative Support**

Peita Rose, Governance Officer (Minutes)

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

The Minutes of the NSLPP Meeting of 4 March 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.*

*The meeting minutes relate to the meeting agenda for the meeting of 1 April 2020 which was deferred by two weeks due to the COVID Virus Global Pandemic and the need to conduct Panel meetings remotely.*

*The meeting of 15 April 2020 was convened and run using third party proprietary video software Zoom. Meeting participants were notified prior to the meeting date and were provided access to the meeting prior to the scheduled meeting time. The meeting agenda was available prior to the meeting through North Sydney Council's website.*

*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**

<b>DA No:</b>	<b>DA 28/20</b>
<b>ADDRESS:</b>	<b>1 Blue Street, North Sydney</b>
<b>PROPOSAL:</b>	<b>Alterations and additions to the Shore School House</b>
<b>REPORT BY NAME:</b>	<b>Luke Donovan, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the works, whilst a majority of which are internal to the building, are located more than 10% above the maximum building height.</b>
<b>APPLICANT:</b>	<b>Church of England Grammar School (Shore)</b>

### **Public Submissions**

No persons elected to speak on this item. One additional written submission received and read.

### **Panel Determination**

The Panel considered the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

The Report and Recommendation is endorsed by the Panel subject to deletion of Condition C6 and the following additional condition:

### **Heritage Documentation**

G5. That copies of the Final Heritage Assessment of the School House, by NBRS Architecture Heritage, must be submitted to Council prior to the Issue of the Occupation Certificate.

The Conservation Management Plan, also by NBRS Architecture Heritage, dated June 2019 relating to the Shore North Sydney Campus, William Street, North Sydney should also be provided to Council at this time.

(Reason: To ensure the records of the site held by Stanton Library which reflect the approved work is appropriately updated)

### **Panel Reason:**

The Panel has the benefit of the written submission and for the reasons in the officer's report is satisfied the development warrants approval.



Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

## **ITEM 2**

<b>DA No:</b>	<b>DA 363/19</b>
<b>ADDRESS:</b>	<b>28 Fitzroy Street, Kirribilli</b>
<b>PROPOSAL:</b>	<b>Additions and alterations to a terrace dwelling including a three-level rear extension.</b>
<b>REPORT BY NAME:</b>	<b>Lisa Kamali, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the proposed development involves building elements at the upper floor level that are above the permissible height limit of 8.5m, pursuant to Clause 4.3(2) in NSLEP 2013. The non-compliance with the permitted height limit is greater than 10%.</b>
<b>APPLICANT:</b>	<b>Carl Redfern, Redfern Lynch Architects</b>

### **Public Submissions**

The owner addressed the Panel on this item.

### **Panel Determination**

The Report and Recommendation is endorsed by the Panel.

The Panel considered the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

### **Panel Reasons:**

The Panel has the benefit of a site inspection and the written submission received, and adopts the reasons set out in the Officer's report.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

**ITEM 3**

<b>DA No:</b>	<b>DA 333/19</b>
<b>ADDRESS:</b>	<b>182 Kurraba Road, Kurraba Point</b>
<b>PROPOSAL:</b>	<b>Alterations and additions to convert duplex into a residential flat building. Strata Subdivision.</b>
<b>REPORT BY NAME:</b>	<b>Geoff Mossemenear, Executive Planner</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the SEPP 65 is applicable to the proposal.</b>
<b>APPLICANT:</b>	<b>Daniel Younan &amp; Associates Pty Ltd</b>

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Davide Foti	David Rahme - (Datlas Rahme Group – represent applicant/owner)
Paul & Atanee Lakatos	

**Panel Determination**

The Panel carefully considered both the written and oral submissions, and subject to conditions, has determined the application is satisfactory. The written submissions includes the four further submissions received.

The Panel considered the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

The Report and Recommendation is endorsed by the Panel subject to amendment to condition C18 to read as follows:

**Privacy**

C18. The following privacy devices are to be provided:

<b>Privacy Measures</b>	<b>Window/Location details</b>
<b>Ensuite Windows –</b> obscure or frosted glazing to whole window.	W21; W38; W56
<b>Doors/full height windows –</b> Obscure or frosted glazing to lower part to a minimum height of 1500mm above the finished floor level.	W57; W58; W63; W64
<b>Windows -</b> Bottom half of window to be obscure or frosted glazing or external fixed louvres directed to block overlooking of neighbour's windows.	W22; W23; W39; W40; W61; W62
<b>Fixed Privacy Louvres – Balconies</b> Fixed louvres are to be provided to the northern edges of balconies at the nominated locations. The required louvres are to be fixed at 45 degrees to prevent overlooking to neighbour, with a minimum blade width of 30mm and finished to a minimum height of 1.6m above finished floor level.	Balconies on the northeast corner on: Lower ground floor (upper) Ground floor Level 1 Level 2

Note: The window numbers are identified on drawing numbered DA\_200\_01 Revision 04 dated 15 January 2020

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 an adequate level of privacy is provided to adjoining properties located at Nos. 176 and 178 Kurraba Road)

Panel Reason:

The Panel is satisfied the measures imposed by conditions provide privacy for the adjoining property at no.176 Kurraba Road. The Panel noted the proposed landscape plan includes the installation of Lilli Pillies along the northern boundary at the lower ground floor (lower) and Condition C27 provides for appropriately advanced growth species to be implemented.

With respect to view impact the panel has considered the extent of views available from surrounding properties and has determined the proposal provides for view sharing and the impacts are minor and acceptable in the circumstances.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

**ITEM 4**

<b>DA No:</b>	<b>DA 158/19</b>
<b>ADDRESS:</b>	<b>1/146 Kurraba Road, Kurraba Point</b>
<b>PROPOSAL:</b>	<b>Alterations and additions to an existing dwelling within an attached dual occupancy listed as a State Heritage Item.</b>
<b>REPORT BY NAME:</b>	<b>Michael Stephens, Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the proposed development breaches the development standard for height by more than 10%</b>
<b>APPLICANT:</b>	<b>Prudence Murdoch</b>

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Prue Murdoch - (Applicant /Architect)

Four additional written submissions were received and read and considered by the Panel.

**Panel Determination**

The Report and Recommendation together with the addendum dated 9 April 2020, is endorsed by the Panel.

The Panel considered the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

Panel Reason:

The Panel concurs with the reasons given in the officer's report that the application warrants approval subject to conditions.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>X</b>		Kenneth Robinson	<b>X</b>	
John McInerney	<b>X</b>				
Annelise Tuor	<b>X</b>				

**ITEM 5**

<b>DA No:</b>	<b>DA 416/19</b>
<b>ADDRESS:</b>	<b>49 Reynolds Street, Cremorne</b>
<b>PROPOSAL:</b>	<b>Additions and alterations to a detached dwelling including a new first-floor extension, new carport, replacement swimming pool and landscaping.</b>
<b>REPORT BY NAME:</b>	<b>Lisa Kamali, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because there are 10 or more unique submissions that have been received and the proposal involves an exceedance of a NSLEP development standard exceeding 10%.</b>
<b>APPLICANT:</b>	<b>Damian O'Toole, Damian O'Toole Town Planning &amp; Heritage Services.</b>

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Sasha Grebe - (Owner)
	Irenie Grebe - (Owner)
	Lloyd Ramsay - (Ramsay Architects – Represent the Applicant)

Three further written submissions were received and considered by the Panel.

### Panel Determination

The panel has considered the written submissions received in respect of this application and the Officer's Report and Recommendation is noted by the Panel.

Following discussions with the applicant the Panel defers this matter to allow the applicant the opportunity to address the issues raised in the Officer's report and submit amended plans to allow the matter to proceed to a determination in a timely manner.

The following matters are considered by the Panel to be worthy of consideration by the Architect and Applicant in the preparation of amended plans.

- The height of the rear 'box' extension should be reduced through a reduction in the height of the rear parapet element, whilst allowing a 2.6m internal floor to ceiling height. Also, a 180 degree reversal of the pitch of the box roof should be investigated.
- The width of the rear 'box' extension should be reduced as per the officer's recommendation.
- The applicant/architect should consider options for reducing the height of the non-compliant portion of the first floor. Options for achieving a reduction in the non-compliance could involve a reduction in roof pitch or an altered roof form as recommended in the officer's report.
- The southeast facing bay window in the rear extension should be reduced in width as per the officer's recommendation.

The applicant must submit a revised Clause 4.6 written request for the amended plans for any proposed variation to the NSLEP Building Height Development Standard.

### Panel Reason:

The Panel considers amended plans are necessary to address a number of issues raised.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

### ITEM 6

<b>DA No:</b>	<b>DA 18/20</b>
<b>ADDRESS:</b>	<b>Primrose Park Tennis Courts (Matora Lane)</b>
<b>PROPOSAL:</b>	<b>Addition of timber deck to an existing tennis court office and replace existing window with door.</b>
<b>REPORT BY NAME:</b>	<b>Geoff Goodyear, Town Planning Consultant</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because North Sydney Council is the owner of the land.</b>
<b>APPLICANT:</b>	<b>Figgis and Jefferson Tapa Pty Ltd</b>

### Public Submissions

<b>Submitter</b>	<b>Applicant/Representative</b>
Beth Radford - (lease holder within the building on behalf of several tenants)	Robyn Chee

Eight further written submissions were received and considered by the Panel.

### Panel Determination

The matter is deferred to allow the applicant to pursue a more appropriate alternative that does not impact on the other users, in particular the artists' studios, of the heritage building.

#### Panel Reason:

The Panel is not satisfied the proposed deck is appropriate for this heritage listed community facility that accommodates a number of uses and such uses must be able to co-exist harmoniously.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

### ITEM 7

<b>DA No:</b>	<b>DA 200/19</b>
<b>ADDRESS:</b>	<b>2A Cowdroy Avenue, Cammeray</b>
<b>PROPOSAL:</b>	<b>Alterations and additions to a four-storey detached dwelling including a new roof and an extension of a swimming pool.</b>
<b>REPORT BY NAME:</b>	<b>Robin Tse, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the variation sought to the building height development standard is greater than 10% and more than 10 submissions were received.</b>
<b>APPLICANT:</b>	<b>Liban Zakhia</b>

### Public Submissions

Submitter	Applicant/Representative
Robert Fraser	Dr. Wail El Waili - (Owner)
Hernan Hong	Liban Zakhia - (Applicant)
	Antoine Bechara - (Architect)

### Panel Determination

The Panel has considered all submissions, both written and oral in making its determination. (This includes the two additional written submissions to the Panel.)

The Report and Recommendation together with the addendum dated 9 April 2020, is endorsed by the Panel subject to additional deferred commencement conditions and modifications to Condition A4;

- (a) Condition AA1(f) be added as follows:

#### **Condition AA1(f)**

**Modifications to the Design of the Proposed Roof**

The design of the proposed roof and associated structures must be amended to reduce its bulk and scale as follows:

- (i) The removal of the proposed roof extension to the north of the northern eave line of the existing roof on the top (flat) floor level;
- (ii) The removal of the two (2) unauthorised masonry columns on the existing roof terrace;
- (iii) The new replacement roof must not extend beyond the northern eave line of the existing roof and is to incorporate a hipped roof form at the northern side to reduce bulk and scale of the structure; and
- (iv) The design of any new roof extension to the north of the northern eave line of the existing roof must be of light weight construction incorporating a flat roof form with a maximum depth of 2m to minimise its visual bulk. The supporting structure for the roof extension (if any) must be of light weight construction.

(b) Condition AA1(g) be added as follows:

**Condition AA1(g)****Deletion of a Doorway**

A doorway on the southern elevation to provide access to the top (flat) floor level kitchen from the western carport must be deleted to ensure that pedestrian access to the dwelling is provided via the main dwelling entrance.

(c) Condition A4 be modified as follows:

**Terms of Consent (D200/19)**

A4. Approval is granted for the following as shown on the approved drawings listed in Condition A1:

- (a) Removal of the unauthorised eastern covered terrace windows and the removal of the unauthorised bi-fold doors to the eastern covered terrace on the top (flat) floor level;
- (b) Removal two (2) unauthorised masonry columns on the top (flat) floor level to provide structural support for the proposed roof extension as required by Condition AA1(f) above.
- (c) Demolition of the existing roof and the construction of a new roof as required by Condition AA1(f) of this consent;
- (d) Demolition of the existing carports and the construction of a double garage, an open pedestrian entrance pathway to the dwelling and a single carport to Cowdroy Avenue as required by Condition AA1(a) of this consent;
- (e) Removal of an existing doorway between the kitchen on the top (flat) floor level and the western carport as required by AA1(g) of this consent;
- (f) Demolition of an existing external staircase within the eastern side building setback area and the construction of a new external staircase to provide access to the eastern garage with privacy screen as required by Condition AA1(d) of this consent;
- (g) Construction of a new metal roof over the elevated passageway within the eastern (side) building setback on the second floor level and installation of a privacy screen to an existing opening off a first floor bedroom on the eastern elevation as required by Condition AA1(d) of this consent;
- (h) Addition of a spa pool on a raised platform adjacent to the existing swimming pool and pool fencing;

- (i) Retention of all trees identified in the Arborist report, dated 28 January 2020, prepared by Glenice Buck Design. The trees are T1 (*Grevillea robusta*), T3 (*Glochidion ferdinandii*) and T9 (*Grevillea robusta*);
- (j) Landscaping works within the subject site as shown on the approved landscape plan as required by Condition AA1(c) of this consent; and
- (k) The use of an unauthorised external wall on the eastern elevation as amended by Condition AA1 (e) under the eastern covered roof terrace.

No approval is given or implied in this consent for the swimming pool deck extension, tree removal and any other works not covered by this consent and other previous approvals issued by the relevant consent authorities or a Principle Certifier, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear)

Panel Reason:

The Panel agrees with the Officer's report that the current plans must be amended and as such a deferred commencement condition is imposed to ensure certainty. The Panel has also determined further design changes are necessary to reduce the overall bulk of the building and clearly identify the main entrance to the dwelling and these are also the subject of the deferred commencement conditions that must be satisfied and approved before the consent becomes operational.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

**ITEM 8**

<b>DA No:</b>	<b>DA 38/18/2</b>
<b>ADDRESS:</b>	<b>43 Hayberry Street, Crows Nest</b>
<b>PROPOSAL:</b>	<b>Modification of consent for alterations and additions to terrace</b>
<b>REPORT BY NAME:</b>	<b>George Youhanna, Executive Planner</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the original development application included the addition of skylights to the existing roof at a height of approximately 9.8m above ground level, being greater than 10% above the 8.5m height limit.</b>
<b>APPLICANT:</b>	<b>Jeff and Yvette Mitchell</b>

**Public Submissions**

No persons elected to speak on this item.

**Panel Determination**

The Report and Recommendation is endorsed by the Panel.



Panel Reason:

The Panel is satisfied that the modification is of a minor nature and does not have adverse impacts.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	X	
John McInerney	X				
Annelise Tuor	X				

**ITEM 9**

<b>DA No:</b>	<b>DA 7/20</b>
<b>ADDRESS:</b>	<b>23/238 Falcon Street, Crows Nest</b>
<b>PROPOSAL:</b>	<b>Installation of window to eastern elevation of Unit 23 and minor internal changes.</b>
<b>REPORT BY NAME:</b>	<b>David Hoy, Team Leader Assessments</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>The application is reported to the Panel for determination because the proposed alterations are above the maximum building height standard of 12 metres pursuant to Clause 4.3(2) in NSLEP 2013. The Non-compliance with permitted height standard is greater than 10%.</b>
<b>APPLICANT:</b>	<b>Robert Joseph Wickham</b>

**Public Submissions**

No persons elected to speak on this item.

**Panel Determination**

The Report and Recommendation as amended in the addendum dated 14 April 2020, is endorsed by the Panel.

The Panel considered the applicant's Clause 4.6 written request to contravene the maximum Building Height development standard within Clause 4.3 of North Sydney Local Environmental Plan 2013 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

Panel Reason:

The Panel is satisfied that the development application is of a minor nature and for the reasons in the Officer's report the development warrants approval.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	X		Kenneth Robinson	x	
John McInerney	X				
Annelise Tuor	X				

The public meeting concluded at 4.45pm.

The Panel Determination session commenced at 5.00pm.

The Panel Determination session concluded at 6.18pm.

Endorsed by

North Sydney Local Planning Panel, 15 April 2020