



NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 6 MAY 2020, AT 2.00PM.

PRESENT

Chair:

Jan Murrell

Panel Members:

Sandra Robinson - Panel Member
Garry Fielding - Panel Member
Virginia Waller - Community Representative

Staff:

Stephen Beattie, Manager Development Services

Administrative Support

Melissa Dunlop, Governance Co Ordinator (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of 1 April 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:	DA 322/19
ADDRESS:	116 Military Road, Neutral Bay (T)
PROPOSAL:	Substantial alterations and additions to the existing ‘Big Bear’ Shopping Centre and ‘Aurecon’ office building including ancillary works.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
APPLICANT:	Cerno Management Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	Phillip Rodrigues – Cerno Management – Project Manager
	Michael Rowe – Ethos Urban – Planner
	Mark Curzon – Fender Katsalidis – Architect
	Paul Di Cristo – Cerno Management – Project Manager

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 is satisfied the proposal is consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent is in the public interest.

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

The Council Officer’s Report and Recommendation is generally endorsed by the Panel with the exception of the Deferred Commencement conditions. In this regard the Panel has determined that condition AA1 be deleted and the plans be approved that show the 43sqm incorporated into the retail space of Liquorland and the condition regarding the colour of the cladding becomes an operational condition as amended below, and the consent also contains other conditions as follows:

Condition A4 to be added to read as follows:

Colour of cladding tiles

A4. A colour scheme for the cladding tiles to the front façade is to be provided to the written satisfaction of Council’s Manager of Development Services which utilises a colour tone that is more complementary to the upper floor brick façade of the adjoining Oaks Hotel.

(Reason: To ensure the colour tone is more complementary to the adjoining Oaks Hotel).

Condition C27 ‘Section 7.11 Contributions’ is to be amended as a result of the reinstatement of the 43m² Liquorland extension. This 43m² was excluded from the Section 7.11 contribution in Condition C27 of the Council report.

Section 7.11 Contributions

- C27. A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979, in accordance with the North Sydney Council Section 7.11 Contribution 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	\$6,071.74
Community Centres	\$14,803.94
Child Care Facilities	\$25,708.74
Library and Local Studies Acquisitions	\$3,018.86
Library Premises & Equipment	\$9,176.93
Multi-Purpose Indoor Sports Facility	\$3,474.05
Olympic Pool	\$11,315.51
Open Space Acquisition	\$11,065.68
Open Space Increased Capacity	\$21,935.16
North Sydney Public Domain	-
St Leonards Public Domain Improvements	-
Public Domain Improvements	\$23,465.52
Traffic Improvements	-
The total contribution is	\$130,036.13

The contribution MUST BE paid prior to the issue of any Construction Certificate. 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 7.11 Contribution 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).

Seating in Bus Waiting Area

- C33. Prior to the issue of the relevant construction certificate, an additional 5 linear metres of seating is to be provided within the new bus waiting area.

Plans and specifications complying with this condition are to be submitted to the certifying authority.

(Reason: To improve the amount of seating within the bus waiting area as a community benefit).

Panel Reason:

The Panel is satisfied that with the recommended conditions, and those above, the development will provide an appropriate contribution to the streetscape, as well as providing well defined seating for the bus waiting area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Sandra Robinson	Y				
Garry Fielding	Y				

ITEM 2

DA No:	DA 50/20
ADDRESS:	80 Pacific Highway, North Sydney (W)
PROPOSAL:	Re-Cladding of Parts of Upper Level Facades (Level 13 & Above).
REPORT BY NAME:	Robyn Pearson, Team Leader Assessments
APPLICANT:	Spectrum Property & Projects

Public Submissions

No persons elected to speak on this Item.

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 is satisfied the proposal is consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent is in the public interest.

The Panel has the benefit of a site inspection.

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

Panel Reason:

The Panel is satisfied the development is necessary to remove the existing combustible cladding and replace it with non-combustible cladding.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Sandra Robinson	Y				
Garry Fielding	Y				

ITEM 3

DA No:	DA 173/18/5
ADDRESS:	73 Miller Street, North Sydney
PROPOSAL:	To modify Development Consent DA173/18 to allow for out of hours construction activity between 5pm and 12midnight (Monday to Friday) for works associated with new lift installation.
REPORT BY NAME:	Lara Huckstepp, Executive Planner
APPLICANT:	Buildcorp

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 with an amendment to Condition E23(g) to include the following words, "the advice is to provide details of when the trial period commences and ends."

Panel Reason:

The Panel concurs with the Officer's Report and considers the trial period is important given the number of residential receptors within the area.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Sandra Robinson	Y				
Garry Fielding	Y				

The public meeting concluded at 2.51pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 3.40pm.

Endorsed by

Jan Murrell

Chair North Sydney Local Planning Panel, 6 May 2020