

## NORTH SYDNEY COUNCIL

Council Chambers  
27 February 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 4 March 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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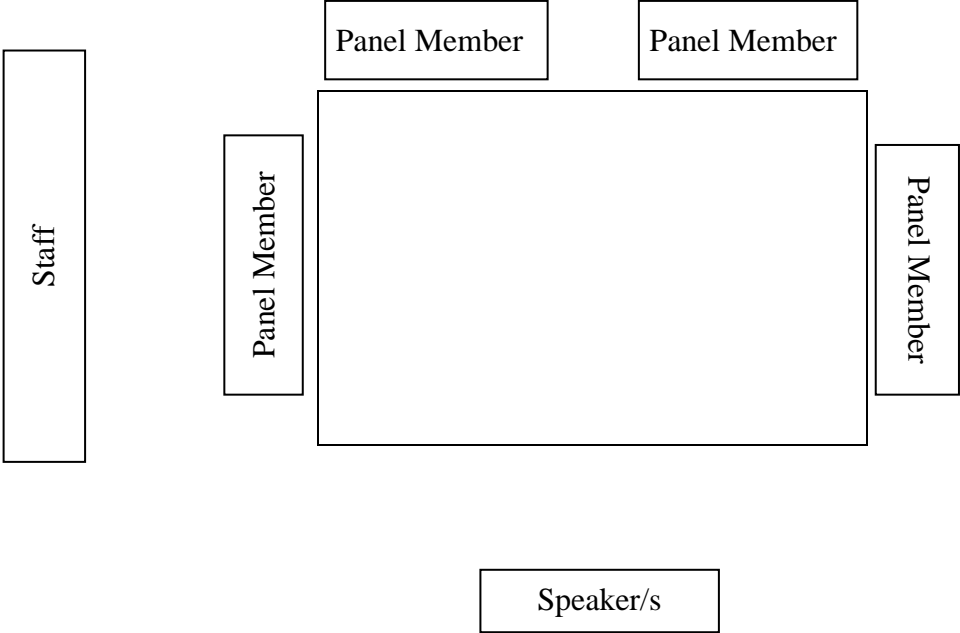
### BUSINESS

**1. Minutes**

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

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**NSLPP COUNCIL CHAMBERS SEATING PLAN**



**PUBLIC GALLERY**

**1. LPP01: 1 Elizabeth Plaza North Sydney – DA 403/19**

Applicant: Cullen Feng Pty Ltd

Report of Geoff Mossemeneer, Executive Planner, 11 February 2020

This development application seeks Council's approval for alterations and additions to a commercial building. The application is referred to the North Sydney Local Planning Panel as the proposal involves Council land.

The proposal seeks consent for a minor extension of the floorplate in the south west corner of the building over the splayed boundary over eight levels. Council's Director, Property and Engineering Services has agreed to the lease of part of the splay as a stratum lot starting 3m above the footpath for a height of 30m.

Council's notification of the proposal attracted no submissions. The assessment has considered 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** North Sydney Local Planning Panel, as the consent authority, grant deferred commencement consent to Development Application No.403/19 subject to the following deferred commencement condition, site specific condition and the attached standard conditions.

**A. 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 conditions within 5 years 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 5 years of the date of the grant of this consent this consent will lapse in accordance with Section 4.53 (7) of the Environmental Planning and Assessment Act 1979.**

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not.

**Air Space above Splay Corner**

AA1. The applicant and Council must enter into a Heads of Agreement, agreeing to the formalisation of a Lease over the encroachment of the proposed expansion of the commercial floor plates over the splay corner which will encroach onto Council's public land.

The applicant is to agree in writing to enter into a Lease Agreement with Council in accordance with Clause 4.2.3.5(i)(a) of the Encroachment Management Policy.

The rental will be determined by a registered valuer and the 'area' used to assess the rental must be supplied in writing by a registered surveyor or architect.

A final survey plan is to be submitted to Council upon completion of the development with the total 'area' of the encroachment noted. If the 'area' differs upon completion of the project, the rental will be reviewed at the cost of the lessee.

The commencement date of the lease shall be the Date of Practical Completion. A bond of \$20,000 must be lodged to cover all costs associated with the preparation and negotiation of the lease documents, and the drawing of the stratum subdivision plan of the airspace encroachment. The bond is to be accompanied with a letter of authorisation from the property owner granting Council permission to draw on the bond. A further amount is to be lodged if the bond is insufficient.

All associated costs in relation to the encroachment will be borne by the property owners of 1 Elizabeth Plaza.

All other terms and Conditions are to be in accordance with the Encroachment Management Policy.

The lessee will be responsible for all maintenance and insurance.

The encroachment will be notated on a Section 10.7 Certificate.

(Reason: To allow the proposed additional floor space over the splay corner)

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

**B. Subject to the above deferred commencement condition being satisfied within 5 year of the date of this determination, the consent shall operate in accordance with the following site specific condition and the attached standard conditions.**

#### **Splay Corner Leased Area**

11. The applicant shall ensure that the splay corner leased area is insured and maintained as follows:

##### *Insurance*

In the event that part of the proposed development encroaches upon or over Council land, the land owner must defend and hold harmless, indemnify and keep indemnified, Council and its employees, officers, agents and contractors from and against all claims, expenses, losses including consequential losses, damages and costs (including costs on a solicitor and client basis and whether incurred by or awarded against Council) that Council may sustain or incur as a result, whether directly or indirectly, of the encroachment by the proposed development on Council land, including:

- (a) any injury or death to any person including any injury or death to the general public, employees, officers, agents and contractors, or invitees, or other entity of the Council; or
- (b) damage to or loss of any property; and
- (c) arising out of performance by the land owner of its obligations under the Conditions of Consent including claims by a person who is not a party to this development, except to the extent caused or contributed to by Council, its contractors, employees and agents.

The land owner must ensure that:

- (a) the processes and methods to be used for carrying out the development will be completely suitable for the purposes for which they are required;
- (b) the development is carried out in accordance with the Conditions of Consent;
- (c) it will obtain for the benefit of Council all available product and work warranties from any suppliers, contractors and subcontractors in respect of equipment and materials used in the development that encroaches on Council land and assign such benefit to Council where the warranty is not in favour of Council. The land owner must provide Council with a copy of its Certificate of Insurance on an annual basis so that Council can satisfy itself that the land owner

holds adequate public liability insurance in relation to the development that encroaches on Council land. The encroaching owner is required to maintain public liability insurance of \$20 million, noting Council's interest on the Certificate of Currency."

*Maintenance Responsibility*

The Benefited Authority is responsible for the maintenance, repair and upkeep of the encroachment. Owners Consent is required to undertake any additional works, other than general maintenance, to the encroachments.

(Reason:Public safety)

**2. LPP02: 61/29 Carabella Road, Kirribilli (V) - DA 13/20**

Applicant: COSO Architecture

Report of Leonie Derwent, Senior Consultant, Ingham Planning Pty Ltd, 20 February 2020

This development application seeks approval for the installation of two top floor windows on the northern and southern elevations (unit 61) within an existing residential flat building at 29 Carabella Street, Kirribilli.

**Development application No. 13/20 is reported to North Sydney Local Planning Panel (NSLPP) for determination because a part owner of the subject unit is the Mayor of North Sydney Council. Furthermore, the new windows would also be constructed above the permissible height limit of 12m with a non-compliance greater than 10% a further reason for the application to be reported to NSLPP.**

The maximum permissible building height for the site is 12m pursuant to Clause 4.3 Height of Buildings in NSLEP 2013. The proposed new windows would have an overall height of 18m above existing ground level and fails to comply with the development standard (height of buildings). A written statement pursuant to Clause 4.6 in NSLEP 2013 has been submitted with the application seeking a variation to the development standard.

The non-compliance with the development standard would not have an adverse impact on neighbouring properties. The objectives of the building height control are achieved notwithstanding the non-compliance with the development standard and strict compliance with the development standard is unreasonable and unnecessary in the site circumstances. The variation sought under Clause 4.6 of NSLEP 2013 is well founded and there are sufficient environmental planning grounds to support the variation to the height limit.

Notification of the proposal attracted five (5) submissions (two (2) of the five (5) submissions were from the same person) that raised concerns about potential noise nuisance, privacy loss, heritage impacts and negative impacts on the structural integrity of the building.

Council's Conservation Planner raised no objection to the proposed new windows on the north and south elevations as they are considered to satisfy clause 5.10 of NSLEP 2013 because the primary built form of the building will remain intact. Furthermore, the proposed changes are located on the side elevations and will not have a detrimental impact upon the architecture of the early twentieth century building within the conservation area.

Following an assessment of the application having regard to NSLEP 2013 and NSDCP 2013, the development application was found to be reasonable in the site 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, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of Clause 4.6 NSLEP 2013 with regards to the non-compliance with Clause 4.3 of NSLEP 2013 (Height of Buildings) and **grant consent** to Development Application No. 13/20 for part demolition of the southern and northern façades to provide two new windows and associated cladding beneath the windows subject to the following site specific and attached standard conditions:

**New Windows**

C1. The plans are to nominate all new materials. In particular, new windows are to be timber-framed and the window panes are to be proportioned to match the existing. The proposed cladding is to match that on the existing façades. The new works should be readily recognisable as new works on close inspection by minor differences in detailing. The Certifying Authority must also 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 be sympathetic to the character of the original building)

**2. LPP03: 45 Willoughby Street, Kirribilli (V) - DA398/19**

Applicant: Stuart and Sylvia Terry C/O Filmer Architects (Colin Filmer)

Report of Lisa Kamali, Senior Assessment Officer, 21 February 2020

The applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for additions and alterations to a two storey detached dwelling which is a Heritage Item, including a two-storey rear extension with a partially covered roof terrace, and excavation to create additional accommodation below the dwelling, on land at 45 Willoughby Street, Kirribilli.

**The application is reported to NSLPP because the proposed development involves building elements at roof level that are above the permissible height limit of 8.5m pursuant to clause 4.3(2) in NSLEP 2013. The noncompliance with the permitted height limit is in part greater than 10% requiring determination by NSLPP as directed by the Minister for Planning.**

The proposed development exceeds the maximum height limit for the site by up to 12.7%, however the submitted justification under Clause 4.6 in NSLEP is well founded given that the height breach is not significant in its extent, is unlikely to affect the setting and significance of the Heritage Item, and will not result in undue amenity impacts including impacts on views, solar access and privacy.

The proposed two storey extension, roof terrace and excavation to create a new lower level are acceptable in heritage terms, however officers consider that the proposed reconstruction of the balcony levels, and the proposed staircases from the cellar to the front door area would have a negative heritage impact, and it is recommended these are removed via a deferred commencement condition (*refer to Condition AAI*). A further deferred commencement condition is proposed to more clearly describe the extent of works to the sandstone outcrop and retaining wall along Willoughby Street given that this structure makes a significant

contribution to the character of the Heritage Item and Willoughby Street and should not be removed beyond necessary repairs (*refer to Condition AA2*).

The application attracted two (2) submissions against the application, with the key planning issues including whether the previous consents have been lawfully implemented, view loss, potential safety and structural stability impacts arising from the proposed excavation, concern regarding the proposed encroachment onto Council land, and heritage impacts. The issues raised in the submissions have been considered in the assessment of the application, and appropriate conditions have been recommended where necessary to address the issues raised.

On balance, 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 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 4.3 (Building Height) and **grant consent (deferred commencement)** to Development Application No. 398/19 for additions and alterations to an existing dwelling including a two storey rear extension, provision of a roof terrace, and excavation below the dwelling to provide additional accommodation, at 45 Willoughby Street, Kirribilli, subject to the attached conditions:-

**AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) have been satisfied.

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions 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 conditions 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*.**

**AA1.Design Modifications and Further Information - Heritage**

The following modifications and clarification are required:-

1. The proposal is to be amended by the consultant heritage architect to delete the reinstatement of the balconies to the original configuration with the subsequent cantilever over the new staircase. Details are to be provided to illustrate the revised balcony design, which may include works to provide a more even, symmetrical splayed corner, including the location of new verandah posts, the location of the entry stairs and pathways to the front door of the Victorian dwelling.
2. The proposal is to be amended to delete the staircases from the cellar to the front setback and to provide replacement soft landscape in this area.
3. The existing balustrades are to be modified to achieve BCC compliance rather than replaced to retain significant original fabric.
4. First Floor Plan DA 1.1.4 Revision C is to be amended to delete '*Note: New ceilings and ceiling framing to Level 4 as approved under DA307/13.*' The note

does not point to any specific part of the plans and should be removed.

The applicant must submit revised architectural plans and details complying with the requirements of this condition for the written approval of Team Leader Assessments.

(Reasons: To retain original fabric and to retain the significance of the original front entranceway, and balcony which was modified when Willoughby Street was widened and now forms part of the character of the dwelling and surrounds).

#### **Works Method and Design Report**

**AA2.** A work methods/design report must be submitted detailing the extent of works affecting the existing rock outcrop and retaining along with Willoughby Street site frontage. The report shall include, but is not limited to the following:

(a) Measures/work methods and details to ensure that the proposed excavation within the site will be undertaken in a manner that will involve no removal of the existing natural rock outcrop along the Willoughby Street frontage and removal of the retaining wall along with frontage only where necessary for structural safety reasons;

(b) Necessary protective measures for the natural rock outcrop and remaining retaining walls during demolition, excavation and construction stages of the development including contingency plans to underpin, support and permanent stabilise the rock and wall if its structural integrity is found to be compromised by the proposed works, and;

(c) Detailed design of the widened opening and new timber gate to access the new studio level including details of materials colours and finishes and the re-use of the excavated sandstone.

The report must be prepared by a suitably qualified person with input from a suitably qualified geotechnical engineer. All new sandstone must comprise whole sandstone blocks. Sandstone facing or tiles will not be acceptable.

The applicant must submit the report complying with the requirements of this condition for the written approval of Council's Team Leader Assessments in consultation with Council's Development Engineer and Landscape Officer.

(Reasons: To ensure the protection of existing natural rock features.)

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

### **3. LPP04: 15/224-230 Ben Boyd Road, Cremorne (T) - DA 410/19**

Applicant: Antony Bruce Doig

Report of Robyn Pearson, Team Leader Assessments, 13 February 2020

The applicant is seeking development consent from the North Sydney Local Planning Panel (NSLPP) for enclosure of the balcony for Unit 15 of 224-230 Ben Boyd Road, Cremorne, within an existing residential flat 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 residential flat building are a permissible form of development in an R4 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 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 residential building constructed in the late 1960s, and the character of the Waters Neighbourhood within the North Cremorne 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. 410/19 proposing enclosure of the balcony of Unit 15 at No. 224-230 Ben Boyd Road, Cremorne, subject to the attached standard conditions.

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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 5 FEBRUARY 2020 AT 2.00PM.**

#### **PRESENT**

##### **Chair:**

Jan Murrell in the Chair.

##### **Panel Members:**

Peter Brennan, Panel Member  
David Brigden, Panel Member  
Jane Van Hagen, Panel Member/Community Representative

##### **Staff:**

David Hoy, Team Leader (Assessments)  
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 4 December 2019 were confirmed following that meeting.

#### **2. Declarations of Interest**

Jan Murrell declared a non-pecuniary, less than significant perceived conflict of interest and excluded herself from all discussions, site inspection, public meeting and deliberations in relation to Item 3: 6 Shellbank Parade, Cremorne - DA 356/19.

### 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 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>300/19</b>
<b>ADDRESS:</b>	<b>19 King George Street, Lavender Bay</b>
<b>PROPOSAL:</b>	<b>Substantial alterations and additions to existing dwelling and associated landscaping works within the rear yard.</b>
<b>REPORT BY NAME:</b>	<b>Luke Donovan, Senior Assessment Officer</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>This application is reported to North Sydney Local Planning Panel for determination because elements of the proposed works are greater than 10% above the permissible height limit of 8.5m pursuant to Clause 4.3(2) in NSLEP 2013.</b>
<b>APPLICANT:</b>	<b>Adam and Jennifer Moncrieff, c/- Weir Phillips Architects</b>

#### **Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Robert Weir, Weir Phillips Architects (Applicant)

#### **Panel Determination**

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

The Panel considers the Clause 4.6 written request to vary the height standard of 8.5 metres addresses the requirements of Clause 4.6(3). The Panel further considers that the objectives of both the zone and the development standard are met and the development is therefore in the public interest. The height exceedance is less than the existing roof height and the environmental benefits in the circumstances of this case make compliance with the standard unreasonable.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the conditions as recommended in the Officer's report. In its determination, the Panel has had regard to submissions received during the process and notes that amendments were made to the plans to mitigate impacts.

#### **Panel Reason:**

The Panel is satisfied the development will make an improved presentation to the streetscape and respects the heritage items in the vicinity and the adjoining Conservation Area.

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	Y		Jane Van Hagen	Y	
David Brigden	Y				
Peter Brennan	Y				

## **ITEM 2**

<b>DA No:</b>	371/19
<b>ADDRESS:</b>	9 Wyagdon Street, Neutral Bay
<b>PROPOSAL:</b>	Replacement balustrades to balconies and roof.
<b>REPORT BY NAME:</b>	Robyn Pearson Team Leader (Assessments)
<b>REASON FOR NSLPP REFERRAL:</b>	This application is reported to North Sydney Local Planning Panel for determination 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%.
<b>APPLICANT:</b>	CMS Consulting

### **Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Richard Phillips, representative on behalf of submitter	Pollyanna Burke - CMS Consulting Pty Ltd - Applicant
	Cynthia Palmer

### **Panel Determination**

The Panel has the benefit of a site inspection and all the submissions received both oral and written, together with the Officer's Addendum dated 5 February 2020.

The Panel considers the Clause 4.6 written request to vary the height standard of 12 metres addresses the requirements of Clause 4.6(3). The Panel further considers that the objectives of both the zone and the development standard are met and the development is therefore in the public interest. It is noted that the height exceedance is a result of the current building exceeding the standard. The environmental benefits of an older residential flat building being brought into conformity with the Australian Standard for balustrades is a positive environmental outcome. In the circumstances of this case, compliance with the standard is unreasonable.

The Council Officer's Report, Addendum and Recommendation is endorsed by the Panel subject to the deletion of Conditions E4 and E5 (Reason: These standard conditions are not relevant to the works being carried out).

Panel Reason:

The Panel is satisfied the proposed works will improve the safety, enhance the appearance and maintain the structural integrity of the building.

The Panel considers that the Development Application can be determined given the Body Corporate's approval and seal for the Development Application. Issues raised in this regard appear to be civil matters.

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	Y		Jane Van Hagen	Y	
David Brigden	Y				
Peter Brennan	Y				

*Item 3 was considered at the end of the Panel's determination session.*

*Jan Murrell declared an interest in Item 3 and left the meeting at 5.46pm. Ms Murrell was not involved in deliberations or discussions in relation to this Item.*

*Ms Murrell vacated the Chair and Peter Brennan assumed the Chair for this Item.*

**ITEM 3**

<b>DA No:</b>	356/19
<b>ADDRESS:</b>	6 Shellbank Parade, Cremorne
<b>PROPOSAL:</b>	Construction of rear balconies to the first floor and second floor of an existing three storey dwelling house.
<b>REPORT BY NAME:</b>	Michael Stephens, Assessment Officer
<b>REASON FOR NSLPP REFERRAL:</b>	This application is reported to North Sydney Local Planning Panel for determination because the notification of the application has attracted more than 10 submissions by way of objection.
<b>APPLICANT:</b>	Hao Huynh

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Brian Holt	Phillipa Hayes (Applicant's Planner)
	Guy Paroissien (Applicant's Arborist)
	Greg Patch (Applicant's Heritage Consultant)

**Panel Determination**

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

The Panel considers the Clause 4.6 written request to vary the height standard of 8.5 metres adequately addresses the requirements of Clause 4.6(3). The Panel further considers that the objectives of both the zone and the development standard are met and the development is therefore in the public interest. It is noted that the height exceedance is a result of the current building exceeding the height standard as are the majority of the other buildings in the vicinity.

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

Panel Reason:

The majority of the Panel is satisfied that the proposal will not unduly impact on the amenity of the adjoining premises nor will detract from the architectural integrity of the existing dwelling house.

The Panel noted the advice of two Arborists engaged by the Applicant which were supported by Council's Arborist, that the siting of the proposed balconies would not compromise the long term viability of the lemon scented gum tree.

The reduction in scope of the balcony structure from that originally proposed by the elimination of the roof element at the upper level has resulted in the Panel's view in a structure with minimal amenity impacts on adjoining premises.

The majority of the Panel generally agrees with the Council's interpretation of the established building line at the rear of these premises. The majority of the Panel was also of the opinion that if the rear building line was interpreted as that between 4 (also known as 2A) to 10 Shellbank Parade only, the environmental impacts would still be acceptable.

Voting was as follows:

Majority 2/1

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>DoI</b>		Jane Van Hagen		<b>N</b>
David Brigden	<b>Y</b>				
Peter Brennan	<b>Y</b>				

**ITEM 4**

<b>DA No:</b>	<b>375/19</b>
<b>ADDRESS:</b>	<b>283a Miller Street, North Sydney</b>
<b>PROPOSAL:</b>	<b>New electronic media screen at North Sydney Oval.</b>
<b>REPORT BY NAME:</b>	<b>Brett Brown, Consultant Town Planner</b>
<b>REASON FOR NSLPP REFERRAL:</b>	<b>North Sydney Council is property owner and applicant.</b>
<b>APPLICANT:</b>	<b>North Sydney Council</b>

**Public Submissions**

Nil.

**Panel Determination**

The Panel has the benefit of a site inspection. The Panel notes no submissions were received.

The Consultant's Report and Recommendation is endorsed by the Panel. It is noted that as a Council-owned asset, this requires an independent assessment.

Panel Reason:

The Panel is satisfied the illuminated media screen will provide for modern technology required at such facilities today. The Panel notes that the muted green colour of the backing is sympathetic with the heritage nature of the item and when viewed from within the oval area the sign will have the benefit of the backdrop of the canopy trees within the park.

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	Y		Jane Van Hagen	Y	
David Brigden	Y				
Peter Brennan	Y				

**ITEM 5**

<b>PP No:</b>	<b>6/19</b>
<b>ADDRESS:</b>	<b>27-57 Falcon Street, Crows Nest</b>
<b>PROPOSAL:</b>	<p><b>To amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013):</b></p> <ul style="list-style-type: none"> <li>• <b>Rezone the site from B4 – Mixed Use to R4 – High Density Residential.</b></li> <li>• <b>Increase the maximum building height from 10m to part 24.5m and part 14.5m.</b></li> <li>• <b>Apply a maximum floor space ratio control of 1.85:1</b></li> <li>• <b>Retain 'retail premises' as a permitted land use on the site.</b></li> </ul>
<b>REPORT BY NAME:</b>	<b>Neal McCarry, Team Leader Policy</b>
<b>APPLICANT:</b>	<b>Lindsay Bennelong Developments Pty Ltd</b>

**Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Davie Macdonald	Tom Goode
Sue Yelland	Leigh Manser

**Panel Determination**

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

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

The Panel's advice to the Council will be made available under separate cover.

The public meeting concluded at 4.10pm.

The Panel Determination session commenced at 4.15pm.

The Panel Determination session concluded at 6.20pm.

Item 3 Endorsed by Peter Brennan, Chair for this Item.

Items 1, 2, 4 and 5 Endorsed by Jan Murrell, Chair  
North Sydney Local Planning Panel  
**5 February 2020**





**NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON 5 FEBRUARY 2020, AT 2PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Peter Brennan, Panel Member  
David Brigden, Panel Member  
Jane Van Hagen, Panel Member/Community Representative

**Staff:**

Marcelo Occhiuzzi, Manager Strategic Planning  
Neal McCarry, Team Leader Policy  
Jayden Perry, Strategic Planner  
David Hoy, Team Leader (Assessments)  
Robyn Pearson, Team Leader (Assessments)

**Administrative Support**

Melissa Dunlop, Governance Co-ordinator (Minutes)

**Apologies:** Nil.

**1. Minutes of Previous Meeting**

Not applicable.

**2. Declarations of Interest**

Nil.

### 3. Business Items

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.

The Panel has considered the following Business Item and provides the following recommendation to the council on the Planning Proposal.

#### **ITEM 5 (considered after Development Applications)**

<b>PROPOSAL No:</b>	6/19
<b>ADDRESS:</b>	27-57 Falcon Street, Crows Nest
<b>PROPOSAL:</b>	<p>To amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013):</p> <ul style="list-style-type: none"> <li>• Rezone the site from B4 – Mixed Use to R4 – High Density Residential</li> <li>• Increase the maximum building height from 10m to part 24.5m and part 14.5m.</li> <li>• Apply a maximum floor space ratio control of 1.85:1</li> <li>• Retain ‘retail premises’ as a permitted land use on the site.</li> </ul>
<b>REPORT BY NAME:</b>	Neal McCarry, Team Leader Policy
<b>APPLICANT:</b>	Lindsay Bennelong Developments Pty Ltd

#### **Public Submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
Davie Macdonald	Tom Goode
Sue Yelland	Leigh Manser

#### **Panel Recommendation to Council:**

The Panel conducted an extensive site inspection in the context of the surrounding development that has a direct interface with the conservation area on Hayberry Lane and larger scale development along Falcon Street and Alexander Lane. This large 4,325 sqm site is generally vacant and unoccupied and has been for over a decade.

The Panel considered the submissions made both orally and written in providing advice to the Council.

The Council Officer’s report on the Planning Proposal is endorsed and the Panel recommends to Council, subject to further examination and resolution of certain issues, that it may proceed to a Gateway Determination. The site clearly has strategic merit to be rezoned to R4 from B4. This presents the opportunity to provide an appropriate domestic scale of development to the Hayberry Conservation Area while orienting the bulk towards the north-west. At the same time further opportunities for deep soil planting need to be explored. Given its context the Panel agrees this site is more appropriate for residential rather than a mixed use development and the inherent flow-on effects where access to the

site is problematic for a large commercial component. However, given the objective of employment growth opportunities, this requires further analysis.

The Panel agrees that further investigation including: overshadowing; height and bulk distribution; laneway treatment and activation; vehicular access and parking; Falcon Street frontage and setback; and areas of deep soil planting on the site needs to be the subject of a DCP or concept plan to be exhibited concurrently with the Draft LEP. This is required to demonstrate the site specific merits of the rezoning and to assist in the community consultation.

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	<b>Y</b>		Jane Van Hagen	<b>Y</b>	
David Brigden	<b>Y</b>				
Peter Brennan	<b>Y</b>				

The public meeting concluded at 4.10pm.

The Panel Determination session commenced at 4.15pm (including Development Applications).

The Panel Determination session concluded at 6.20pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**5 February 2020**