



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

DA No:	300/19
ADDRESS:	19 King George Street, Lavender Bay
PROPOSAL:	Substantial alterations and additions to existing dwelling and associated landscaping works within the rear yard.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	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.
APPLICANT:	Adam and Jennifer Moncrieff, c/- Weir Phillips Architects

Public Submissions

Submitter	Applicant/Representative
	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

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane Van Hagen	Y	
David Brigden	Y				
Peter Brennan	Y				

ITEM 2

DA No:	371/19
ADDRESS:	9 Wyagdon Street, Neutral Bay
PROPOSAL:	Replacement balustrades to balconies and roof.
REPORT BY NAME:	Robyn Pearson Team Leader (Assessments)
REASON FOR NSLPP REFERRAL:	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%.
APPLICANT:	CMS Consulting

Public Submissions

Submitter	Applicant/Representative
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

Panel Member	Yes	No	Community Representative	Yes	No
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

DA No:	356/19
ADDRESS:	6 Shellbank Parade, Cremorne
PROPOSAL:	Construction of rear balconies to the first floor and second floor of an existing three storey dwelling house.
REPORT BY NAME:	Michael Stephens, Assessment Officer
REASON FOR NSLPP REFERRAL:	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.
APPLICANT:	Hao Huynh

Public Submissions

Submitter	Applicant/Representative
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

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

ITEM 4

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

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

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Jane Van Hagen	Y	
David Brigden	Y				
Peter Brennan	Y				

ITEM 5

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

Public Submissions

Submitter	Applicant/Representative
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