



NORTH SYDNEY COUNCIL

Council Chambers
25 January 2023

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday 1 February 2023 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**THERESE MANNS
GENERAL MANAGER**

BUSINESS

Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 7 December 2022.
(Circulated)

“In accordance with current guidelines for the operation of Local Planning Panels, the following items are to be determined by the panel in closed session as they have received less than 10 submissions.

Applicants for these items are invited to stay in the zoom waiting room in the event the panel needs any clarification from you.

All others who are not applicants or applicant representatives for these items are respectfully asked to leave the meeting at this time.”

LPP01: 44 Ellalong Road, Cremorne - DA142/22

Applicant: C J Milne

Report of Miguel Rivera, Senior Assessment Officer

The Applicant seeks development consent from the North Sydney Local Planning Panel (NSLPP) for alterations and additions to an existing dwelling house on land identified as No. 44 Ellalong Road, Cremorne, and legally described as Lot 45 in DP 10291.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the proposal involves a departure from a development standard that is greater than 10%.

Council’s notification of the original plans has attracted one (1) submission, raising concerns associated with privacy impacts.

The development application has been assessed against the North Sydney Local Environmental Plan 2013 (NSLEP 2013), North Sydney Development Control Plan 2013 (NSDCP 2013) and the relevant State Planning Policies and it was generally found to be satisfactory given the site’s constraints, context and setting.

The application involves a non-compliance to the maximum height of buildings development standard (8.5m) under Clause 4.3 of NSLEP 2013. The roof of the existing dwelling is measured at 10.2m, and therefore, does not comply with this development standard. As the proposal comprises a new roof that utilises a similar form and pitch as the existing roof and is extended southward, this non-compliance is carried over into portions of the built form that currently comply, and as such, Council is unable to regard this as a pre-existing variation. The proposed development involves a maximum height of 10.2m above existing ground level. This represents a departure of 1.7m or 20% from the development standard.

The Applicant submitted a written request pursuant to Clause 4.6 of the NSLEP 2013. The request is supported on the grounds that sufficient planning grounds have been identified in the applicant’s Clause 4.6 written variation request and the included information has demonstrated that compliance with this development standard is unreasonable or unnecessary in the circumstances.

The proposed development will result in a built form that is appropriately responsive to the context of the site and sympathetic to and in keeping with the established character of the immediate locality and the Bennelong and Northern Foreshore Neighbourhood of North Cremorne.

The assessment of the proposed development has considered the concerns raised in the submissions as well as the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application is recommended for approval given the proposal's compliance to and consistency with the key objectives and controls within State Planning Policies and under Council policy including NSLEP 2013 and NSDCP 2013, and lack of adverse impacts from the development on adjoining and surrounding properties.

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 grant consent to Development Application No. DA142/22 for alterations and additions to an existing dwelling house on land at No. 44 Ellalong Road, Cremorne (Lot 45 in DP 10291) subject to the following site specific and attached standard conditions:

Design Changes

C1. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- **Delete Carport and reduce first floor bedrooms:** The proposed carport is to be deleted and first floor Bed 2 is to be reduced to delete the northern hipped roof and to align the north-eastern (side) wall of the first floor with the adjacent landing wall. A commensurate redistribution of floorspace may be undertaken by adjustment of the internal wall between Bed 2 & Bed 3.
- **Front Fence:** The entire front fence must be modified to have a maximum elevation of 1.5m above existing ground level. Any solid masonry portions of the fence (except for the columns) must have a maximum height of 1m above existing ground level.

(Reason: To ensure streetscape compatibility and to reduce non-compliance with DCP provisions for site coverage)

Design Changes – Stormwater System

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The stormwater must be re-directed outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.

(Reason: To ensure that any existing canopy trees are retained and protected)

Sandstone Rock Formation

C3. The existing sandstone rock formation must be retained, protected and kept in situ.

Details of any protection works shall be incorporated into all

documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate.

(Reason To protect significant topographical features of the site)

Landscape Plan

C4. A detailed landscape plan must be provided as part of any application for a construction certificate. The following details must be included in this plan:

- The existing hedges along the front boundary of the site must be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) capable of establishing as a hedge that is able to be maintained at 1.8-2m high (min). This planting must cover the entire perimeter of the front fence (except gate/driveway area).
- The existing hedges along the south-western boundary of No. 44 Ellalong Road (rear setback) must either be retained and protected in accordance with AS4970 or must be replaced with similar hedging plants (300mm pot size at min 1m centres) that is capable of establishing as a hedge able to be maintained at 1.8-2m high (min).
- Screen planting must be established within the rear setback and along the north-eastern boundary (behind perimeter fence) to provide privacy between neighbouring properties. The chosen species must be capable of establishing a hedge that is able to be maintained at 1.8-2m high (min).
- At least 50% of all new plantings (trees, shrubs, ground covers – excluding grass turfed areas) must comprise of Australian native or locally indigenous species.
- The stormwater must be redirected outside the TPZ of the existing street tree – *Jacaranda mimosifolia* in the Council verge in front of No. 46 Ellalong Road, and the proposed pipework shown along south-western edge of new pool shall be re-located along north-eastern pool edge.
- A new tree must be established in the front setback. This tree will be one (1) x *Lagerstroemia indica* (75l) and must be at least 3m away from any existing or approved building/structure.
- Two (2) x existing street trees (juvenile *Acer* species) must be removed from the Council verge in front of No. 44 Ellalong Road and replaced with two (2) x *Lagerstroemia indica* (45l) in the Council verge in front of No. 44 Ellalong Road.

The landscape plan 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 amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To improve the landscaped outcome within the site and immediate streetscape, to soften the

presentation of the built form and fencing and to achieve sufficient residential amenity)

LPP02: 27 Elamang Avenue, Kirribilli (C) - DA 288/22

Applicant: John White

Report of Andrew Beveridge, Assessment Officer

This development application seeks NSLPP approval for alterations and additions to an existing dwelling house.

This application is reported to North Sydney Local Planning Panel for determination because the proposed works breach the building height limit by greater than 10% and requires determination by the panel.

As the proposal involves the construction of alterations and additions to an existing single dwelling with a maximum height of 10.5m that is in exceedance of the maximum permitted height limit by 2m (23.5%), the applicant has submitted a written request seeking a variation to the building height development standard in accordance with Clause 4.6 of NSLEP 2013. The applicant's submission has been considered with reference to the Land and Environment Court's decision in *Wehbe v Pittwater Council [2007] NSWLEC 827* in order to justify the proposed variation. The applicant's Clause 4.6 is considered to be satisfactory given the site circumstances and on the basis that it will not have a significant impact upon the views or general amenity of adjoining properties.

Notification of the proposal has attracted four submissions and the assessment has considered these as well as the performance of the application against Council's planning requirements. The amenity impacts upon adjoining properties in regard to views, solar access, privacy have been assessed and are considered to be minor and acceptable within the site circumstances.

The impacts of the overall development upon landscaping, the sensitive harbour foreshore, and significant trees have also been assessed and, subject to appropriate conditions, was found to be generally acceptable on the basis that the works will maintain a sympathetic scale with relatively minor excavation and will not result in any adverse impacts upon Sydney Harbour.

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality or adjoining properties, and the streetscape character will be maintained. The proposal will also not result in any unreasonable impacts on the amenity of adjoining properties such as impacts to views, overshadowing or loss of privacy.

While there will be some minor non-compliances with the side setbacks, and involves a large non-compliance with the height level that creates some minor view loss, this is considered to be acceptable on merit on the basis that the proposal would not have significant overall amenity impacts upon adjoining properties and the development has been designed in a manner that is sympathetic to the built form of the neighbourhood and the sloping topography of the site towards Sydney Harbour.

Having regard for the potential impacts upon the amenity of adjoining properties and the surrounding neighbourhood, subject to conditions, the

development application is considered to be satisfactory and is recommended for **approval**.

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, 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 and **grant consent** to Development Application No. 288/22 for alterations and additions to an existing single dwelling, on land at 27 Elamang Avenue, Cremorne, subject to the following site specific and the attached standard conditions:-

Privacy

C18. The following must be applied to the proposed development to protect privacy for the adjoining owners:

- (a) A fixed timber louvre/lightweight/lattice privacy screen shall be attached to the eastern side of the balcony attached to the study room on Level 3 of the subject site, with a minimum height of 1.8m above the balcony floor level, and must extend along the full length of the balcony.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To protect the privacy for the adjoining properties.)

Front Fence

C22. The front fence and gates to Elamang Avenue must be no higher than 1.5m, with a minimum level of transparency of 50% for the battened sections between the solid piers.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To minimise the bulk and scale of structures as viewed from the public domain)

Amendments to the Landscape Plan

C23. The landscape shown on the approved plans must be amended as follows to provide an appropriate landscaped setting:

- 1) 1 x *Lophostemon confertus* (200-litre pot size) shall be planted in the Council verge in front of 27 Elamang Avenue, equidistant between the existing vehicular crossing in front of 27A Elamang Avenue and the proposed new vehicular crossing in front of 27 Elamang Avenue.
- 2) 1 x *Lophostemon confertus* (200-litre pot size) shall be planted in the Council verge in front of 27 Elamang Avenue, in the location of the existing T2 *Callistemon viminalis*, which is planned for removal by council due to its recent demise.

An amended site plan and landscape plan 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 amended plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity and to demonstrate compliance with Council's controls)

Ongoing Street Tree Care

11. The 2 x *Lophostemon confertus* (200-litre pot size) located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 20 litres per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

(Reason: To ensure that replacement plantings on Council property are of sufficient health to enhance community landscaped amenity)

LPP03: Ground Floor Lobby at 201 Miller Street, North Sydney - DA 265/22

Applicant: Lasalle Investment Management Australia P/L

Report of Rachel Wu, Graduate Assessment Planner

This development application seeks development consent for alterations and additions to the ground floor lobby and part change of use of the ground floor to include a café with operating hours 6:30am – 3pm Monday to Friday.

The application is reported to the North Sydney Local Planning Panel for determination as a local heritage item (I0904) that is a commercial building in the Late Twentieth Century International Style. In accordance with the Minister's Directions the Panel is required to determine the application as the proposal involves minor demolition works to a heritage item.

The subject site is located adjacent to other local heritage items, notably No.199 Miller Street 'Rag and Famish Hotel' (I0901) to its south, and across the site at No.1 – 7 Miller Street 'Monte St Angelo Group' (I0894 – I0897).

The site has a primary frontage with a significant landscaped setback on the eastern side of Miller Street (SP2 Classified Road) and a secondary frontage to Bullivant Lane. The immediate area is primarily characterised by commercial and retail activity consisting of multi-storey commercial buildings with ground floor retail and light commercial uses.

Notification of the proposal has attracted nil submissions. The performance of the proposal has been assessed against Council's planning requirements. The applicant has submitted a Heritage Impact Statement prepared by Urbis, dated 29 August 2022 supporting the proposal.

The original foyer and interiors were replaced in 1989 with post-modern style alterations reflecting present day appearance. The ground floor lobby has undergone numerous fit-out works to the interior through previous development applications. Furthermore, the building's heritage significance is recorded under the State Heritage Inventory for its 'distinctive original exterior form and construction'. Consequently, the interior alterations are considered

minor and later work satisfactory and will not create an adverse impact on the heritage significance of the building.

Following the assessment of the development application against the Council's planning requirements, the proposal for internal works is considered reasonable in the circumstances. The proposal 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 grant consent to Development Application No. 265/22 for alterations and additions to the ground floor lobby, partial change of use to the ground floor lobby into a café, and associated works to a heritage listed commercial office building on land at 201 Miller Street, North Sydney subject to the following site specific and the attached standard conditions:-

Heritage Architect to be Commissioned

C3. An appropriately qualified and experienced heritage consultant registered with the NSW Heritage Office must be commissioned to assist the design development, contract documentation and construction works at the site for their duration by undertaking inspections of the works at key points in progress and providing advice in relation to potential intrusion on original building fabric.

Written details of the engagement of the experienced heritage architect must be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: If advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s4.55 of the *Environmental Planning and Assessment Act 1979* or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

Compliance with Accessibility Report

C9. The recommendation contained in the Accessibility Review Report prepared by ABE Consulting, dated 29 August 2022, must be implemented during construction and use of the development.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Compliance with the Waste Management Report

E16. The recommendations contained in the Construction & Demolition Waste Management Plan prepared by Elephants Foot Consulting, dated 29 August 2022, Revision E, must be implemented during construction and demolition phases of the proposed development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Hours of Operation

11. The hours of operation are restricted to:

Café – Monday to Friday 6:30am – 3:00pm (Only)

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

(Reason: To ensure that amenity of the surrounding locality is maintained, and hours of operation are consistent with those in surrounding locality)

LPP04: 131-133 Alexander Street, Crows Nest - DA212/22

Applicant: Central Services of Sydney Pty Ltd

Report of Jim Davies, Executive Planner

This development application seeks approval for the demolition of existing structures and construction of a four storey commercial building and a two level basement for parking and other ancillary uses, vehicular access from Alexander Lane, landscaping and associated works.

One of two buildings on the site has partially collapsed, allegedly resulting from earthworks and development occurring on land adjoining the site's northern boundary.

The application is reported to the North Sydney Local Planning Panel for determination as the applicant makes a request to contravene the building height development standard of 10m, prescribed by cl. 4.3 North Sydney Local Environmental Plan 2013 (the LEP) by more than 10%.

The request to breach the prescribed height maximum is examined by this report. According to the request to contravene the standard, the maximum height breach is mainly caused by the lift over-run protruding above the roof plane to a level of 14.45m above existing ground level. The maximum height standard is 10m and the greatest degree of the breach (44.5%) is satisfactory, having satisfied the requirements of cl. 4.6 of the LEP. The applicant's request demonstrates that compliance is unreasonable in the circumstances of the case, and that there are environmental planning grounds to justify the non-compliance. The breach is also in the public interest, being consistent with objectives of the development standard and the B4 Mixed Use zone affecting the subject land.

Notification of the proposal attracted two submissions. One objected on grounds the proposed building exceeds the height standard by over 7m (original proposal). The other was from the applicant, requesting the application be expedited due the building collapsing and this resulting in loss of income and business. The assessment has considered these concerns, as well as the performance of the application against Council's planning requirements.

Key issues considered in this assessment are:

- The proposed height breach,
- Large areas of the lower ground floor that appear not to have adequate lighting and natural ventilation,
- The development's relationship with neighbouring development, and
- The position, scale and bulk of the building in relation to the adjacent residential development, which is in a Heritage Conservation Area.

Building height is satisfactory, as the lift and stairs to the roof which cause the breach are positioned to have no significant impact on nearby buildings and their occupants and not be seen from the public domain.

The height and number of storeys of the building, on the western, Alexander Street side, are consistent with the height and scale of other buildings in the street.

On the eastern side adjacent to a low density residential conservation area, the setback of all levels of the building proposed is 1.5m. This setback was increased from 0.0m during the assessment process, to comply with the requirement of the DCP.

At the highest level of the building this does not provide an adequate reduction in scale in relation to the smaller and lower built form of the adjacent conservation area. Neither does it complement the upper-level setback (of about 7.0m) of the new building under construction on the site's northern boundary. A recent approval for the building on the site's southern side's top level includes a setback of about 1.6m. However, this approval was for alterations and additions, not a new build.

The applicant of the subject proposal was requested to re-consider the suitability of the 1.5m setback and re-submitted that the proposal is reasonable.

Having considered the advice of the North Sydney Design Excellence Panel, heritage and urban design/planning assessments, this view is not concurred with. As a consequence, a deferred commencement consent is recommended, for the development to be amended to increase the eastern setback of the top level to 4.5m from the eastern site boundary. This amendment will acceptably improve built-form compatibility with the adjoining building to the north and affect an enhanced transition to the adjacent low density residential heritage conservation area.

Additionally, to approve the development as proposed would be inconsistent with site and context specific conditions, while also taking into consideration the provisions of the LEP and DCP. Approval of a smaller setback of the top level, as proposed, would undermine the local planning framework and result in poor urban design and heritage outcomes.

The applicant has requested an expedited processing of this application. This has been hampered by the proponent, for a new building, seeking a larger envelope and floor area than what had existed prior to the damage occurring and exceeding key height and setback controls. Submission of a compliant development would have had a much greater probability of achieving an accelerated processing time.

Provided recommended amendments are made, the proposed development will be satisfactory and an operational consent would be issued, subject to conditions.

Recommending:

THAT the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning and Environment and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 (1) and grant consent to Development Application No. 212/22 for Demolition of existing structures and construction of a four storey commercial building and a two level basement for parking and other ancillary uses, vehicular access from Alexander Lane, a rooftop seating area, landscaping and associated works on land at 131-133 Alexander Street Crows Nest, subject to the following condition and those attached to this report:-

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 6 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 6 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 Within six months of the date of this consent, plans are to be submitted to Council for the approval of the Manager Development Services, to make the following amendments to the proposed development:
- a) For clarity, in relation to condition I2 and to ensure compliance, revised plans shall clearly mark areas of the building to be used for “office premises”, as defined by the Dictionary of the North Sydney Local Environmental Plan 2013.
 - b) Level 2 and the roof above are to be setback a minimum of 4.5m from the Alexander Lane site boundary.
 - c) The seating area proposed on the roof is to be adequately screened and roofed to afford suitable weather protection and privacy. The height of additional structures must not exceed 14.45m, and be located so as not to be readily visible from the public domain.
 - d) The building’s eastern façade is to be amended by inclusion of planter boxes and screening in a manner similar to the western façade.
 - e) An awning is to be provided over the footpath on Alexander Street across the full width of the site in accordance with clause 2.3.6 Awnings Part B Section 2 North Sydney Development Control Plan 2013, with any allowances in the design made as required, for the healthy growth and maintenance of street trees.

- f) Relocation of bicycle parking/storage and end-of-trip facilities onto the lower ground floor level, positioned to be readily accessible to each other (parking and end-of-trip facilities).
- g) A maximum of 33 vehicle parking spaces and a minimum of 26 bicycle parking spaces (19 staff and 7 visitor spaces) are to be provided on-site.
- h) A suitable number of vehicle parking spaces shall be set aside and maintained for the use of couriers and other delivery vehicles, on level 1 of the basement.
- i) The office is to be deleted from the Lower Ground Floor. This level shall be amended to restrict access to this level, except to those areas used for non-habitable purposes only. Alternatively, the lower ground floor is to be reconfigured and/or be made suitable for habitable use, or deleted.

(Reason: To ensure compliance and an acceptable impact on local character, heritage and the built environment.)

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 6 months of the date of this determination, the consent shall operate in accordance with the attached standard conditions.

LPP05: 34 Grosvenor Street, Neutral Bay - DA 237/20/7

Applicant: Grosvenor Development Co Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent (D237/20) for redevelopment of the subject properties to provide a new four (4) storey residential flat building including a rooftop plant area extension and addition of ventilation louvers at No.34 Grosvenor Street, Neutral Bay.

The application is reported to NSLPP for determination because the proposed modifications involve a further departure from the maximum building height development standard in accordance with the direction from the Minister for Planning.

Council's notification of the proposal has attracted one (1) submission raising concerns about adverse acoustic impacts and visual impacts of the proposed rooftop plant area extension.

The application has been assessed against the North Sydney LEP 2013 and North Sydney DCP 2013 and SEPP 65 – Design Quality of Residential Flat Building and generally found to be satisfactory.

The proposed modifications are considered to be generally consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. The proposed modifications, as amended by conditions of consent, would result in a development which is substantially the same development as originally approved as the proposal would not materially change the building height, setbacks, and the visual mass of the development as approved in the original DA.

The proposed modifications to the building elements above the LEP maximum building height limit would have no material impacts on the built form of the approved apartment building, its visual mass and the overall character of the locality subject to the imposition of additional conditions requiring an acoustic review and design details for the plant area screens on the rooftop (**Conditions C46 and C47**).

The proposed modifications, as amended by conditions of consent, would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(2) application be **approved** with modifications to existing conditions of consent and addition of new conditions.

Recommending:

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council approve the modification of development consent **D273/20** dated 3 March 2021 in respect of a proposal to the redevelopment of the site for a four storey apartment building development with basement parking at No. 34 Grosvenor Street, Neutral Bay under the provisions of Section 4.55 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

- 1. To modify the conditions of (D237/20) in particular conditions A1, C40 and G21 to read as follows:**

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings:

Drawing No.	Date	Drawn by	Received
A0011 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0098 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0099 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0100 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0101 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0102 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0103 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0104 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0200 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0201 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021
A0300 Rev B	11/12/2020	Koichi Takada Architects	14 January 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/2:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098 Rev D	Basement 01 Floor Plan	Team 2 Architects	3 September 2021
A0099 Rev D	Lower Ground Floor Plan	Team 2 Architects	3 September 2021
A0100 Rev D	Ground Floor Plan	Team 2 Architects	3 September 2021
A0101 Rev D	Level 01 Floor Plan	Team 2 Architects	3 September 2021
A0102 Rev D	Level 02 Floor Plan	Team 2 Architects	3 September 2021
A0103 Rev D	Level 03 Floor Plan	Team 2 Architects	3 September 2021

A0104 Rev D	Level 04 Ground floor Plan	Team 2 Architects	3 September 2021
A0105 Rev D	Roof Plan	Team 2 Architects	3 September 2021
A0200 Rev D	Elevations 01	Team 2 Architects	3 September 2021
A0201 Rev D	Elevations 02	Team 2 Architects	3 September 2021
A0300 Rev D	Section 01	Team 2 Architects	3 September 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/3:

Plan Nos.	Description of works	Prepared by	Dated
A0097 Rev B	Basement 02 Floor Plan	Team 2 Architects	29 November 2021
A0098 Rev E	Basement 01 Floor Plan	Team 2 Architects	13 December 2021
A0099 Rev E	Lower Ground Floor Plan	Team 2 Architects	13 December 2021
A0100 Rev E	Ground Floor Plan	Team 2 Architects	13 December 2021
A0101 Rev E	Level 01 Floor Plan	Team 2 Architects	13 December 2021
A0102 Rev E	Level 02 Floor Plan	Team 2 Architects	13 December 2021
A0103 Rev E	Level 03 Floor Plan	Team 2 Architects	13 December 2021
A0104 Rev E	Roof Plan	Team 2 Architects	13 December 2021
A0200 Rev D	Elevations 01	Team 2 Architects	13 December 2021
A0201 Rev D	Elevations 02	Team 2 Architects	13 December 2021
A0300 Rev D	Section 01	Team 2 Architects	13 December 2021

and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D237/20/7:

Plan Nos.	Description of works	Prepared by	Dated
A0103 Rev G	Level 03 Floor Plan	Team 2 Architects	03 November 2022
A0104 Rev G	Roof Plan	Team 2 Architects	03 November 2022
A0200 Rev G	Elevations 01	Team 2 Architects	03 November 2022
A0201 Rev G	Elevations 02	Team 2 Architects	03 November 2022
A0300 Rev G	Section 01	Team 2 Architects	03 November 2022
A4302 Rev 1	Roof Privacy Screens	Team 2 Architects	07 November 2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

BASIX Certificate

C40. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1136420M_07 for the development are fulfilled.

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 the proposed development will meet the Government's requirements for sustainability and statutory requirements)

Compliance with Certain conditions

G21. Prior to the issue of any Occupation Certificate, Conditions A8, A9, A10, C1, C2, C3, C46 and C47 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

2. To insert new conditions A11, C46 and C47 to read as follows:**Terms of Consent (D273/20/7)**

A11. Approval is granted for the following modifications only:

(c) Roof Level (RL91.55)

An extension of the rooftop plant area to accommodate air conditioning units and a compliant hot water plant storage tank.

(d) Ventilation Louvres

Modifications to kitchen and hallway windows on Ground Level, Levels 1 to 3 on the northern and southern elevations to incorporate ventilation louvres.

No other approval is given or implied in this consent for any other works, both internal and external, within the subject property.

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

Acoustic Review

C46. A detailed acoustic review of all mechanical plants to be located on the roof shall be undertaken prior to the issue of a construction certificate for the plant areas on the roof level.

The review shall be undertaken by an appropriately qualified acoustical consultant eligible for membership of the Association of Acoustical Consultants and shall identify acoustic treatments required to control noise emissions to satisfactory levels as per the relevant noise criteria as contained in the Acoustic Assessment, dated 14/12/2020, prepared by Acoustic Logic and the requirements of Condition C31 (Noise from Plant and Equipment) of this Development Consent. The acoustic review and its recommendations for any acoustic treatments shall be submitted to Council for information.

The acoustic review must be submitted to the Certifying Authority for approval prior to the issue of a construction certificate for the plant areas on the roof level. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure the amenity of the adjoining properties.)

Screens for Rooftop Plant Area

C47. The design details and materials for the screens to be installed along the perimeter of the rooftop plant area must be consistent with the details as contained in drawing numbered A4302 Rev 1, dated 7 November 2022 and prepared by Team 2 Architects. The colour of the screens shall match the light grey colour to be applied to the lift overrun adjacent to the rooftop plant area.

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 minimise visual impacts.)

LPP06: 12 Shellbank Parade, Cremorne - DA 74/2022

Applicant: Christopher Lyons Neville

Report of Planning Ingenuity, Town Planning Consultants

This development application seeks approval for partial demolition, alterations and additions to existing detached dwelling at No. 12 Shellbank Parade, Cremorne.

The proposal is reported to North Sydney Local Planning Panel for determination in accordance with the directive of the Ministry for Planning, Industry and Environment as it involves a variation to the LEP height of building development standard in excess of 10%.

Notification of the proposal has attracted a total of five (5) submissions, including a submission from a North Sydney Councillor, raising particular concerns about visual privacy impacts, setback of the proposed garage and streetscape presentation. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The proposed development has been considered in accordance with the matters for consideration as outlined in section 4.15(1) of the Act and is found to be generally satisfactory.

The proposed development for alterations and additions to an existing detached dwelling is a form of development permissible on land zoned C4 (Environmental Living).

The proposal also meets the relevant provisions of NSLEP 2013 with the exception of part of the existing building and new additions which exceed the maximum permitted building height. A written clause 4.6 exemption has been submitted to justify the variation which is considered to be well founded because there would be no material impacts on the amenity of the adjoining properties subject to the imposition of appropriate conditions. The development is also generally in accordance with the relevant objectives/requirements of the NSDCP 2013.

The proposed development includes minor internal reconfigurations, amendments to existing balconies and privacy screens, and extension of the existing garage. There are only minor changes to the overall building envelope of the dwelling and the built form character as viewed from the street and the waterways will remain largely unaltered.

The proposed works would not result in material impacts to the surrounding dwellings regarding solar access, views or privacy. The proposed development is considered reasonable and is recommended for **approval** subject to the imposition of conditions of consent.

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, 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 Height of Buildings and grant consent to Development Application No. DA74/2022 for partial demolition, alterations and additions to existing dwelling house,

including a new garage and associated works on land at No. 12 Shellbank Parade, Cremorne subject to the following site specific and standard conditions:-

Design Modifications

- C1. The height of the proposed privacy screens along the south-western edges of Deck 2 on the second floor level and Deck 5 on the third floor are to be increased in height to 1.8m as measured from the finished floor levels of Decks 2 and 5 to ensure visual privacy protection for the adjoining property.

Amended plans reflecting the above requirements must be prepared and submitted for approval of the Certifying Authority with the Construction Certificate.

(Reason: To ensure the privacy protection for the adjoining property.)

Garage Door

- C2. The garage door shall provide a 250mm setback from the outer face of the external wall of the proposed garage structure on the street (Shellbank Parade) elevation.

Amended plans reflecting the above requirements must be prepared and submitted for approval of the Certifying Authority with the Construction Certificate.

(Reason: To provide visual interest and enhance streetscape.)



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 7 DECEMBER 2022, AT 2.00PM.**

PRESENT

Chair:

Gary Shiels in the Chair.

Panel Members:

Jan Murrell (Panel Member)
Ian Pickles (Panel Member)
Karla Castellanos (Community Representative)

Staff:

Stephen Beattie, Manager Development Services
David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Miguel Rivera, Senior Assessment Officer
Robin Tse, Senior Assessment Officer
Ruth Bennett, Senior Assessment Officer
Greg Sherlock, Planning and Development Advisor
Thomas Holman, Assessment Officer

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

A public meeting was held for Items 1 and 2 as there was more than 10 objections. Items 3-8 were determined in closed session as there was less than 10 unique submissions for these agenda items.

The Chair acknowledged the Cammeraygal people being the traditional owners of the land on which this meeting was held.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 2 November 2022 were confirmed following that meeting.

2. Declarations of Interest

Karla Castellanos declared a conflict of interest on Item No. 3.

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.

Public Meeting

ITEM 1

DA No:	72/22
ADDRESS:	45 Thomas Street, McMahons Point
PROPOSAL:	Demolition of existing structures, removal of five (5) trees, construction of a 3 storey dwelling house and associated civil and landscaping works (including new driveway crossover)
REPORT BY NAME:	Miguel Rivera, Senior Assessment Officer
APPLICANT:	P Brennan

Registered to Speak

4 Written Submissions

Submitter	Applicant/Representative
Robyn Burch - Resident	Stephen Kerr - GYDE Consulting -Town Planner
Stephen Gouge - Resident	Elys Kenny - GYDE Consulting -Town Planner
Elizabeth Adsett - Resident (observing only)	Andrew Tzannes from Smith & Tzannes - Architect
Robyn Tyrell (observing only)	Bernadette Brennan - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

The Council Officers Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel has noted that the northern elevation windows at the upper level are generally below the boundary fence on the northern side of the site.

The Panel notes the proposal complies with the controls for the zone and agrees with the assessment setbacks in the Council Officer's report.

The Panel recommends that a condition be imposed to require the position of the solar panels to be installed parallel with the front (western) roof plane, with a requirement that these be installed with minimum practicable clearance to the roof cladding.

The Panel notes concerns about loss of views, however observes that it is not always possible to retain views, in particular across property boundaries.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 2

DA No:	105/22
ADDRESS:	54 High Street, North Sydney
PROPOSAL:	Use of the former communal facilities area on the roof top (Level 9) as a residential studio.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Joseph Georghy

Registered to Speak

3 Written Submissions

Submitter	Applicant/Representative
Mike Condon - Resident	James Lovell - Town Planner (representing applicant)
Nadine Keith -Resident	Joseph Georghy - Applicant/Owner (observing only)

Panel Determination

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is generally consistent with the objectives of the standard and the zone objectives.

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to a condition about the use of the "exclusive use area" on the 9th floor of building to be retained in conjunction with Lot 105 in SP 8461.

Panel Reason:

The Panel considered that the ninth floor should continue to be used in conjunction with Lot 105 and the approval relates only to the proposed residential use of the roof top space, as identified in the by-law as exclusive use area for Lot 105, as this would facilitate access to rooftop for ongoing maintenance of the building.

Accordingly, Conditions are amended as follows:

No Approval for Sunroom, Timber Deck and Planters

A4. Approval is only granted for the residential use of the exclusive use area on the 9th floor of the building in conjunction with Lot 105 in SP 8461. Nothing in this consent authorises the construction works and/or use of the following:

- (a) Sunroom and timber deck to the east of the proposed studio; and
- (b) Garden bed/planters on the roof level with associated planting removed.

(Reason: To ensure that the terms of consent are clear, and any approval of the 9th floor studio is related to its use only)

Access to the Roof Level for Repair and/or Maintenance Works

I2. The applicant must provide access through the subject exclusive use area on the 9th floor to the external roof areas to carry out maintenance and repair works by qualified/authorised persons.

(Reason: To ensure access to the external areas on the roof level for maintenance and repair works)

Use of the Exclusive Use Area

I3. The residential use of the exclusive use area in accordance with the relevant By-laws on the 9th floor must be used in conjunction with Lot 105 in SP 8461.

(Reason: To ensure that the use of the exclusive use area remains in conjunction with Lot 105 in SP8461)

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

Items considered in Non Public Meeting**ITEM 3**

Karla Castellanos declared a conflict of interest and did not participate in the discussion or deliberation of this item.

DA No:	145/22
ADDRESS:	275 Alfred Street North, North Sydney
PROPOSAL:	Replacement of approved three (3) “Fivex” sky advertisement signs to the roof structure of an existing commercial building with three (3) internally illuminated sky advertising signs consisting of “SBS” on the western elevation and “SBS On Demand” on the northern and southern elevation to the roof structure of that building.
REPORT BY NAME:	Greg Sherlock, Planning and Development Advisor
APPLICANT:	Legge and Legge Architects Pty Ltd

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	William Nemesh - Fivex Pty Ltd (representing applicant)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel considers the proposal is reasonable in the circumstances of this case and supports the Council officer’s report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Karla Castellanos	Absent	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 4

DA No:	317/22
ADDRESS:	8 Elamang Avenue, Kirribilli
PROPOSAL:	Alterations and additions to an existing detached dwelling conversion of existing roof space into habitable attic space.
REPORT BY NAME:	Ruth Bennett, Senior Assessment Officer
APPLICANT:	Ben Gerstel Architecture Pty Ltd

Registered to Speak**1 Written Submission**

Submitter	Applicant/Representative
	Ben Gerstel - Ben Gerstel Architecture - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel agrees that the two skylights on the front elevation should be deleted on heritage grounds.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 5

DA No:	38/22
ADDRESS:	17 Cowdroy Avenue, Cammeray
PROPOSAL:	Alterations and additions to a dwelling house and associated works
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	DISP Consulting Pty Ltd

No persons elected to speak on this item.

No Written Submissions

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel agrees with the assessment in the Council Officer’s report and recommendation.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 6

DA No:	241/22
ADDRESS:	45-51 Ridge Street, North Sydney
PROPOSAL:	Fit out and use of an existing building as a Centre Based Child Care Facility and Educational Facility (Kindergarten), playgroup location and out of school hours care facility.
REPORT BY NAME:	John McFadden, Consultant Planner
APPLICANT:	Cameragal Montessori School Pty Ltd

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Rachel Luchetti - Principal at Cameragal Montessori School - Applicant

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to changes to the following conditions:

1. Condition C4 sent is to be amended to read as follows:***Revised Plan of Management***

C4. The Plan of Management must be revised to incorporate the various matters contained in this consent.

- *~~The Centre Based Child Care Facility, Education Facility (Kindergarten) and out of school hours care facility are to comply at all times with staffing requirements of the Education and Care Services National Regulations 2011.~~*
- **All operational conditions of this consent are to be incorporated in the plan of management**

The revised plan of management is to be approved in writing by Council prior to commencement of use of the premises.

2. Condition I3 is to be deleted**3. Condition I2 is to be amended to read as follows:**

Maximum Capacity of the Facility and Children in Attendance

12. Regardless of any approved documentation including the Plan of Management, the maximum capacity of the facility at any given time is as follows:

	Maximum number of children
Child care centre/ <u>kindergarten</u>	41
Playgroup	15
Baby education classes	10
Before/After school care	20 (available to child care attendees only)

	Maximum number of staff
Child care centre/ <u>kindergarten</u>	5
Playgroup	1
Baby education classes	1
Before/after school care	2
Total	9

The above maximum capacity must be clearly displayed in the front (reception/lobby) areas of the facility.

The maximum number of children in attendance for the child care centre/kindergarten at any one time must be limited to 41 children in the following age groups:

Age Group	No. of Places
0-2 years	0
2-3 years	10
3-5+ years	31
Total	41

The above maximum children capacity of the child care centre must be clearly displayed in the front (reception/lobby) areas of the facility.

(Reason: To ensure the childcare centre is operating within capacity, as approved by this consent)

4. Condition I6 is to be amended to read as follows:**Hours of Operation**

16. *The hours of operation are restricted to **the various rooms within the premises shown on the plans of Condition A1 summarised as follows:***

Child care centre/kinderqarten

8.30am – 3:00pm, Monday to Friday only.

Playgroup use

9.30am – 11.30am and 1pm -3pm, Monday to Friday only.

Baby Education Classes

1pm -2.30pm, Monday to Friday only.

Out of School Hours Care Use

- *Before School*
 - *7am – 8.30am, Monday to Friday only.*
- *After School*
 - *3pm – 6.00pm, Monday to Friday and 10am to 5pm, Saturdays (for any weekend associated programs)*

The facility must be closed on Sundays and public holidays.

Upon expiry of the permitted hours:

- a) *no person shall be permitted entry; and*
- b) *all customers on the premises must be required to leave within the following half hour.*

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

5. That condition G1 be deleted and made an advising to the development consent.**Panel Reason:**

The Panel considers the proposal offers a desirable service to the community, which is centrally located and in close proximity to car parking.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 7

DA No:	412/21
ADDRESS:	94 Blues Point Road, McMahons Point
PROPOSAL:	Alterations and additions to terrace dwelling comprising substantial internal alterations, and excavation of new basement level and pool.
REPORT BY NAME:	David Hoy, Team Leader, Assessments
APPLICANT:	Michael Manken & Julia Manken

Registered to Speak

No Written Submissions

Submitter	Applicant/Representative
	Jared Rudnick - representing applicant
	John Oultram- John Oultram - Heritage & Design
	Michael and Julia Manken - Owners (observing only)

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and have considered all submissions prior to determination.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone.

The Council Officer’s Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel noted the existing dormer windows in this row of terraces and considered that the proposed dormer was acceptable in the circumstances of this particular case.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

ITEM 8

DA No:	386/09/4
ADDRESS:	29 Churchill Crescent, Cammeray
PROPOSAL:	To modify Development Consent DA 386/09/4 for a new dwelling addition of retractable shade structures.
REPORT BY NAME:	George Youhanna, Executive Planner
APPLICANT:	Matthew Davis

No persons elected to speak on this item.

No Written Submissions

Panel Determination

The Panel members have undertaken independent site inspections where necessary prior to the meeting

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the following changes:

- The first floor level retractable awning and supporting structures as shown on the plan is to be deleted.
- The awning to the living and dining room on the ground floor plan is to be setback a minimum of 2.5m from the south-eastern rear edge of the balcony.

Panel Reason:

The Panel does not consider the existing structure and retractable awning to be acceptable having regard to the breach to the building height controls, the excessive scale of the structures and the adverse amenity impact when viewed from adjoining properties and the nearby public domain.

The Panel decision requires that the upper awning is to be deleted and the awning on the ground floor living room level is to be set back from the south-eastern edge of the balcony.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Karla Castellanos	Y	
Jan Murrell	Y				
Ian Pickles	Y				

The public meeting concluded at 3.25pm.

The Panel Determination session commenced at 3.30pm.

The Panel Determination session concluded at 5.17pm.

Endorsed by Dr Gary Shiels
North Sydney Local Planning Panel
7 December 2022