



NORTH SYDNEY COUNCIL

Council Chambers
22 February 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 March 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 1 February 2023.
(Circulated)

LPP01: 4 Honda Road, Kurraba Point - DA 130/22

Applicant: Floris Smith Architecture Pty Ltd

Report of Thomas Holman, Assessment Officer

This development application seeks consent for subdivision of land known as 4 Honda Road into 2 lots, construction of a new dwelling, alterations and additions to an existing detached dwelling and provision of new stormwater infrastructure and additional landscaping.

The development application is reported to the North Sydney Local Planning Panel for determination because the development application received more than 10 unique submissions by way of objection.

The proposed new dwelling (House 2) would have a maximum height of 9.0m with a height exceedance of 500mm (5.88% variation). The Clause 4.6 request for a variation to the height of buildings development standard is considered to be well founded demonstrating that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the variation.

The existing dwelling (House 1) with alterations and additions will have more characteristic features of the conservation area with the addition of a pitched roof and sympathetic alterations to the materials and finishes to the front façade. The new dwelling (House 2) would have a form, massing and scale characteristic of the Kurraba Point Conservation Area being two storeys with a pitched roof with materials and finishes sympathetic to the surrounding conservation area.

The subdivision of the existing Lot B in DP 405794 into two lots ensures both lots have a lot size complying with the minimum subdivision lot size stipulated in Cl. 4.1 'Minimum Subdivision Lot Size' of the NSLEP 2013. The development complies with the objectives for Cl. 4.1 of NSLEP 2013 retaining the existing irregular shape of the lot and the subdivision would not cause the fragmentation of the land, would protect natural features of the site, and does not adversely affect the amenity of surrounding properties.

The site is flood affected with an existing open stormwater channel running through the site. The development seeks to construct a new stormwater drain between the two properties and the new dwelling would have a ground floor level 300mm above the 1% AEP (22.2 mAHD) supported by Council's Engineers. The existing dwelling (House 1) subject to alterations and additions has existing floor levels below the 1% AEP plus freeboard of 0.3m, however the dwelling will be subject to conditions to ensure flood compatible materials are used for elevations below the 22.2 mAHD and a condition of consent seeks to ensure openings below the flood level are flood resistant to prevent flood water ingress.

Council received twenty (20) submissions and a further seven (7) submissions following renotification of the development application that raised concerns about the adverse impact to the Kurraba Point Conservation Area due to the proposed subdivision into two lots and the size and design of the dwellings. Concerns were also raised with respect to the impact on the natural features of the site and flood risk both within and to adjoining properties. The issues outlined in the submissions have been considered during the assessment and

where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

Following this assessment, the development that application is considered to be reasonable in the 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, 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. 130/22 for the subdivision of land, alterations and additions to than existing dwelling and construction of a new dwelling with associated works on land at 4 Honda Road, Kurraba Point subject to the following site specific and attached standard conditions:-

Heritage Requirements

C6. The following heritage requirements are to be met:

- a) The sandstone front boundary fence to Houses 1 and 2 is to be retained at its existing height and restored if necessary with no increase in height. Any new vehicular gate to House 1 is to be a painted steel palisade gate with a height to match the adjacent front boundary wall.
- b) New sandstone is to have a rock or split-faced finish.
- c) Privacy screens are to be painted to match the dwelling in a visually submissive tone. Metallic finishes are not to be used.
- d) The paved driveway to House 2 is to have a mid to dark tone and/or is to be detailed to create visual interest. A plain concrete slab is not to be used.
- e) The new garage door for House 2 is to be a panel lift door with materials and finishes for the garage door to include timber/earthy in appearance and if painted are to be in a matt finish.
- f) The garage door is to be setback 200mm from the outer face of the external garage wall of House 2 that faces Honda Road to reduce the build and scale of the garage as viewed from the street.
- g) The first floor glazing for House 2 is to be designed as shown in the House 2 Southern (DA22 Rev B) and Eastern Elevation (DA21 Rev C) not as shown in the House 2 First Floor Plan (DA18 Rev B).
- h) Window and doors that address the street shall be timber-framed. All other new windows and doors are to have aluminium or steel framing sections of a width 45mm or wider or are to be timber-framed.

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 ensure the development is sympathetic to the character of the conservation area.)

Floor levels for Flooding

- C14. Floor levels are to be minimum 300mm above the 1 in 100 year flood level for the new dwelling house (House 2) to be constructed on the newly subdivided part of Lot B, DP 405794. The additions (new habitable areas) to House 1 can be at a floor level of 21.19mAHD. However, flood protective materials shall be used for additions located below the overland flow path, are to be minimum 300mm above the 1 in 100 year flood level.

Plans and specifications which comply 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: Prevention of damage to dwellings as a result of flood events)

House 1 Fenestration - Flooding

- C15. Windows on the western and northern elevation of House 1 are to be designed as per the below requirements to minimise risk to residents during flooding:

- Window W02 serving the entry porch should be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The window to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).
- The window W08 and W09 to be designed to withstand water pressure and sealed appropriately to prevent water ingress during a flood event. The windows to be amended is annotated in the relevant plans – House 1 Ground Floor Plan (DA10 Rev B) and House 1 West (DA15 Rev B).

Plans and specifications which comply 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: Prevention of damage to dwelling and safety of residents as a result of flood events)

Privacy

- C23. The following privacy devices are to be provided:

- a) Fixed obscure or frosted glass privacy screens shall be attached to the western first floor window named W12. The window to comprise fixed obscure or frosted glass is clouded in red on House 1 First Floor Plan (DA11 Rev B).

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that

the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided between the adjoining properties known as 'House 1' and 'House 2')

Amendments to the Landscape Plan

C30. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The water feature within the front garden/western side setback of House 1 is to be deleted and replaced with landscaping. The landscaping is to comprise of plants and grasses only as shown on the plans and clouded in red on the approved House 1 Ground Floor Plan/Landscape Plan.

An amended 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 ensure residential amenity)

Flood Risk Management Plan

G8. Prior to the issue of the final Occupation Certificate or any Subdivision Certificate, a Flood Risk Management Plan (FRMP) is to be prepared by a suitably qualified Hydraulic Engineer which outlines emergency warning measures and systems to be implemented should a flooding event exceed the flood planning level (FPL) for the site.

The Flood Risk Management Plan required by this condition must include details of measures to be implemented by owner/occupants of both dwellings should a flooding event exceed the flood planning level (FPL) for the site.

The FRMP must be prepared to the satisfaction of the Certifying Authority prior to the issue of the Final Occupation Certificate for the development.

The owners of the respective properties/lots must ensure that recommendations of the FRMP are to be implemented and maintained at all times.

(Reason: Compliance and adequate maintenance due to potential flood affectation)

Subdivision to be Registered

G9. The subdivision certificate referenced in Condition J2 is to be registered prior to the issue of any occupation certificate relating to the approved works to subdivide Lot B DP 405794 into two lots.

(Reason: To ensure that the approved residential dwellings are located on separate lots)

LPP02: 317 Pacific Highway, North Sydney - DA231/22

Applicant: N Rickard - Modog Pty Ltd

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 2 storey commercial building and heritage item 10961 (Former Masonic Temple) on land identified as No. 317 Pacific Highway, North Sydney.

The application is required to be reported to the NSLPP for determination, as directed by the Minister of Planning, as the development application has attracted 10 or more unique submissions by way of objection and is considered sensitive development, as it involves partial demolition of a heritage item.

Council's notifications of the proposed development has attracted a total of 19 submissions raising the following concerns and issues associated with proposal: accessibility issues and disability facilities; access to laneway issues; amenity and privacy impacts; traffic, parking and congestion; compliance issues relating to gate and post position; compliance issues relating to rubbish bin placement; construction management plan; incorrect survey plan, fire safety and BCA compliance concerns; heritage impacts; justification for truck wash down area, noise dust and air pollution during construction, overshadowing; streetscape impacts and structural stability.

The proposal has been considered against applicable environmental planning instruments and complies with all applicable development standards and the key objectives and controls for development in a conservation area. The proposed additions are complementary to the heritage significance of the former Masonic Hall and would not present any adverse impacts on adjoining and surrounding properties. Having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). The proposal 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 as the consent authority grant consent to Development Application No. 231/22 for alterations and additions to the Former Masonic Temple (heritage item I0961) at No. 317 Pacific Highway, North Sydney, legally described as Lot 1 in DP 1244831, subject to the following site specific conditions and the attached standard conditions:

Eastern (Rear) Window of First Floor Extension

C1. The rear (east facing) window of the approved first floor extension is to be deleted and replaced with a 'blind' window/solid wall panel that is recessed by 5-10mm from the main façade cladding.

Details of the above design changes required by this condition must be contained within the final construction plans and provided to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To remove preventable overlooking from new openings/windows and ensure an appropriate façade design)

Structural Engineering Diagrams

C2. The structural engineering diagrams must be amended to delete the proposed cutting of the existing roof (eaves), as reflected in the approved

architectural plans. The entire approved development must sit below the existing roof eaves and any associated elements and the existing roof of the heritage listed building must remain unchanged and not impacted by the development.

Details of the above design changes required by this condition must be contained within the final construction plans and structural engineering diagrams and provided to the Certifying Authority for approval prior to the issue of any Constructure Certificate. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition.

(Reason: To ensure any heritage impacts generated by the approved development are minimal and acceptable)

“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.”

LPP03: 232A Miller Street North Sydney – DA 224/22

Applicant: Liselotte Kunz

Report of Julie Horder, Planning Ingenuity

This development application seeks approval for use of the subject premises as a remedial massage clinic and is reported to North Sydney Local Planning Panel for determination as the premises are owned by North Sydney Council. The application formalises the current use of the premises commenced under an agreement between Council and the tenant, the operator of the massage clinic. It is understood the use has continued for several years, without complaint.

The application also mentions the need for minor fire safety upgrades, which will be considered as part of construction certificate application, in the event of the subject application being approved.

Notification of the proposal did not attract any submissions.

This assessment concludes the development application is satisfactory, having benign impacts on built and natural environments, 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 grant consent to Development Application No. 224/22 for use of the premises as a remedial massage clinic to on land at 232A Miller Street, North Sydney, subject to the attached standard conditions.

LPP04: 372 Military Road (aka 75 & 75A Parraween Street), Cremorne – DA 269/21/4

Applicant: Platino Properties Pty Ltd

Report of Robin Tse, Senior Assessment Officer

Section 4.55(2) application seeking modifications to Development Consent (D269/21) including various design changes to an approved five (5) storey mixed use development.

This application under Section 4.55 of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent (D269/21) modifications to the approval for a five (5) storey mixed use development at No.372 Military Road, Cremorne.

The application is reported to NSLPP for determination because the proposed modifications involve changes to the approved building design that was required by a deferred commencement conditions imposed by the Panel in accordance with the directions of the Minister for Planning. Council's notification of the proposal has attracted two submissions raising concerns about the increase in the number of apartments and the adverse impacts of the proposal on the character and the streetscape settings of the adjoining heritage item.

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 would result in a development which is substantially the same development, being a mixed-use building, as originally approved as the proposal would not materially change the building typology, building height and the use of the development as approved in the original deferred commencement consent.

However, the proposed design modifications to the southern (Military Road) façade on Level 4 is not supported because the reduced setback with its stepped form will create visual clutter and will visually compete with the stepped Art Deco parapet wall of the heritage listed Orpheum Theatre. Therefore, this aspect of the subject Section 4.55 application is recommended for deletion from this consent.

The other aspects of the proposed modifications, such as changes to internal layout on Level 3 to provide 1 x studio and 1 x 3 bedroom apartment, can be supported because there would be no change to the approved building envelope for Level 3 and no material amenity of the adjoining properties in terms of the loss of significant views, solar access, visual and acoustic privacy. The issues raised in the submissions received have been addressed in this report.

The proposed modifications, with the exception of the design modifications to the southern (Military Road) façade on Level 4, were 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 D269/21 dated 6 March 2022 in respect of a proposal to the redevelopment of the subject site including the demolition of the existing two storey shop top housing building and the construction of a five (5) storey shop top housing (mixed use) development at No.372 Military Road, Cremorne 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 development consent (D269/21) and modify conditions C40, C41, C42, C50 and C45 to read as follows:

Section 7.11 Contributions

C40. Monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, in accordance with the North Sydney Council Local Infrastructure Contribution Plan 2020 for the public amenities/ services detailed below, must be paid to Council.

Contribution Categories/Facilities:	Contribution(\$)
Open space and recreation facilities:	\$44,366.81
Public domain:	\$18,033.80
Active transport:	\$1,029.39
Community facilities:	\$8,911.25
Plan administration and management:	\$1,079.62
Total:	\$73,420.87

* Contribution required for the current proposal offset by credit from the existing commercial development

The contribution MUST BE paid prior issue of any Construction Certificate.

The above amount will be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the North Sydney Local Infrastructure Contribution Plan 2020 can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Security Deposits/Guarantee Schedule

C41. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$30,000.00
Engineering Construction Bond	\$36,000.00
TOTAL BONDS	\$66,000.00

Note: The following fees applicable

Fees	
S7.11 Contribution	\$73,420.87

TOTAL FEES	\$73,420.87
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The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

BASIX Commitments

C42. 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. 1224852M_09 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.

Note: A revised BASIX Certificate may be required to reflect the modified design as required by Condition C51 of this consent.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

External Colours and Materials – Levels 3 and 4, Southern (Military Road) Elevation

C50. The colours and materials on the southern (Military Road) elevation for Levels 3 and 4 shall be amended to a mid-range tone or a pale colour similar to the attached property located at 368 Military Road in order to differentiate the subject building from the rich red and yellow tones of the adjoining heritage item (The Orpheum Theatre). Amended plans showing the revised architectural treatments and colours of this level are to be submitted for the written approval of Council's Manager, Development Services prior to the issue of any Construction Certificate.

Council's approval letter, plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: Heritage conservation)

2. To insert a new conditions A6 and C51 to read as follows:

Terms of Consent (D269/21/4)

A6. Approval is granted for the following modifications only:

(a) Modifications to the approved four (4) bedroom apartment on Level 3 to provide 1 x 3 Bedroom apartment (Unit 301) and 1 x studio apartment (Unit 302).

(b) The overall number of apartments within the development

increases from six (6) to seven (7).

No approval is given or implied in this consent for any other works, both internal and external, particularly the proposed modifications to the southern (Military Road) façade on Level 4, within the subject property unless specified in the consent.

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

Design Modifications

C51. The design of Level 4 shall be amended as follows :

- (a) Deletion of Bedroom 3 of the proposed apartment on Level 4 (Unit 401) with the associated eastern and southern walls being set back accordingly;
- (b) The southern building line of Level 4 must provide a minimum 8m setback from the southern (Military Road) property boundary; and
- (c) The design of the southern elevation and the southern terrace for the modified apartment on Level 4 and the internal layout of this apartment, shall be consistent with those as shown on the approved DA drawings (Drawing Nos. DA102 Issue F dated 29 November 2022 and DA301 Issue E dated 21 November 2022, all prepared by PA Studio).

The modified design must be submitted for the written approval of Council's Manager Development Service.

Plans and specifications complying with this condition, together with Council's written approval, must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate. The Certifying Authority must ensure that the building plans and specification submitted fully satisfy the requirements of this condition.

(Reason: To maintain the significance of the adjoining heritage listed building)



NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 1 FEBRUARY 2023, AT 2.00PM.**

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Linda McClure (Panel Member)
Grant Christmas (Panel Member)
Virginia Waller (Community Representative)

Staff:

Stephen Beattie, Manager Development Services
David Hoy, Team Leader Assessments
Robyn Pearson, Team Leader Assessments
Miguel Rivera, Senior Assessment Officer
Rachel Wu, Graduate Assessment Officer
Robin Tse, Senior Assessment Officer
Andrew Beveridge, Assessment Officer

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

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

No items were required to be heard in a public meetings as all items attracted less than 10 submissions. At the discretion of the chair applicants were invited to clarify issues.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 7 December 2022 were confirmed following that meeting.

2. Declarations of Interest

Nil.

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

DA No:	142/22
ADDRESS:	44 Ellalong Road, Cremorne
PROPOSAL:	Alterations and additions to an existing dwelling house
REPORT BY NAME:	Miguel Rivera, Senior Assessment Officer
APPLICANT:	Chris Milne

Registered to Speak**1 Written Submission**

Submitter	Applicant/Representative
	Christopher Milne - Applicant
	Parisa Milne - Owner

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 generally consistent with the objectives of the standard and the zone objectives.

The Council Officers Report, Recommendation and Conditions are noted. The Panel has determined a Deferred Commencement be granted that requires amended plans to be submitted for the approval of Council's Manager Development Services. The amended plans will allow for a smaller carport structure separate to the main roof structure, and a reduction in the upper floor bulk. Amended plans will provide greater certainty in the final built form.

The Deferred Commencement condition below requires amended plans to be submitted for approval:

Design Amendments – Carport and First Floor Bedrooms

AA1. *Within two (2) years 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) The first floor Bedroom 2 must 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 and a re-configuration of the upper floor area to provide three bedrooms.*
- b) The carport structure must be redesigned to be independent of the dwelling with its own roof structure and may include a covered walkway.*

(Reason: To reduce the bulk and scale of the roof and a more appropriate presentation to the streetscape and adjoining property.)

This consent shall not operate until such time as the written approval stating that the requirements of this condition have been satisfied. The Panel delegates the determination of the amended plans required by the deferred commencement condition to be to the satisfaction of the Manager Development Services

The operational conditions will then take effect as recommended with the deletion of the design change associated with the carport and first floor bedrooms in Condition C1 and the following amendment to Condition C4 to reflect a more appropriate scale of hedge planting at property boundaries:

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 **maximum 1.5m high**. 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 **maximum 1.8m high**.*

- *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 **maximum 1.8m high**.*
- *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)

Panel Reason:

The Panel has determined that 'Deferred Commencement' consent should be granted to address a reduction in the bulk of the building by changes to the large north-east pitched roof area over the carport and upper level first floor bedroom area. At the same time while the amended plans require a reduced upper floor level, this space can reasonably be reconfigured to accommodate three bedrooms, and include a separate carport with a link to the dwelling for protection in inclement weather.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 2

DA No:	288/22
ADDRESS:	27 Elamang Avenue, Kirribilli
PROPOSAL:	Alterations and additions to a dwelling and associated work
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	John White

Registered to Speak**4 Written Submissions**

Submitter	Applicant/Representative
	Jaie Midei - Corben Architects
	Jason Lambropoulos - Chapman Planning

Panel Determination

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

The Council Officer's Report, Recommendation and Conditions are noted by the Panel.

The Panel has decided to defer the determination of the application to allow the applicant the opportunity to amend the plans by deleting that portion of the upper level of bedroom 1 that is causing view loss to ensure that there is no further impact on views from adjoining properties. The Panel considers an amended design is required to maintain views, and any further encroachments into this view corridor is not considered warranted. The applicant is also to submit a new clause 4.6 written request for variation to the height standard in relation to the new plans. The Panel does not accept that the current 4.6 request is well founded and is not justifiable on environmental planning grounds.

Pending resolution of this matter as outlined above the Panel considers it appropriate for the applicant to remove both street trees and provide their suitable replacement as conditioned.

The Panel delegates the determination of the amended plans to be to the satisfaction of the Manager Development Services. The amended plans should be submitted within twenty-eight (28) days of the date of notice to the applicant, otherwise the application will be determined by the panel by electronic means.

Panel Reason:

The Panel does not accept the Clause 4.6 in its current form and considers a design that does not further impact existing views while at the same time providing additional floor area, is an appropriate outcome that can be achieved by deferring the matter for amended plans.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 3

DA No:	265/22
ADDRESS:	201 Miller Street, North Sydney
PROPOSAL:	Alterations and additions to the ground floor lobby and part change of use to the ground floor to include a café in a commercial development with operating hours 6.30am – 3pm Monday to Friday and seating for approximately 22 people
REPORT BY NAME:	Rachel Wu
APPLICANT:	Amber Can (Urbis) on behalf of LaSalle Investment Management P/L

Registered to Speak

Written submissions from applicant seeking condition changes.

Submitter	Applicant/Representative
	Abigail Cohen - Lasalle Investment Management
	Amber Can - Urbis - representing applicant

Panel Determination

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

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

The following are amendments to conditions.

Condition A1 to correct plan revision and date reference to be DAG000 (Rev D) dated 21 December 2022

Condition A4 to be amended to delete the words 'external' within the condition as follows:

Finishes and Materials

- A4. *Finishes and materials must be in accordance with the submitted schedule dated **21 December 2022**, prepared by **Brass Tacks P/L** and received by Council on 21 December 2022 unless otherwise modified by Council in writing.*

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

Condition C2 to be deleted as internal works supported by condition A4.

Condition C3 The Panel was satisfied that Condition C3 remained relevant and should be retained.

Condition C4 to be amended by deleting the words 'External'.

Finishes and Materials

C4. The colours and finishes must be in accordance with the approved schedule of finishes and materials. 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 quality built form of development)

Condition C7 to amend Section 7.12 Contributions fee to exclude GST and project fees as follows:

C7. A monetary contribution pursuant to the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$8631.56.

Indexation

The monetary contribution required under this consent will be indexed at the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Condition C8 to delete tree bond and amend S7.12 Contribution fee to exclude GST and project fees.

Security Deposit/Guarantee Schedule

C8. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Note: The following fees applicable

Fees	
<i>Section 7.12 Contributions</i>	\$8,631.56
TOTAL FEES	\$8,631.56

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Condition D1 The Panel Recommended this be changed to a “Photographic report” following demolition works and be renumbered as an E condition as follows:

Photographic Survey (Heritage Items)

E17. Following demolition works, a photographic report prepared in consultation with the appointed heritage consultant overseeing the work, is to be prepared and provided to Council in an appropriate digital format. I

(Reason: To provide a historical record of heritage significant fabric on site)

Condition E11 to be deleted.

Condition G4 to be deleted.

Panel Reason:

The Panel notes the applicants raised concern about the requirement of condition C3. However, it is considered that works should be supervised by an appropriate heritage consultant.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 4

DA No:	212/22
ADDRESS:	131-133 Alexander Street, Crows Nest
PROPOSAL:	Demolition of existing structures and construction of a four storey commercial building with a two level basement and associated works.
REPORT BY NAME:	Jim Davies, Executive Planner
APPLICANT:	Central Services of Sydney C/- Urbis

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Belinda Thomas - Urbis
	John Wynne - Urbis
	Jeremy Bishop - Nettleton Tribe
	Barrie Nesbitt - Applicant

Panel Determination

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

The Council Officer's Report, Recommendation and Conditions are noted and give effect to the officer's concerns. The Panel has decided to defer the application to allow amended plans to be submitted in accordance with condition AA1 and this includes the requirement for the top level and the roof to be setback 4.5m from the Alexander laneway boundary, and light weight awning to the full width of the Alexander Street frontage. The requirement AA1(i) is modified to the extent that the subject area is only to be used in conjunction with other tenancies, (i.e. not a separate tenancy). By deferring the application this also provides the opportunity for the applicant to submit an amended Clause 4.6 written request consistent with the amended plans.

The Panel notes an awning has been approved for 127 and 137 Alexander Street and that this application was for alterations and additions to a new commercial building. An Alexander Street awning was not considered appropriate at the time of approval for 137 as the site is narrow and features a large street tree on that frontage.

The Panel delegates the determination of the amended plans to be to the satisfaction of the Manager Development Services. The amended plans should be submitted within twenty-eight (28) days of the date of notice to the applicant, otherwise the application will be determined by the panel by electronic means.

Panel Reason:

The Panel decided to defer the matter to provide greater certainty in the final built outcome.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 5

DA No:	237/20/7
ADDRESS:	30-34 Grosvenor Street, Neutral Bay
PROPOSAL:	To modify an approved four (4) storey residential flat building including changes to the plant area on the roof level.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Grosvenor Development Co Pty Ltd

Registered to Speak

No Written Submissions

Submitter	Applicant/Representative
	Adam Arias -Development Manager – Platform Project Services
	Chris Russell - Consulting Project Director - Platform Project Services

Panel Determination

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

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

Panel Reason:

The Panel considers the modification application will not create adverse environmental impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

ITEM 6

DA No:	74/22
ADDRESS:	12 Shellbank Parade, Cremorne
PROPOSAL:	Partial demolition, alterations and additions to existing dwelling house, including a new garage and associated works.
REPORT BY NAME:	Planning Ingenuity, Town Planning Consultants
APPLICANT:	Christopher Neville

Registered to Speak**No Written Submissions**

Submitter	Applicant/Representative
	Imogene Potter - Architect - Potter and Wilson

Panel Determination

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

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 that the proposal has been well designed and there has been appropriate consultation with the immediately affected neighbour and additional conditions have been imposed to maintain residential amenity.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Linda McClure	Y				
Grant Christmas	Y				

The public meeting concluded at 3:30pm.

The Panel Determination session commenced at 4:00pm.

The Panel Determination session concluded at 5:20pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel

3 February 2023