



**NORTH SYDNEY LOCAL PLANNING PANEL**

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

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Brendan Randles (Panel Member)  
Lloyd Graham (Panel Member)  
Meredith Trevallyn-Jones (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  
Thomas Holman, 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.

A public meeting was held for Items 1 and 2 as each item received more than 10 objections. Items 3 and 4 were determined in closed session as these items received less than 10 unique submissions each.

**Apologies:**

Nil

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 1 February 2023 were confirmed following that meeting.

## 2. Declarations of Interest

Meredith Trevallyn-Jones declared a non-pecuniary/non-significant interest in Item 4.

## 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

<b>DA No:</b>	130/22
<b>ADDRESS:</b>	4 Honda Road, Kurraba Point
<b>PROPOSAL:</b>	Subdivision into two lots, construction of a new dwelling, stormwater works and alterations and additions to an existing dwelling.
<b>REPORT BY NAME:</b>	Thomas Holman, Assessment Officer
<b>APPLICANT:</b>	Floris Smith Architecture Pty Ltd

#### Registered to Speak

#### 9 Written Submissions

Submitter	Applicant/Representative
John Kenny - resident	Kerry Gordon - Planner representing applicant
Morgan & Hannah Kelly - resident	
MaryAnn Beregi - resident	
Bill Tulloch - resident	
Sandy Xuekui chen - resident - 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 generally consistent with the objectives of the standard and the zone objectives.

The Council Officers Report, Recommendation and Conditions are supported subject to a Deferred Commencement Condition together with the following additional and amended conditions to minimise flooding and to further mitigate impacts on the conservation area and streetscape character.

#### **Part A Deferred Commencement Conditions**

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

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.**

**If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent this consent will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.**

NOTE: Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not. You are also advised of your appeal rights under clause 76(5) of the Environmental Planning and Assessment Regulation 2000, which provides that: *If the consent authority has not notified the applicant within the period of 28 days after the applicant’s evidence is produced to it, the consent authority is, for the purposes only of section 8.7 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.*

#### **Deletion of the media room and the front entry to House 1**

**AA1.** The front addition to House 1 comprising the media room and the main entry as shown in Drawing No. DA10 Rev B are to be deleted and replaced with soft landscaping (including turf, ground covers and/or shrubs). The roof and balcony above the ground floor front addition shown on Drawing No. DA11 Rev B is also to be deleted.

(Reason: The deletion of the front addition is required to minimise flooding within house 1 and to provide more soft landscaping within the front setback of house 1 to maintain the verdant character of the Kurraba Point Conservation Area in accordance with Provision P1, s6.2.6 of the NSDCP 2013)

#### **Deletion of the store /wine cellar to the rear on the ground floor of House 1**

**AA2.** The rear addition to House 1 including the wine cellar and store as shown in Drawing No. DA10 Rev B is to be deleted.

(Reason: The deletion of the rear addition is required to minimise the structural impact to adjoining properties, to minimise the risk of flooding within the dwelling, and to preserve land stability in accordance with Provision P1, s1.3.1 of the NSDCP 2013)

### **Deletion of the store /wine cellar within the lower ground floor of House 2**

**AA3.** The lower ground floor within house 2 (including the wine cellar, WC and store) as shown in Drawing No. DA16 Rev B is to be deleted.

(Reason: The deletion of the lower ground floor is required to minimise the risk of flooding within house 2 and to maintain the structural integrity of adjoining properties in accordance with the objectives of s1.3.1 of the NSDCP 2013)

The Applicant is to submit amended plans for the approval of Council's Manager Development Services and only after approval is given will the consent operate in accordance with the conditions in Part B.

### **Part B**

Condition C6 Heritage Requirements is to be amended to ensure the sandstone front boundary fence to Houses 1 and 2 is to be retained subject to Compliance with C13 Stormwater Management and Disposal Design Plan – Construction Issue Detail.

### **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 required with no increase in height. **Any restoration works to the sandstone fence are subject to compliance with the requirements of Condition C13 Stormwater Management and Disposal Design Plan – Construction Issue Detail.** 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)

Condition C23 Privacy is to be amended as follows deleting any reference to the need to provide a privacy screen (deletion shown with strikethrough) and limiting the privacy measures to the first floor window (W12) to House 1 to be fixed obscure or frosted glass and deleting the words 'privacy screens' to ensure accuracy adequate privacy measures are implemented.

### **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)

The Panel were also of the view that a Traffic and Construction Management Plan be required given the complexity of the proposal and the difficulties associated with road access. Accordingly, the following condition is imposed to minimise impacts to traffic flows within the locality:

### **Construction Management Program – Local Traffic Committee Approval**

B1. A Construction Management Program prepared by a suitably qualified and experienced traffic consultant must be submitted and approved in writing by North Sydney Traffic Committee PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property will require appropriate approvals prior to any work commencing. At a minimum, the Construction Management Program must specifically address the following matters:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
  - i. Dedicated temporary construction site driveway entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways and footways;
  - ii. The proposed signage for pedestrian management to comply with the relevant Australian Standards, including pram ramps;
  - iii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site:

- iv. The locations of any proposed Work Zones in the frontage roadways (to be approved by Council's Traffic Committee):
  - v. Locations of hoardings proposed:
  - vi. Location of any proposed crane standing areas:
  - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries:
  - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
  - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A detailed heavy vehicle access route map through the Council area to Arterial Roads. Provision is to be made to ensure through traffic is maintained at all times.
  - c) The proposed phases of works on the site, and the expected duration of each phase.
  - d) How access to neighbouring properties will be maintained at all times and the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of process.
  - e) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
  - f) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer and must not involve any permanent or temporary encroachment onto Council's property.
  - g) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
  - h) A Waste Management Plan. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

All traffic control work and excavation, demolition and construction activities must be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved Program. A certificate of compliance with this condition must be obtained from Council's development engineers. The certificate and the approved Construction Management Program must be submitted as part of the documentation lodged with the application for approval of a construction certificate. A copy of the approved Construction Management Program and any conditions imposed on that Program, must be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible, as a minimum six (6) weeks' notice is required to refer items to the Traffic Committee.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Additional conditions I3, I4 and I5 be added:

#### **Stormwater Drainage Channel and Floor Levels and S. 88 Instrument.**

- I 3. The owner of House 1 is to maintain and not alter or affect the operation of the stormwater drainage channel and maintain ease of access to the stormwater drainage channel in accordance with the conditions of consent and as required by Condition J6.

The owner of House 2 is to maintain and not alter or affect the levels of the land which allow for flood storage.

(Reason: To ensure that the stormwater channel remains unencumbered)

#### **Ongoing maintenance of levels.**

- I 4. The owners of House 1 must not alter the floor levels below the floor levels approved by this consent, the lowest level at 21.19 mAHD being 1.03 m below the current Council stipulated minimum flood planning level of 22.2 mAHD for a new dwelling on this site, which represents the current 1% AEP (1 in hundred year) flood level of 21.9mAHD, plus freeboard (safety factor) of 0.3m.

The owners of House 2 must not alter the floor levels to be lower than 22.2m AHD, being the current Council stipulated minimum flood planning level for a new dwelling on this site, which represents the current 1% AEP (1 in a hundred year) flood level of 21.9 mAHD plus freeboard (safety factor) of 0.3m.

(Reason: To ensure that the stormwater channel remains unencumbered.)

#### **Documents to be maintained on site.**

- I 5. A copy of the Flood Risk Management Plan required by Condition G8 to be prepared by a qualified Hydraulic Engineer and the s88B instrument required by Condition J6 to be permanently retained on site for each property.

(Reason: To ensure awareness and compliance with the stormwater drainage easement and awareness for future owners of the flood affected lots.)

Condition J 6 to be amended as follows:

Stormwater Drainage Channel and Floor Levels.

- J6. A section 88B instrument and one copy are to be submitted with the application for a subdivision certificate. The final plan of subdivision and accompanying section 88B instrument are to provide for:
- a. The stormwater drainage channel easement as stipulated in GIO new Drainage Easement (Relocated Pipeline).
  - b. The floor levels of House 1 (lot 73) can be RL21.19 but any new work must have regard to the required levels for the 1 in 100 year flood event plus a freeboard of 300mm.
  - c. The floor levels for habitable rooms on lot 74 (House 2) must be at or above RL22.2 (including freeboard of 0.3m) to minimise the impact of flooding to residents during a 1 in 100 year flood event.

The instrument creating the restrictions, easements and covenants under the provisions of section 88B required by these conditions of consent must be lodged for registration with the plan of subdivision. North Sydney Council must be the prescribed authority in the instrument whose consent is required to release, vary or modify the burdens/benefits.

Proof or registration of the restrictions, easements and covenants under section 88B must be provided to council within 28 days of registration of the plan of subdivision.

(Reason: To alert future owners that the land is subject to flooding and the required floor levels and to create legal entitlements with the subdivision as required)

(Reason: To ensure awareness and compliance with the stormwater drainage easement and awareness for future owners of the flood affected lots)

**Panel Reason:**

The majority of the Panel found the proposal satisfactory given compliance with NSLEP 2013 and the North Sydney Development Control Plan 2013. At the same time the Panel has imposed further restrictions on the size of the dwellings because of the significant constraints of the site with changes in topography, the flooding hazard and the need to sensitively minimize impacts on the Conservation Area. Given these constraints the opportunity to maximize development of the site is not a reasonable expectation.

The Panel notes the conditions require large canopy trees, in particular in the front setbacks, and other vegetation to be retained, although removal of certain trees is required. The landscape plan also requires replacement plantings to provide a landscaped setting for the two dwellings.

The additional 'deferred commencement conditions' are imposed to minimise environmental impacts, including: the heritage Conservation Area; and flooding within houses 1 and 2 and to provide additional soft landscaping to maintain the verdant character of the Kurraba Point Conservation Area.



Condition I3 is to be added as above to ensure future owners/occupiers are informed about the stormwater drainage channel easement whereby Council have access rights to inspect, maintain and/or replace the stormwater channel. Condition I3 will also require future owners/occupiers are informed so as to not alter the floor level of House 2 ~~to be~~ which is at the Council-stipulated minimum 300 mm above 1 in 100 year flood level. Condition I3 will inform future residents of House 1 to be informed that the existing and approved levels are substantially below the 1 in 100 year flood level plus 300mm freeboard.

Brendan Randles did not agree with the majority decision. He is of the opinion the application should be refused because it fails to have regard to the Kurraba Point Conservation Area. In particular:

- the proposal fails to demonstrate that the subdivision is capable of achieving a built outcome that aligns with the desired existing and future scale and character of this significant conservation precinct; in particular, the proposal fails to align with the precinct's significant heritage which is described as an "irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character" (DCP 6.2.3 Statement of Significance). Hence the proposal does not satisfy the requirements of Clause 13.7 of NSDCP 2013, which requires that "the character of heritage conservation areas are not adversely affected from inappropriate development".
- despite the fact that several significant heritage buildings surround the site (designed by some of the Nation's most accomplished architects), the proposal does not include a well-considered context, site and heritage analysis to support siting, built form, front setbacks, relationship with adjacent built form, landscape, streetscape interfaces, etc. Rather than centrally site buildings on large irregular lots, the proposal includes two closely coupled buildings, uncomfortably pushed to the street and both side boundaries. Therefore, the proposal does not align with Clause 6.2.6 of NSDCP 2013, which requires the buildings are "centrally located on lots with front and rear gardens".
- the minimal setbacks proposed to both street frontages and all side boundaries result in a built form and street interface that is highly inconsistent with adjacent gardens, streetscape, and the landscape character of the precinct generally. In this regard the proposal fails to align with Clause 13.6.6 of NSDCP 2013, which requires that "new development is consistent in terms of materials, bulk, scale, character and setback with significant buildings in the heritage area" and Clause 13.7 of NSDCP 2013 as noted above.
- the built form includes a poorly resolved composite roof form, comprising tiled pitch and metal skillions, which do not align with adjacent heritage items' gabled and hipped roof forms. Hence the proposal does not align with Clause 13.6.3 of NSDCP 2013, which intends to "maintain the characteristic roof profiles and roofing materials within a heritage area"; Clause 13.6.2 of NSDCP 2013, which requires that new development must have a "compatible and complimentary building form and scale to that which characterises the conservation area"; and Clause 13.7 of NSDCP 2013 as noted above. These roofs are highly visible from adjacent heritage buildings, adjacent properties, public domain and streets at higher levels.
- the proposal does not demonstrate that it can adequately resolve the site's significant constraints without compromising streetscape and height controls : a major channel crosses the site forcing built form to be separated by an uncharacteristically narrow and parallel building separation; a required reservoir under house 2 appears open to vermin and potential structural damage; house 1 includes habitable space below the flood level; and the site's rear topography and trees significantly reduces buildable area, thereby forcing front and side setbacks to be minimised.

- The proposed built form, material and detailing do not suggest that the proposed building materials will be consistent with the distinctive high quality of adjacent heritage listed built form; apart from the composite roofs (neither hipped nor gabled but topped with flat metal sections), roof material is variously described as “imitation slate” and “imitation terracotta”; clearly this is inferior and inconsistent with the real slate and terracotta tiles that comprise adjacent roof scapes. Elevations provide little detail regarding wall finishes, aside from paint finished render, finished in “indicative colours”. Notably, painted render – unless of the highest quality - requires ongoing maintenance and is prone to cracking; for this reason, it is recommended generally that integral materials (such as brick or prefinished concrete) are used in new construction. Hence, the proposal does not demonstrate that it aligns with Clause 13.9.4 of NSDCP 2013, which requires that materials are “consistent with the characteristic elements of the heritage item or heritage conservation areas”.
- The site is very prominent as it is centrally located along a very public heritage walk through a highly valued conservation precinct. Due to adjacent topography, it is viewed from two different streets, from streetscape above and numerous adjacent properties, which surround it. Therefore, all the significant concerns raised that have been raised above – regarding built form, lot size, siting, landscape, street interface, roof form, material etc. - will be highly visible and impact greatly on the integrity and visual and physical amenity of the precinct.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles		N			
Lloyd Graham	Y				

## ITEM 2

<b>DA No:</b>	231/22
<b>ADDRESS:</b>	317 Pacific Highway, North Sydney
<b>PROPOSAL:</b>	Alterations and additions to the Former Masonic Temple (heritage Item 10961)
<b>REPORT BY NAME:</b>	Miguel Rivera, Senior Assessment Officer
<b>APPLICANT:</b>	N Rickard – Modog Pty Ltd

### Registered to Speak

#### 7 Written Submissions

Submitter	Applicant/Representative
Michael Parker - Resident	James Lovell - Town Planner - representing applicant
Joe Stanton - Resident	
Justine Butler - Resident	
Emmanuel & Kimberly - Resident (Observing Only)	

**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. The Panel however for the reason below has determined the application by refusal.

**Panel Reason:**

The proposed structure is not sympathetic to or respectful of the heritage significance of the Heritage Item of Masonic Temple which requires it to be read in the round and the current setback from the northern boundary provides this appreciation. Furthermore, the proposed built form will adversely impact on the adjacent residential buildings including to the north and the two developments to the east accessed from East Lane, in terms of outlook, breeze and visual bulk.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles	Y				
Lloyd Graham	Y				

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

<b>DA No:</b>	224/22
<b>ADDRESS:</b>	232A Miller Street, North Sydney
<b>PROPOSAL:</b>	Use of the premises as a remedial massage clinic
<b>REPORT BY NAME:</b>	Julie Horder, Planning Ingenuity
<b>APPLICANT:</b>	Liselotte Kunz

**Registered to Speak****No written submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Alan Linklater - 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 and the application is determined by approval subject to conditions:

**Panel Reason:**

The Panel is satisfied that the application will not have adverse environmental impacts and it facilitates the appropriate use of the premises for commercial purposes.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	Y		Meredith Trevallyn-Jones	Y	
Brendan Randles	Y				
Lloyd Graham	Y				

**ITEM 4**

Meredith Trevallyn-Jones declared a non-pecuniary/non-significant interest in this matter and left the room for the deliberation of this item.

<b>DA No:</b>	269/21/4
<b>ADDRESS:</b>	372 Military Road (aka 75 & 75A Parraween Street), Cremorne
<b>PROPOSAL:</b>	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.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Platino Properties Pty Ltd

**Registered to Speak**

**No Written submissions**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Jack Prail - Platino Properties - 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 application for modification is approved in part only.

The Panel concurs with the Officer's report that the setback to the upper level should be maintained as per the deferred commencement consent in accordance with revised condition C51 as follows:

**Design of Level 4**

C51. The design of Level 4 must be consistent with the following:

- (a) Bedroom 3 of the proposed apartment on Level 4 (unit 401) as shown on the drawings submitted accompanying S4.55 application (D269/21/4) must be deleted, the associated eastern and southern walls being setback 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 southern terrace for the apartment on Level 4 and the internal layout of this apartment the internal layout and the southern terrace on Level 4 shall be consistent with those as shown on the approved DA drawing (Drawing No. DA102 Issue F dated 29 November 2022 and DA301 Issue E dated 21 November 2022, all prepared by PA Studio).

Drawings demonstrating compliance with the above requirements must be submitted for the written approval of Council's Manager Development Services.

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 specification submitted fully satisfy the requirements of this condition.

(Reason: To ensure consistency with the original deferred commencement consent and to maintain the significance of the adjoining heritage listed building)

Condition C50 reinstates the intention of the original design in terms of more sympathetic materials/colours having regard to the heritage item of the Orpheum Theatre.

**Panel Reason:**

To ensure consistency with the original deferred commencement consent and to respect and maintain the significance of the adjoining heritage listed building.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	Y		Meredith Trevallyn-Jones	Absent	
Brendan Randles	Y				
Lloyd Graham	Y				

The meeting concluded at 4:40pm.

The Panel Determination session commenced at 4:50pm.

The Panel Determination session concluded at 6:26pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel

**1 March 2023**