



**NORTH SYDNEY LOCAL PLANNING PANEL**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
AT 2PM WEDNESDAY 3 MAY 2023**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Grant Christmas (Panel Member)  
John McInerney (Panel Member)  
John Bohane (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services  
Jim Davies, Executive Planner  
Miguel Rivera, Senior Assessment Officer  
David Hoy, Team Leader Assessments  
Rachel Wu, Graduate Assessment Officer

**Administrative Support:**

Miranda Shoppee, Team meeting Administrator (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 Item 1 as it received more than 10 objections. Items 2 and 3 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, 5 April 2023 were confirmed following that meeting.

**2. Declarations of Interest**

There were no declarations of interest.

**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>	60/22
<b>ADDRESS:</b>	58 Cowdroy Avenue, Cammeray
<b>PROPOSAL:</b>	Demolition of existing dwelling and associated works and construction of a dwelling house and associated works
<b>REPORT BY NAME:</b>	Sophie Perry, Planning Ingenuity
<b>APPLICANT:</b>	P Etherington C/- COSO Architecture

**6 Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Raymond Ng from Play Co Architect - Resident	Anthony Solomon - COSO Architecture - Architect
Tim & Carolyn Keith - Resident	
Min Wang – Resident (observing)	
Thomas Blamey - Resident	

**Panel Determination**

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

The request made in accordance with clause 4.6 of the LEP is considered to adequately demonstrate that strict compliance with the maximum height of building standard is unnecessary, as the objectives of the standard are achieved despite the contravention. The request also demonstrated sufficient environmental planning grounds to vary the development standard.

The Council Officer's Report, Recommendation and Conditions are generally endorsed subject to the imposition of a Deferred Commencement Condition that requires design changes as identified below:.

Consequently, the Notice of Determination is to be amended to include the following Deferred Commencement Condition:

**AA1. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition has been satisfied.

- **Amended plans and documentation as required by the particulars specified below must be submitted to Council's Manager Development Services for approval.**

**The applicant must satisfy Council as to the matters specified in the deferred commencement conditions 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 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 same and form a view as to whether the deferred commencement conditions are satisfied or not.

**The particulars of this condition are as follows:**

(1) The roof to the upper level (open plan living area Level 03) shall be re-designed to achieve a lower profile as follows:

- a) The rooftop garden shall be deleted;
- b) The maximum floor to ceiling height at the northern edge shall be 2800mm;
- c) Maximum roof pitch of the roof shall not exceed 5 degrees;
- d) A step may be provided from the mid-line of the roof to accommodate clerestory windows for natural light and ventilation to the open plan living room.

(2) Fixed louvred/slatted privacy screens a minimum 1.6m high, measured from finished floor level shall be installed on the eastern and western edges of the balcony to the Upper Level (Level 03) adjacent to the open plan living room.

- a) A fixed privacy screen 1.8m high, measured from the finished floor level of the patio to the eastern side of the outdoor kitchen space at the Lower Level (Level 01).
- b) The balustrade to the northern edge of the steps and retaining walls below the foreshore building line shall be an open palisade form and finished in black.
- c) The swimming pool coping level, retaining walls and planter beds surrounding the swimming pool are to be lowered (and or/the pool may be re-oriented). The swimming pool coping level shall be reduced to generally comply with the requirements of Part B Section 1 Control 1.5.10 to the North Sydney Development Control Plan 2013. The swimming pool and associated structures must be setback a minimum 1.2m from the side boundaries. Screen planting is to be provided between the pool and the western site boundary. Details shall be indicated on the amended Landscape Plan.
- d) The landscaped area immediately north of the swimming pool and patio area currently shown at RL 9.8 (approx.) shall include cascading plants along the northern edge of the retaining wall.
- e) All retaining walls including ancillary drainage management and footings must be contained entirely within the site boundaries.

- f) Additional canopy trees that with a mature height of 4 to 5m are to be planted within the foreshore area (between levels RL4.2 to RL4.8). The location and species are to be nominated in the amended Landscape Plan.
- g) The understorey to the 3 x *Corymbia maculata* (100l) shall be densely planted with suitable species of low maintenance native shrubs in addition to the 3 x *Cyathea australis* to optimize the variety of planting in the deep soil area. Additional planting shall be included in the amended Landscape Plan.
- h) The pathway from the Cowdroy Avenue boundary to the front door within the tree root zone of this required *Angophora costata* must remain substantially unpaved to minimise soil compaction and to enable water infiltration for future growth and vitality of the tree. Details of the pathway construction are to be specified in the construction and landscape plans and be approved by the project arborist.
- i) The existing *Jacaranda Mimosifolia* (Tree 1 in the Arborists Report) shall be retained and protected in accordance with the recommendations of the Jacksons Nature Works report dated 8 March 2021.
- j) The tree protection measures contained in the arborist report shall be shown clearly on the Architectural drawings and amended Landscape Plan.

#### Panel Reason:

The Panel considers the proposed development subject to the amendments above is satisfactory in the context of the area and surrounding development. Furthermore, with the amendments to the roof line the principle of view sharing has been considered having regard to the extent of views from the waterfront properties in the area. The Panel notes that the steep topography in the vicinity translates into significant variations to the height standard.

The Panel does not support the height of the retaining wall to accommodate the swimming pool on the western boundary is appropriate and amended plans for the pool and associated facilities and landscaping are required .

With respect to the processing of the development application the Panel is satisfied this complies with the necessary requirements. Similarly the survey levels have been verified.

The Panel has determined that approval is warranted subject to a Deferred Commencement.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		John Bohane	Y	
Grant Christmas	Y				
John McInerney	Y				

You are also advised of your appeal rights under clause 95(6) 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 8.3 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.*

Items considered in Non-Public Meeting

## ITEM 2

<b>DA No:</b>	296/22
<b>ADDRESS:</b>	50 Blues Point Road, McMahons Point
<b>PROPOSAL:</b>	Alterations and additions to an existing semi detached dwelling
<b>REPORT BY NAME:</b>	Miguel Rivera, Senior Assessment Officer
<b>APPLICANT:</b>	P Redmond

**No Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	James Philips – Heritage Consultant - Weir Philips Heritage - representing applicant
	Kristin Utz -Architect - Utz Sanby Architects - representing applicant

**Panel Determination**

The Panel members have undertaken independent site inspections prior to the meeting and have considered all written 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 requests to the contravention of the Height of Buildings development standard in clause 4.3 and Clause 6.6 (1) (c) of the LEP, adequately address the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written requests demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written requests identified sufficient environmental planning grounds to justify the contraventions. 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 Officer’s Report, Recommendation and Conditions are generally endorsed by the Panel subject to the deletion of the condition C1 requiring removal of the front dormer and requiring the existing wall vegetation to be retained and continued, and the imposition of the additional condition to have the effect of the rear extension on the boundary to be set back 623mm. This condition will read as follows:

**Condition C# Design Changes – Southern Wall**

The new southern wall that is situated in the lower ground, ground and first floor levels of the dwelling must have a minimum setback from the side (southern) boundary to align with the setback of the existing southern wall.

**Panel Reason:** To mitigate the impact on the adjoining property and maintain the view corridor from the public domain to the water.

**Panel Reason:**

The Panel considers on balance the addition of a dormer will provide internal amenity while not unreasonably impacting on the heritage conservation area for this neutral item that has been significantly altered.

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		John Bohane	Y	
Grant Christmas	Y				
John McInerney	Y				



## ITEM 3

<b>DA No:</b>	405/22
<b>ADDRESS:</b>	36 Victoria Street, McMahons Point
<b>PROPOSAL:</b>	Alterations and addition to a single dwelling and associated landscaping works.
<b>REPORT BY NAME:</b>	Rachel Wu, Graduate Assessment Officer
<b>APPLICANT:</b>	Rebecca Lim

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Miriam Green – Architect – Atelier M Architects

**Panel Determination**

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

The Panel has determined the application warrants approval subject to a number of design changes that require the approval of Council's Manager of Development Services.

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

A5 is to be reworded to read as follows:

***Proposed Extensions of Front Balcony on Lot 4***

A5. *The proposed first-floor front balcony on Lot 4 is to retain its existing dimensions. Details of materials and finishes are to be submitted with the deferred commencement requirements. The proposed balcony on its three elevations is to utilise timber or metal slats that satisfy minimum height requirements for BCA and the western elevation of the proposed balcony is to have a minimum height from first-floor finished level same as existing.*

**Panel Reason:** To ensure consistency in front setbacks in compliance with Area Character Statement in NSDCP 2013.

A6 is to be amended as follows:

***Setback of the Front Entry Corridor***

A6. *The setback of the entry door between the sandstone cottage on Lot 3 and the contemporary addition on Lot 4 is to be 3m from the front façade external wall of the sandstone cottage. The steel canopy is to extend 150mm forward of the entry door.*

**Panel Reason:** To protect the heritage significance of the sandstone cottage by retaining a clear distinction in heritage terms; residential amenity.

A9 being amended to delete the second sentence.

**Panel Reason:** To clarify that the existing sandstone is retained and not as indicated by crazy paving on the plans. The plans are also to be amended prior to issuing of the construction certificate.

A10 wording to be amended as follows:

***Replacement of Bathroom Door***

A10. *The replacement of the existing bathroom door is to be selected to be of the period appropriate to the stone cottage. Details of the proposed door together with detail of the existing architraves and skirtings to be replaced in this area, are to be to the satisfaction of the heritage architect required by Condition C9. Certification of the door design, architrave and skirting is to be provided by the Heritage architect and submitted to Certifying Authority for approval with the Construction Certificate.*

*Details relating to the above are to be to the satisfaction of the heritage architect required by Condition C9, with certification to be submitted to Certifying Authority for approval prior to the issue of any Construction Certificate.*

**Panel Reason:** To ensure appropriate detailing is incorporated for internal features of the cottage)

A11 wording to be amended as follows:

***Replacement of Mantle in Study & Bed 1***

A11. *The replacement of the mantle relating to the fireplace in the Study and Bed 1 is to be a mantle appropriate to the period of the cottage. Details relating to the above are to be submitted to Council for approval prior to the issue of any Construction Certificate.*

**Panel Reason:** To protect the character and significance of the heritage conservation area, the heritage item, its setting and that of the heritage items within the vicinity of the site.

A12 and A13 are to be retained.

**Panel Reason:** The Panel considered the request of the applicant that the alcove area could be enclosed however considered that the existing arrangement was an appropriate reflection of the heritage significance of the cottage and that a reconfiguration of the kitchen area could preserve the relationship between the rear additions and provide greater functionality.

A14 is deleted.

C15 ..... Add the words *“if impacted by the works”* in the table after *“vegetation”*.

The Panel Delegates determination of this application to the Manager Development Services under the provisions of S.2.20(8) of the EP & A Act 1979. The amended plans required by the above are to be submitted to Council, to the satisfaction of the Manager Development Services, within 4 weeks of the Panel meeting date.

**Panel Reason:**

The Panel considers the development subject to the above changes will maintain the heritage significance of the item and provide additional amenity for the occupants.

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		John Bohane	Y	
Grant Christmas	Y				
John McInerney	Y				

The meeting concluded at 3.25pm.

The Panel Determination session commenced at 3.40pm.

The Panel Determination session concluded at 5pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**3 May 2023**