

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL  
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 4 OCTOBER 2023, AT 2.00PM.****PRESENT****Chair:**

Dr Gary Shiels in the Chair attended the meeting by remote means via Zoom.

**Panel Members:**

Jan Murrell (Panel Member)  
Helen Lochhead (Panel Member)  
Meredith Trevallyn-Jones (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services  
Isobella Lucic, Team Leader Assessments  
David Hoy, Team Leader Assessments  
Damon Kenny, Executive Planner  
Robin Tse, Senior Assessment Officer  
Kim Rothe, Senior Assessment Officer  
Thomas Holman, Assessment Officer

**Administrative Support:**

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

For Health reasons, Gary Shiels was not available for site inspections. However, he had studied all the reports, attended the Council staff briefing session with access to all plans and documentation and contemporaneous site photos. The Panel is satisfied that the meeting has conformed with the relevant Operating Procedures.

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

**Apologies:**

Nil

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 6 September 2023 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.*

**Public Meeting****ITEM 1**

<b>DA No:</b>	DA 86/22/02
<b>ADDRESS:</b>	96-98 Ben Boyd Road, Neutral Bay
<b>PROPOSAL:</b>	Section 4.56 modification relating to development consent DA 86/2022 for consolidation of 2 lots, demolition of existing structures, excavation and construction of a six-storey residential flat building containing 21 apartments over two levels of basement parking and parking at grade, landscaping and associated works at 96-98 Ben Boyd Road, Neutral Bay.
<b>REPORT BY NAME:</b>	Planning Ingenuity - Consultant Planner
<b>APPLICANT:</b>	Aidop no 3 Pty Ltd Michael Grassi

**Three Written submissions****Registered to Speak:**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Stephen Kerr-Gyde - Applicant Planning Consultant
	Michael Grassi-Podia - Owner/Applicant
	<b>Observing only</b>
	Belinda Barrie-Gyde Consulting - Applicant's planning consultant
	Dominic Biancardi-Podia – Applicant
	Christina Hong-Podia – Applicant
	David Hristoforidis – Project Architect
	Ken Powell- Project Architect
	Michael Waterman - Project Architect

## Panel Determination

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

The Council Officer's Report, Recommendation and amended conditions are endorsed subject to the following amendments:

### Balconies - Design Amendments

C51. The southern balcony that serves Units 102 & 103 on Level 1, Units 202 & 203 on Level 2, Units 302 & 303 on Level 3, Unit 402 on Level 4 and Unit 502 on Level 5 is to be amended so not to be a continuous balcony but encompass a break in form as per that approved under DA 86/22 – LEC No. 2022/165233. The balconies subject to design amendments are clouded in red on the approved plans in A7 of this modification application consent.

The Level 5 balcony on the western side of the building (Unit 501) is not approved and shall remain as per the balcony approved under determination for DA 86/22 – LEC No. 2022/165233. The respective balcony subject to design amendments is clouded in red on Level 5 Floor Plan, DA 2007 Rev F.

The floor plans (Levels 1-5) and elevations must be submitted to Council for the written approval of Council's Manager Development Services prior to the issue of any construction certificate.

(Reason: To ensure control in site density, maintenance in articulation in built form to the streetscape and minimise additional exceedance in site coverage)

### Deep Soil Area

C52. The rectangular deep soil area to the northern boundary of the site shall remain unexcavated or be reinstated with no continuous slab at the base as per that in Section B, DA 3101 Rev approved under DA 86/22 – LEC No. 2022/165233.

An amended Section must be submitted to Council for the written approval of Council's Manager Development Services prior to the issue of any construction certificate.

(Reason: To minimise excavation and site disturbance and to enhance natural drainage)

### Panel Reasons:

The Panel is of the view that excavation is to be minimised and deep soil optimised. The Panel also considers that the engineered deep soil areas are to be free of any continuous constructed slab.

The Panel is of the view that the street elevation would benefit from additional articulation to the balconies similar to the original approval.

The Panel agrees that the louvres can be replaced with concrete to allow floor to ceiling doors on the eastern elevation.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

## **ITEM 2**

<b>DA No:</b>	DA 195/23
<b>ADDRESS:</b>	601/20 Premier Street, Neutral Bay
<b>PROPOSAL:</b>	Installation of a louvered roof to an existing terrace of an apartment
<b>REPORT BY NAME:</b>	Thomas Holman, Assessment Officer
<b>APPLICANT:</b>	Performance Building Consultants

### **No Written Submissions**

**No persons elected to speak on this item.**

### **Panel Determination**

Three of the Panel members have undertaken independent site inspections prior to the meeting and noted there were no written submissions.

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

### **Panel Reason:**

The Panel considered the Council officer’s report and has considered all the relevant matters.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

**ITEM 3**

<b>DA No:</b>	DA 196/23
<b>ADDRESS:</b>	602/20 Premier Street, Neutral Bay
<b>PROPOSAL:</b>	Installation of two vergolas (awnings) with a louvered roof to two existing terraces of an apartment
<b>REPORT BY NAME:</b>	Thomas Holman, Assessment Officer
<b>APPLICANT:</b>	Performance Building Consultants

**No Written Submissions**

**No persons elected to speak on this item.**

**Panel Determination**

Three of the Panel members have undertaken independent site inspections prior to the meeting and noted there were no written submissions.

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

**Panel Reason:**

The Panel considered the Council officer’s report and has considered all the relevant matters.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

**ITEM 4**

<b>DA No:</b>	DA 355/22
<b>ADDRESS:</b>	3-5 Morton Street, Wollstonecraft
<b>PROPOSAL:</b>	AMENDED PROPOSAL - Demolition of Two existing residential flat buildings and Construction of a New Residential Flat Building containing 28 Apartments, over two and a half levels of basement parking, plant and storage, associated works and landscaping.
<b>REPORT BY NAME:</b>	Kim Rothe, Senior Assessment Officer
<b>APPLICANT:</b>	Mr Hays Xie c/o PBD Architects the Trustee for Megland One Unit Trust C/o PBD Architects

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

<b>submitter</b>	<b>Applicant/Representative</b>
	Paul Buljevic - Director PBD Architects - Applicant

**Panel Determination**

Three of the Panel members have undertaken independent site inspections prior to the meeting and noted there were no written submissions.

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 identified 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 Officer’s Report, Recommendation and Conditions are endorsed subject to the following amendments and additional conditions:

**Operational Plan of Management – Roof top communal open space**

- C53. Prior to the issue of a construction certificate, an operational management plan for the roof top communal open space must be prepared. The plan must specify at a minimum the following:
- a) The use of the roof top communal open space is to be managed by restricting the hours of usage to 7am and 9pm Sunday to Thursday and 12am Friday to Saturday, including public holidays.

- b) The doors to the roof top communal open space must be locked outside of these hours. Appropriate signage must be displayed throughout the communal areas of the building advising of these times.
- c) There is to be no speakers or amplified music installed within the communal room or on the terrace of the roof top communal open space.
- d) Landscaping around the perimeter of the roof top communal space must be regularly maintained by the body corporate.
- e) A contact name and number must be provided as part of the plan so that any person/s wishing to make a complaint regarding the use of the communal space on roof top can do so.
- f) A complaints register must also be established, with complaints addressed by the Body Corporate .

Prior to issue of the Subdivision Certificate written By-laws reflecting the above requirements must be prepared by a suitably qualified person for adoption by the future strata committee.

(Reason: To ensure that the operation of the roof top communal open space does not result in any unreasonable amenity impacts for residents and neighbouring properties)

#### **Landscape Maintenance Plan– rooftop areas and façade planter boxes**

- C54. Prior to issue of the relevant Construction Certificate, and ongoing where indicated, a Landscape Management Plan is to be prepared detailing the requirements for the installation, management and maintenance for all communal landscaping and landscape planter boxes to be installed.

The Landscape Management Plan is to be prepared by a suitably qualified horticulturalist and must address the following:

- Details of soil type, planter bed depths, irrigation and species selection for all communal landscape areas;
- Detail of the management and maintenance program for planter beds to the rooftop communal open space;
- Detail of the management and maintenance program for common area façade planter boxes;
- Details of replacement plantings to be implemented in accordance with the approved planting schedule with provision for replacement in the event of failure.

Landscaping within communal areas is to be installed in accordance with the landscaping requirements of this consent and maintained generally in accordance with requirements of the Landscape Management Plan at all times in a well planted state. The landscaping shall be in accordance with the approved landscaping plan, except where amended by conditions of this consent.

The Landscape Management Plan is to be submitted for approval by the Principal Certifier with the Construction Certificate.

(Reason: To ensure adequate provision the continuation of the landscape plantings)

**Operational Management Plan – Roof top communal open space**

15. The operation management plan for the roof top communal open space must be adhered to on an on-going basis and for the life of the development.

(Reason: To ensure consistency with the terms of this consent).

**Panel Reason:**

The Panel ensures the amenity of existing and future residents is maintained.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

**ITEM 5**

<b>DA No:</b>	DA 229/21/2
<b>ADDRESS:</b>	4-6 MacPherson Street, Cremorne
<b>PROPOSAL:</b>	Modifications to development consent (D229/21) including a reduction in the number of apartments from 11 to 7, replace car lift with a ramp to basement parking and external changes
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Corben Architects

**One Written Submission.**

**Registered to Speak**

Submitter	Applicant/Representative
	Phil Corben - Director Corben Architects - Applicant
	Alejandro Galdo Cora - Senior Architect - Corben Architects
	<b>Observing only</b> James Garner – John Fletcher Properties

**Panel Determination**

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



The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the following additional minor amendments.

- (a) Condition C47 relating to solar panels is to be amended to provide for a maximum tilt angle of 7% to facilitate self-cleaning/improve energy efficient, whilst minimising visual impacts; and
- (b) The wording of the following conditions is to be amended by replacing the words "any Construction Certificate" with the words "the Construction Certificate for the construction works of the approved development" to facilitate staging of Construction Certificate:

C2 (Compliance with Acoustic Report)

C11 (Reflectivity Index of Glazing)

C12 (Roofing Materials – Reflectivity)

C13 (No External Service Ducts)

C17 (Required Infrastructure Works – Roads Act 1993)

C26 (Garbage and Recycling Facilities)

C28 (Location of Plant)

C32 (Acoustic Privacy (Residential Apartments))

C33 (Noise and Vibration Compliance Certificate Prior to Issue of Construction Certificate)

C36 (Underground Electricity and Other Service)

C37 (Adaptable Housing)

C40 (BASIX Certificate)

C41 (Outdoor Lighting)

#### **Panel Reason:**

The Panel considered that the proposal should be approved and accepted the Applicant's submission that a maximum tilt angle of 7% would facilitate self-cleaning/improve energy efficient and minimise visual impact.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

#### **ITEM 6**

<b>DA No:</b>	DA 25/23
<b>ADDRESS:</b>	12 Aubin Street, Neutral Bay
<b>PROPOSAL:</b>	Alterations and additions to an existing heritage listed semi-detached dwelling including a two storey rear addition.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Kara Moeller

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

<b>Submitter</b>	<b>Applicant/Representative</b>
	Roger Rasmussen - Owner
	Kara Moeller - RFA Architects
	<b>Observing Only</b> Ania Filus - Owner

**Panel Determination**

Three of the Panel members have undertaken independent site inspections prior to the meeting and noted there were no written submissions.

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

**Non-habitable uses**

12. The storage areas within the roof space and the underfloor areas shall be for non-habitable use only.

(Reason: To ensure the storage areas are for non-habitable use only)

**Panel Reason:**

The Panel accepted the Applicant's submission that additional light to the roof storage area would be desirable, provided it is not used for habitable 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>
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

**ITEM 7**

<b>DA No:</b>	DA 248/22
<b>ADDRESS:</b>	451 Miller Street, Cammeray
<b>PROPOSAL:</b>	Demolition of existing structures and construction of a new mixed use building containing 11 apartments, commercial space and basement parking.
<b>REPORT BY NAME:</b>	Damon Kenny, Executive assessment Officer
<b>APPLICANT:</b>	Jack Prail

**No Written Submissions.**

**No persons elected to speak on this item.**

**Panel Determination**

Three of the Panel members have undertaken independent site inspections prior to the meeting and noted there were no written submissions.

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

**Delete condition G15****Provide additional conditions as follows:****Easement for future access**

C35. A right of way shall be created over the driveway and within the carpark basement floor plan as shown on drawing number 102 issue D, dated 24.07.2023, drawn by PA Studio to provide vehicle access to a future basement carpark at 457 Miller Street, Cammeray. The right of way is to be in the form of a s88B instrument as part of the strata plan.

The 4m wide proposed access to the adjoining site on the northern boundary shall be taken be considered and if necessary form part the structural design and fire safety design of the building to allow the access to be opened when required. Details shall be submitted with the Construction Certificate.

(Reason: Access to isolated site)

**Design Changes**

C36. The windows on the northern elevation are to be deleted. Details verifying compliance 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 reasonable future development of the isolated site)

### External Colours and Finishes

C37. Face brick, or an integral finish or similar material is to be provided to the northern and southern elevations. The colour must be similar to the approved schedule of finishes. Details verifying compliance 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 quality built form of development and to ensure a low maintenance material)

### Panel Reason:

The Panel was satisfied with the amended proposal subject to the adjoining site to the north retaining a reasonable level of privacy and the potential to redevelop in the future.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Meredith Trevallyn-Jones	Y	
Jan Murrell	Y				
Helen Lochhead	Y				

The meeting concluded at 3.18pm.

The Panel Determination session commenced at 3.25pm.

The Panel Determination session concluded at 4.29pm.

Endorsed by Dr Gary Shiels  
North Sydney Local Planning Panel  
**5 October 2023**