



NORTH SYDNEY LOCAL PLANNING PANEL

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

PRESENT

Chair:

Helen Lochhead

Panel Members:

Jan Murrell (Panel Member)
Brendan Randles (Panel Member)
John Bohane (Community Representative)

Staff:

Stephen Beattie, Manager Development Services
Isobella Lucic, Team Leader Assessments
David Hoy, Team Leader Assessments
Thomas Holman, Assessment Officer
Andrew Beveridge, Assessment Officer
Rachel Wu, Graduate Assessment Officer
Surb Bhatti, Conservation Planner/Heritage 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.

Apologies:

Nil

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 4 October 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**

DA No:	38/23
ADDRESS:	21 Cowdroy Avenue, Cammeray
PROPOSAL:	Demolition of a dwelling house and construction of a new dwelling house
REPORT BY NAME:	Andrew Beveridge, Assessment Officer
APPLICANT:	Dr George Lewkovitz

One Written Submission**Registered to Speak**

Submitter	Applicant/Representative
John Jamieson - Resident	Dr George Lewkovitz - Applicant
Sienna Moses- Morgan - Resident	
Natasha Benari - Resident	
Jamie Kelly - Resident (Observing Only)	
Nanette and Peter O'Carroll - Resident (Observing Only)	

Panel Determination

Panel members have undertaken a site inspection prior to the meeting and all Panel members have considered all written submissions prior to determination.

The Council Officer's Report and Recommendations are endorsed by the Panel:

Panel Reasons:

The Panel noted the height and bulk in this context to be the most significant issue, and considered the removal of the upper level could deliver a substantial and compliant development.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		John Bohane	Y	
Jan Murrell	Y				
Brendan Randles	Y				

ITEM 2

DA No:	81/23
ADDRESS:	7 Ryries Parade, Cremorne
PROPOSAL:	Demolition of existing dwelling and construction of a new two storey dwelling.
REPORT BY NAME:	Thomas Holman, Assessment Officer
APPLICANT:	David Lai Kwon

One Written Submission

No persons elected to speak on this item.

Panel Determination

Panel members have undertaken a site inspection 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 typographical corrections and an amendment to C24:

Typographical errors to be fixed on conditions A1, A4, C22, C23, E10, D5 and I2.

Amendments to the Landscape Plan

C24. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- Screening plants must be provided within the rear garden along the north-east and south-west boundary. Nominated screen plant specimens must be capable of attaining a mature height of 2.0 - 3.0 metres above finished ground levels.
- The landscape plan must provide for the additional planting of 1 x Camelia sasanqua 'Plantation Pink' (75l) within the council verge in front of 7 Ryries Parade.
- Ground levels within the TPZ of all protected trees shall be retained except where necessary to construct the dwelling and driveway. The existing ground level of the rear setback/garden shall also be maintained.
- The driveway shall be modified removing 6m² of the hard stand/concrete driveway to be replaced with landscaping inclusive or grasses and/or groundcovers.

- In total 4 x *Tristanopsis laurina* (Pot Size 75lt) shall be provided, 2 x *Tristanopsis laurina* in the front setback and 2 x *Tristanopsis laurina* in the rear setback. The trees must be sited at least 1 metre from any boundary.

An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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 and to enhance the landscape setting)

Panel Reason:

Additional trees have been included to provide additional shade, habitat and amenity.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		John Bohane	Y	
Jan Murrell	Y				
Brendan Randles	Y				

ITEM 3

DA No:	137/23
ADDRESS:	5-7 Lower Wycombe Road, Neutral Bay
PROPOSAL:	Demolition of existing residential flat building and construction of new residential flat building containing six (6) apartments and construct swimming pool adjacent to the foreshore.
REPORT BY NAME:	David Hoy, Team Leader Assessments
APPLICANT:	Brett Brown, Ingham Planning

One Written Submission

Registered to Speak

Submitter	Applicant/Representative
Branko Cerecina - Resident	Brett Brown - Ingham Planning
Dr Sue-Anne Walker - Resident (Observing Only)	Paul Brace - PBD Architects
	Ben Salon - Mills Oakley - Legal
	Tom Virgona - Vergome Pty Ltd - Owner (Observing Only)

Panel Determination

Panel members attended a site inspection prior to the meeting and all Panel members 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 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 subject to the following amendments:

1. **Condition A1 (Plans)** is to be amended to correct plan references for the section drawings to read “301 (Section A)” and 302 (Section B) respectively.
2. **Condition A2 (Design Amendments)** is to be amended to include the following design changes:

Design Amendments

- A2. The architectural plans referred to in Condition A1 are to be amended to incorporate the following changes:
 - a. The curved blade walls to Unit LG.01, GF.02 and L1.02 are to be redesigned to be in line with the plane of the eastern elevation and reduced so as not to protrude beyond the master balcony edge of GF.02 and L1.02.
 - b. The balconies and planters to Units GF.01 and L1.01 are to be set back from the front boundary to match the main facade of the two storey section of No. 3 Lower Wycombe Street; The blade walls, planter and balcony edges are to be set a minimum of 3.8metres from the street boundary with Lower Wycombe Road.
 - c. The car lift is to remain an unroofed/open structure. The safety fencing associated with the car lift is to remain visually transparent utilising vertical pickets or similar. Any safety barrier facing the street frontage is to be set back 1.5 metres from the boundary to match the alignment of the fencing to the east of the car lift;
 - d. The hydrant booster assembly and “bin-store” shown in the northern western corner of the site is to be relocated to the north-eastern corner of the site, with the bin - store located behind the hydrant booster and notated to be a “holding area only”. Additional landscaping is to be shown provided in the north-western corner including an additional canopy tree;

- e. All Fencing shown within the landscaped areas of the site to Lower Wycombe Street and the waterfront areas are to be open metal palisade or vertical blade fencing design with a maximum height of 1.2m above finished site level. All fencing is to be in a dark recessive colour;

The amendments required by this condition are to be incorporated in the Construction Certificate drawings and approved by the Certifying Authority prior to the issue of any Construction Certificate

(Reason: To maintain view sharing between the building and No. 9 Lower Wycombe Road, to improve streetscape articulation and reduce the impact of the car lift structure on the street)

3. The following additional conditions are to be imposed:

Car lift and safety barrier

- C52. The car lift and lift platform is to be designed and installed to return to street level when not in use. The safety barrier facing the Lower Wycombe Street frontage is to remain in the “closed” position when the car lift is not in use. The car lift is not to be left open to the street. The safety barrier is to be designed to match the metal palisade front fence..

(Reason: To ensure pedestrian safety and improve the presentation to Lower Wycombe Road)

Sea Wall Materials to be provided to Council

- C53. Prior to the issue of the relevant Construction Certificate, the finishes and materials for the sea wall works are to be submitted to Council for approval. The materials and colours are to be faced with neutral or natural rock coloured material to complement the foreshore rock faces.

(Reason: Minimise the visual impact of the sea wall on the harbour foreshore area)

Amalgamation of Lots

- G28. The existing Lots 19 and Lot 20 in DP 3183 and Lot 1061 in DP 752067 are to be amalgamated prior to the issue of the first Occupation Certificate or Subdivision Certificate, whichever occurs first.

(Reason: To provide for orderly development of land)

4. **Condition Nos. C25, C26, E16, G14** are to be amended to ensure Trees T11 and T13 (*Casuarina cunninghamiana*) are retained and protected during construction work.
5. **Condition C28** (Amendments to the Landscape Plan) is to be amended to include the following additional bullet points:

- Trees T11 and T13 (*Casuarina cunninghamiana*) are to be shown to be retained;
- An additional canopy tree is to be shown within the front set back in the north west corner.
- An Additional 3 x Water gums (*Tristaniopsis laurina*) and 1 x Coastal Banksia (*Banksia integrifolia*) are to be included in suitable locations in the rear south-western portion of the site.

Panel Reason:

The Panel was satisfied that the amended proposal provided an appropriate response to the site constraints and character noting that additional trees have been retained and others added to provide additional shade, habitat and amenity and to enhance the streetscape and harbour settings. Palisade fencing has been nominated to street and pool setting to enhance the public interface. The bin and fire booster enclosure have been relocated to also improve the streetscape and landscape setting.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		John Bohane	Y	
Jan Murrell	Y				
Brendan Randles	Y				

ITEM 4

DA No:	178/23
ADDRESS:	3 Commodore Crescent, McMahons Point
PROPOSAL:	Alterations and additions to a heritage listed dwelling including partial demolition, addition of garden pavilion and reconstruction of double height southern verandah.
REPORT BY NAME:	Rachel Wu, Graduate Assessment Officer
APPLICANT:	Geoffrey Vere Reed, Planning Ingenuity

One Written Submission

Registered to Speak

Submitter	Applicant/Representative
	David Waghorn - Planning Ingenuity
	Michael Cumming - Architect
	Anne Warr - Heritage Consultant
	Geoff Reed Owner
	Caitlin Young - Student Planner - Planning Ingenuity (Observing Only)

Panel Determination

Panel members have undertaken a site inspection 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 amendments:

Proposed Pavilion Design Amendments

- A8. a. All fixed and operable doors on the southern and western elevations of the proposed rear pavilion are to be fitted with clear glazing.
- b. The glazing to the rear pavilion must be low-glare and low reflectivity. A sample to demonstrate the low reflectivity of the glass is to be submitted as below.
- c. Retractable Louvres are to be installed on the southern and western elevations.
- d. The overhang of the eaves on the western and southern elevations to the pavilion is to be a nominal 600mm.

Details of the design are to be provided to Council for approval of the Manager Development Services prior to the issue of the relevant Construction Certificate. The Certifying Authority must be satisfied that the CC drawings comply with the requirements of this condition.

(Reason: To mitigate excessive glare or reflectivity nuisance from glass pavilion ; To protect the significance of an important Heritage Item and significant views from public places)

Work to Western Deck to Be Deleted

- A10. No consent is granted for any works to the western deck with the exception of the removal of removal of raised elements on the western deck and reinstatement of decking deck to RL25.52 as depicted in the plan DA05, Issue B, prepared by Michael Cumming Architect, dated 30 October 2023.

(Reason: To protect the significance of an important Heritage Item and significant views from public places)

Panel Reason:

To protect the significance of the heritage item and significant views from the public domain while providing additional amenity for contemporary living.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		John Bohane	Y	
Jan Murrell	Y				
Brendan Randles	Y				

The meeting concluded at 3:05pm.

The Panel Determination session commenced at 3:07pm.
The Panel Determination session concluded at 4:35pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
1 November 2023