

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 6 DECEMBER 2023, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

Ian Pickles (Panel Member)
Gerard Turrisi (Panel Member)
Ken Robinson (Community Representative)

Independent Town Planning Consultants

Jeremy Swan, The Planning Hub (Item LPP01)
David Waghorn, Planning Ingenuity (Item LPP02)
Jonathan Joseph, Planning Ingenuity (Item LPP02)
Annelize Kaalsen, AK Planning (Item LPP08, LPP09, LPP11 & LPP12)

Staff:

*Council staff did not attend the site inspection or briefing for items LPP01 and LPP02.
Council Administrative staff aided the Panel in the preparation of minutes for items LPP01 and LPP02 only.
No Council staff participated in the Panel deliberations for these items.*

Stephen Beattie, Manager Development Services
Isobella Lucic, Team Leader Assessments
David Hoy, Team Leader Assessments
Jim Davies, Executive Assessment Planner
Michael Hornery, Executive Assessment Planner
Robin Tse, Senior 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.

Apologies:

Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 1 November 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:	266/23
ADDRESS:	184 Kurraba Road, Kurraba Point
PROPOSAL:	Alterations and additions to an existing dwelling house including part demolition/excavation works, additional level, landscaping, tree removal and associated works.
REPORT BY NAME:	Jeremy Swan, Consultant Town Planner
APPLICANT:	Maryann Beregi

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Simon Smith - SJB Planning representing G01 & 201/182 Kurraba Rd, Kurraba Point	Thomas Beregi - owner representing applicant
Rod and Ros Hills - resident	Jason Perica - Perica & Associates Urban Planning - representing applicant
John Diddams - neighbouring property	
David Rahme -resident	
Ross Gardner - representing the owners at 182 Kurraba Rd, Kurraba Point	
Randon Ilic – resident	

Panel members have undertaken a site inspection prior to the meeting and Panel members have carefully considered all written submissions, and oral submissions made at the public meeting, prior to making a determination. The Panel also has the benefit of the Independent Planner's assessment report and this includes a view impact analysis of the amended plans. He also attended the site inspection to assist the Panel in an understanding of where the height exceedance occurred as consideration of this in terms of the Clause 4.6 written request is a threshold question.

The Panel notes the plans were amended and placed on the NSW Government Planning Portal and made available on Council's website on 20 November 2023. The changes were accepted by the consultant as not requiring re-notification as they resulted in reduced impacts, and this is consistent with Clause 3.6 of Council's Community Engagement Protocol.

Panel Determination

After careful consideration the Panel has determined as follows:

- 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 Panel on a merits assessment concludes the application as shown in the amended plans warrants approval. The Consultant Planner's Report, Recommendation, and conditions are endorsed subject to the following amendments of the conditions:

1. **Design change condition to be imposed to require the submission of amended plans to delete the new turning circle and driveway extension prior to the issuing of construction certificate.**
2. **Amend Condition B1 in respect of Construction Management Details as follows (added works applied in a) x, and xi:**

Construction Management Program –North Sydney Council Traffic Division 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 Council's Traffic Division 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.
 - X. **Storage of building materials, waste and construction related vehicles are not to be sited within the right of way or Council's footpath or block the public way.**
 - XI. **The shared right of way is to be specifically referenced and include methods to ensure the shared right of way is kept clear.**
- 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.

The proposed phases of works on the site, and the expected duration of each phase.

- c) 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.
- d) The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials.
- e) 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.
- f) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings over footpaths and laneways.
- g) 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 Traffic and Transport 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 assessment period** is required.
- 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)

3. Amend Condition C12 to remove new turning area / driveway works as follows:

Privacy Measures

C12. The following privacy measures are to be **incorporated into the development prior to the issue of a Construction Certificate** ~~provided~~:

- (a) The size of the upper balcony on the second-floor level is to be reduced in size to a maximum of 18m² **and is not to project beyond the northern wall of the upper wall of the upper level extension.**
- (b) **The proposed works to the driveway and turning bay are to be deleted and do not form part of the approval of this application for the subject site.**

(Reason: To maintain visual amenity and privacy between the subject dwelling and adjoining properties and to remove works outside the description of the subject site . Furthermore, the height of the extended driveway works are over 3 metres above natural ground in part and would have unreasonable impacts on the adjoining property)

4. Amend Condition C20 as follows with change to tree T11 & T12:

Protection of Trees

C20. The following trees are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
T4 <i>Gleditsia triacanthos</i>	Southern setback 178B Kurraba Rd	12x10m
T5 <i>Acer palmatum</i>	Front setback 184 Kurraba Rd	6x8m
T9 <i>Camellia japonica</i>	Eastern setback 184A Kurraba Rd	5x6m
T11 <i>Melaleuca 'revolution Gold'</i>	Northern setback 184 186 Kurraba Rd	4x5m
T12 <i>Glochidion ferdinandii</i>	Northern setback 186 178B Kurraba Rd	14x16m
T10 <i>Dicksonia antarctica</i>	Front 184 Kurraba Rd-to be transplanted	3x4m
All Existing vegetation	Adjacent to drive-184A Kurraba Rd	var

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.

All trees shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

5. Amend Condition C23 as follows with deletion of first 2 dot points as amended landscape plan demonstrates these.

Amendments to the Landscape Plan

C23. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- An amended and detailed Landscape Plan is required prior to the release of the CC. ~~This plan shall include replacement planting of minimum 4 x canopy trees (75l min) capable of attaining a mature height of at least 7m. These trees shall be treated as specimen trees to be grown to maturity, and not form part of a hedge.~~
- ~~T10 Dicksonia antarctica shown for removal shall be transplanted elsewhere on site~~
- Areas shown as “existing established garden” where it cannot be demonstrated that existing planting will withstand proposed works, shall be readdressed with new planting shown on amended LS plan.
- Vegetation shall be used for screening and for softening of built form, particularly within northern setback, and at base of proposed sandstone wall forming eastern building line, lower ground floor
- The proposed location of stockpile shown on Erosion and sediment Plan prepared by antonio caminiti dated 14/8/23 is within the TPZ of protected trees, and requires relocation outside of any such TPZ.

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 an appropriate landscaped setting and maintain residential amenity)

Panel Reasons:

The Panel determines on a merits assessment the development, as shown in the amended plans, is satisfactory and that the adverse impacts on both the natural and built environment are minimized and acceptable. The Panel concurs with the independent consultant’s assessment that the view impacts are minimal and limited to a confined area.

With respect to the extension of the driveway/turning area the Panel notes this is beyond the boundary of the site the subject of the development application and therefore is not approved. Furthermore, on a merits assessment the impacts on the adjoining property are unreasonable.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 2

DA No:	343/22
ADDRESS:	184B, 186 and 190 Kurraba Road, Kurraba Point
PROPOSAL:	Demolition of a dwelling house, two (2) dual occupancies and a swimming pool and construction of two x residential flat buildings and 2 x dual occupancies, with basement parking and access provided by car lifts, associated landscaping and civil works and internal boundary realignment and subdivision.
REPORT BY NAME:	Jonathan Joseph of Planning Ingenuity
APPLICANT:	PB & Co

1 Written Submission

Registered to Speak

Submitter	Applicant/Representative
Andrew Duggan- Ethos Urban - representing 192&192a Kurraba Rd	Susan E Francis - Gyde
Davide & Lena Foti - neighbouring property	Tina Christy - Gyde
Sean Barrett - neighbouring property	Rebecca Crockett - Gyde
Matthew Bartinel - Concise Planning Pty - representing 184 Kurraba Rd	Rafe Wilson - Koichi Takada
	Alex Liu - Koichi Takada
	Micheal Pesochinsky - Stan Tec
	Edward Bun - PB & CO
	Brett Maynard - PB & CO
	Fiona Binns - Urbis
	Nick Sisam -Urbis
<u>Observing Only</u> Helen O'Loughlin, Resident Peter Gill, Resident Thomas Beregi, Resident	

Panel members have undertaken a site inspection prior to the meeting and all Panel members have considered the written submissions and verbal submissions made at the public meeting prior to making a decision. This includes the request from the Applicant’s town planner to defer determination of the application to allow the matters raised in the assessment report to be considered and addressed.

The Consultant Planner’s Report and Recommendation has been noted.

Panel Determination

The Panel has resolved to defer the application to allow the Applicant the opportunity to address issues of concern. The applicant has until 31 January 2024 to submit further information, including amended plans. In the event further information is not received by Council the Panel will determine the application on the basis of the information at hand by electronic means.

Panel Reason:

The Panel notes the applicant advised that despite the dual zoning of R2 and R4 the ultimate built form is proposed as a single integrated development, and the fact the development is permissible this doesn’t preclude the RFB being considered as part of a mixed use development that would include the dual occupancies. The Applicant indicated that site will be consolidated but the panels notes that this cannot occur as the dual occupancies need to stand on their own allotments for them to be permitted, otherwise the built form on the R2 land would be otherwise categorised as multi unit housing, which is prohibited development.

Given the development cannot be consolidated as one development, each lot must be assessed individually in reference to the landscaping and site coverage. In addition, the panel considers that the car lift should be integrated into building B.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 3

DA No:	130/21/2
ADDRESS:	172 Kurraba Road, Kurraba Point
PROPOSAL:	To modify a consent, for alterations and additions to an attached dual occupancy.
REPORT BY NAME:	Jim Davies, Executive Assessment Planner
APPLICANT:	Mr P. Berkemeier

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
	Paul Berkemeier- Applicant/Architect

Panel Determination

Panel members attended a site inspection prior to the meeting and Panel members have considered the written submissions, and the Applicant's verbal submission prior to determination.

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

Panel Reason:

After careful consideration The Panel concurs with the recommended condition that requires the balcony to be straight lines rather than curved given the heritage significance of the item. The condition as imposed will allow the same functionality of the balcony/terrace while not impacting with the character of the original facade and this resolution is more acceptable to maintain the heritage value of the dwelling.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 4

DA No:	367/22
ADDRESS:	173-179 Walker Street, 11, 15 & 17 Hampden Street, North Sydney
PROPOSAL:	Demolition of all buildings and site preparation works, removal of two trees and relocation of a sewer line and install a new sewer connection, and diversion of stormwater infrastructure.
REPORT BY NAME:	Jim Davies, Executive Assessment Planner
APPLICANT:	CBUS Property Pty Ltd

2 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Andrew Duggan- Ethos Urban
<u>Observing</u>	
Helen Rosen - CBUS	
Kyra Donoso - CBUS	
Mr Jethro Yuen - Ethos Urban	
Ms Patricia Geris - Ethos Urban	
Elizabeth Jimikis - Galileo Group	
Neil Werrett - Galileo Group	

Background

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

In the public meeting the Panel raised the issue of the need for information to allow an assessment of the loss of affordable housing as required in the Housing SEPP 2021 Part 3. This provision is a prerequisite prior to any determination.

Panel Decision and Reason:

The Panel has therefore decided to defer determination of this matter to allow the Applicant to submit the information to satisfy the requirements of the Housing SEPP 2021. This is to be submitted within 3 months from the date of this deferral.

The Council Officer's Report, Recommendation and Conditions are noted and on the receipt of the necessary information above a supplementary report is to be prepared by Council and submitted to the Panel in a timely manner.

The Panel notes the Applicant's request for an extension to 2 years for the 'deferred commencement conditions' to be satisfied and considers this a reasonable request in the circumstances given the extent of information and works required. With respect to the number of deferred commencement matters the Panel notes this appears to be the most effective mechanism as no 'construction certificate' is required.

In the event the information is not forthcoming the Panel will determine the application on the basis of the current information.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 5

DA No:	145/23
ADDRESS:	201 Miller Street, North Sydney
PROPOSAL:	Replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building and heritage-listed item.
REPORT BY NAME:	Rachel Wu, Graduate Assessment Officer
APPLICANT:	Urbis Pty Ltd

No Written Submission

Registered to Speak

Submitter	Applicant/Representative
	Abigail Cohen – LaSalle Investment Management – representing applicant
	Nick Sissons – Architect
	Matthew Bailey – LaSalle – on behalf of the Applicant

Panel Consideration and Decision

Panel members have undertaken a site inspection prior to the meeting and notes there are no written submissions. The Council Officer's Report and recommendation is also noted.

The Panel's decision is to defer the determination of the application for the reasons below.

The Panel notes the North Sydney LEP 2001 amendment 9 gazetted 28/02/2003 and LEP 2013 gazetted 02/08/2013 is based on the NSW Heritage Inventory Statement listing and describes the building as being significant for the following reason:

'An example of a highly integrated office tower in the Late Twentieth Century International style of considerable quality and distinctive detailing designed and built by prominent construction firm Sabemo Pty Ltd, contributing much to the urban streetscape of this high-rise area. It was notable when first completed in 1972-1973 for its unusual and prominent orange-coloured fibreglass exterior and finish. Although substantially modified in 1989 in the Post-modern style, which included interiors, a new Pavilion building, and the change of the orange exterior to more muted green and later grey colours, the building retains its distinctive original exterior form and construction'.

Having regard to the above reason for the State Heritage listing, the Panel considers that it is unreasonable to require that the colour scheme for the building should be orange to match the original building colour given that the building has already undergone colour changes as noted in the listing above. At the same time the proposed colour scheme is not supported for this heritage item.

The Panel considers that the Applicant's preferred scheme for replacement of the window shrouds in a modular, assembled system could be supported.

At the same time, however, the Panel also considered that the materiality of the heritage item, whilst substantially changed in earlier refurbishments, remained an important feature which should be reflected in an amended scheme of materials.

The Panel therefore considers the application requires further refinement to ensure its heritage value of "it's distinctive original exterior form and construction" is respected.

The Panel has decided that the matter be deferred for amended plans to be submitted to include the following changes:

Amended Architectural Plans:

- a. Proposed window shroud design to be a ~~unitary~~ modular structure fabrication to be installed as modular façade units for each window shroud
- b. ~~The original distinctive "orange" colour scheme for the proposed window shrouds~~
A revised colour scheme, including glazing colour, that is more complementary of the heritage significance of the building is to be achieved. The selected colour is to be distinctive and better reflect the design quality and expression of the original building façade. Stark white is not supported.
- c. ~~No existing window units on the Northern Elevation to be deleted to reveal the exoskeleton~~
- d. Consideration of the removal of the portico to the main forecourt and reinstatement of the original supporting column profiles evident in photographs of 1972 from Stanton Heritage Centre, Local History Collection (n.d.).

The deferral of this matter is to allow the Applicant to submit amended plans and changes information.

The amended plans are required to be submitted within 3 months from the date of this deferral and for a supplementary report to be prepared by Council Officers and submitted to the panel in a timely manner. In the absence of amended plans and documentation the Panel will move to determine the matter on the basis of information at hand.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 6

DA No:	242/23
ADDRESS:	Unit 9, 17 Wyagdon Street, Neutral Bay
PROPOSAL:	Construction of semi-enclosed pergola and replacement of balustrades within a roof terrace of an existing unit (Unit 9) within a residential flat building
REPORT BY NAME:	Andrew Beveridge, Senior Assessment Officer
APPLICANT:	COSO Architecture

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Anthony Solomon - Architect - COSO Architecture
<u>Observing</u> Sibilla Macens - Coso Architecture Laurence Field - Resident	

Panel Determination

Panel members have undertaken a site inspection 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 is satisfied the development will have minimal impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 7

DA No:	345/22
ADDRESS:	54A Cowdroy Avenue, Cammeray
PROPOSAL:	Alterations and additions to an existing four (4) storey dwelling house including internal alterations, external changes to the Level 4 bedroom, a new internal lift, a new external staircase, and a pergola over the existing double garage.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Jason Li

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Min Wang - neighbouring property	David Hunt – Architect - representing applicant
Micheal Fountain - MFA on behalf of 54B Cowdroy	Nicole Lennon – Planik
	Jason Li - Applicant

Panel Determination

Panel members attended a site inspection prior to the meeting and all Panel members have considered the written submission, and oral submissions at the public meeting, 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 amendments to the conditions as follows:

Amend Condition C1 to read as follows:**Design Modifications/Requirements**

- C1. The following design modifications shall apply to the proposed development:
- (a) Balustrade with obscure glazing panels shall be installed along the entire western edge of the Level 3 balcony to the west of W3.4, W3.5 and W3.6 to provide privacy protection for the adjoining property;

- (b) The height of the obscure glazing for W2.3 and W2.4 shall be increased to 1.5m as measured from the finished floor level of bedroom 2 to provide privacy protection for the adjoining property;
- (c) The height of boundary fencing along the proposed ladder within the western side setback shall be increased to provide a minimum of 1.5m above the level of the ladder to ensure visual privacy protection of the adjoining property;
- (d) The height of the planter on the western and northern edge of the Level 4 northern balcony shall not exceed one (1) metre as measured from the finished floor level;
- (e) The pergola above the existing garage must be of an open construction. Plans showing the above design amendments must be submitted for approval by Council's Team Leader Assessment prior to the issue of a Construction Certificate.

The Certifying Authority must ensure that the building plans, documentation, and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To improve the amenity for applicant and protect the amenity of adjoining properties)

Amend Condition C18 to read as follows:

C18. The use of all plant and equipment installed on the premises must not:

- (a) Contribute an LAeq(15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.
- (b) Cause "offensive noise" as defined in the Protection of the Environment Operations Act 1997.

A certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifier, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating contemporaneously will comply with the requirements of this condition.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

"boundary" includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for the adjoining property)

Amend Condition G7 to read as follows:

G7. Prior to the issue of any Occupation Certificate, Conditions C1, C2, C3, C18 and C19 must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent)

Panel Reason:

The Panel is satisfied that the development subject to the amended conditions, warrants approval and the impacts to adjoining properties has been mitigated.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 8

DA No:	102/23
ADDRESS:	Land adjoining 306 Military Road, Cremorne
PROPOSAL:	The purpose of this Supplementary Report is to provide consideration for the additional information submitted by the applicant in response to the deferral by the North Sydney Local Planning Panel (NSLPP) of four (4) development applications on 13 September 2023 <i>“to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA.</i>
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	JC Decaux Australia Trading Pty Ltd

7 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	John Wynne - Urbis representing applicant

Panel Determination

Panel members attended 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 Recommendation is noted by the Panel.

The Panel, on a merits assessment, considers that the proposed free standing advertising structure is not well located and the application should be refused for the following reasons:

1. Not considered to be in the public interest or suitable for the subject site

The proposed development is not considered suitable for the subject site nor is it in the public interest.

Particulars:

- a) Inconsistency with State controls, particularly the adverse impact on safety and restriction of pedestrian movement, the application is not considered to be suitable for the subject site and is contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended).
- b) The application results in the proliferation of signs and is not considered to be in the public's interest and is contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

2. Failing to satisfy Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021

The proposal is not acceptable in terms of its impacts.

Particulars:

- a) The proposed digital panel has the potential to adversely affect the safety of motorists and pedestrians failing to be consistent with the objective of Chapter 3 Clause 3.1(1)(a)(i) of the SEPP (industry and Employment) 2021.
- b) Failing to satisfy Clause 3.11(1)(b) of the Industry SEPP, as the application is not considered to be acceptable in terms of its impacts resulting in a proliferation of signage and the reduction in the unobstructed path of travel.
- c) Failing to satisfy 4 Streetscape, setting or landscape of SEPP (Industry and Employment) 2021, as the panel results in visual clutter compromising the streetscape and failing to contribute to the visual interest of the streetscape.
- d) Failing to satisfy 8. Safety of Schedule 5 of SEPP (Industry and Employment) 2021, as the panel has the potential of creating a pinch point in the footpath, particularly during peak pedestrian periods, and having regard for its proximity to the school and McDonalds.
- e) The proposal fails to satisfy the sign location criteria pursuant to Section 3.2 of the Transport Corridor Outdoor Advertising and Signage Guidelines as it obstructs the movement of pedestrians and bicycle riders.
- f) The proposal fails to satisfy the sign spacing criteria pursuant to Section 3.2.4 of the Transport Corridor Outdoor Advertising and Signage Guidelines, being in close proximity to the existing McDonalds and other road signage resulting in visual clutter.

Panel Reason:

The Panel considers the location of the advertising structure is not appropriate on the basis of the reasons above.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 9

DA No:	104/23
ADDRESS:	Land adjoining 476 Miller Street, Cammeray
PROPOSAL:	The purpose of this Supplementary Report is to provide consideration for the additional information submitted by the applicant in response to the deferral by the North Sydney Local Planning Panel (NSLPP) of the development application on 13 September 2023 <i>“to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA.</i>
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	JC Decaux Australia Trading Pty Ltd

3 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
	John Wynne - Urbis - representing applicant

Panel Determination

Panel members attended 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 amendments to Condition C2 and additional condition(s) as follows.

Design Changes (Panel Location)

C2. The following design change/s must be incorporated into all documentation (including final plans/drawings) that are to be submitted as part of any application for a construction certificate:

- The location of proposed sign shall be moved south to be 2000mm from the centre of the adjoining street tree and to be generally in line with the end of the masonry portion of the shop front. The sign must still be located a minimum of 600mm from the kerb.

(Reason: Protection of existing environmental infrastructure and community assets. At the same time having regard to not obstructing view of the shop front windows)

Community Benefit

A#. Prior to the issue of the construction certificate, the applicant must provide Council with information on what will be included on the community messaging (Side B) of the freestanding advertising panel.

(Reasons: Public interest)

Hours of Illumination

I#. Illumination of the signs approved by this consent must cease illumination between the hours of 11pm and 6am on any day.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Panel Reason:

Conditions are imposed to mitigate impacts on the trees and urban design consideration.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 10

DA No:	183/23
ADDRESS:	Shop 7, 599 Pacific Highway, St Leonards
PROPOSAL:	Change of use of premises to an indoor recreation facility (Gym) with hours of operation 5:30am to 8:00pm (Monday to Friday) and 5:30am to 1:00pm (Saturday), no trade Sunday.
REPORT BY NAME:	David Hoy, Team Leader Assessments
APPLICANT:	L Goulimis, Solid Void Design

1 Written Submission**Registered to Speak**

No persons spoke on this item.

Panel Determination

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

The Panel endorses the Council Officer's Report and Recommendations and the application is refused for the reasons set out in the Officer's report.

Panel Reason:

The Panel concurs that the premises are not a suitable location for gym premises and the acoustic report has not considered the particular constraints of the building.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 11

DA No:	96/23
ADDRESS:	Land adjoining 79-81 Berry Street, North Sydney
PROPOSAL:	The purpose of this Supplementary Report is to provide consideration for the additional information submitted by the applicant in response to the deferral by the North Sydney Local Planning Panel (NSLPP) of the development application on 13 September 2023 <i>"to allow the Applicant to submit a package that would provide details of the 13 stand-alone advertising / communication structures and the 13 bus shelters proposed for the North Sydney LGA.</i>
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	JC Decaux Australia Trading Pty Ltd

3 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
	John Wynne - Urbis - representing applicant

Panel Determination

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to amendments to Condition C2 and additional condition(s) as follows.

Community Benefit

A#. Prior to the issue of the construction certificate, the applicant must provide Council with information on what will be included on the community messaging (Side B) of the freestanding advertising panel.

(Reasons: Public interest)

Hours of Illumination

I#. Illumination of the signs approved by this consent must cease illumination between the hours of 11pm and 6am on any day.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Panel Reason:

The Panel determine that there are no outstanding issues that would warrant refusal of the application.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

ITEM 12

DA No:	123/23
ADDRESS:	Land adjacent to Mount Street, North Sydney
PROPOSAL:	Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third-party advertising.
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	JC Decaux Australia Trading Pty Ltd

3 Written Submission

Registered to Speak

Submitter	Applicant/Representative
	John Wynne - Urbis - representing applicant

Panel Determination

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

The Council Officer's Report and Recommendations are endorsed by the Panel. The Panel agreed that the application should be refused for the reasons outlined in the consultant planner's report.

Panel Reason:

The Panel concurs with the reasons for refusal and considers on a merits assessment that the location of the advertising structure is not in the public interest and must be refused.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Ian Pickles	Y				
Gerard Turrisi	Y				

The meeting concluded at 5:05pm.

The Panel Determination session commenced at 5:10pm.

The Panel Determination session concluded at 6.40pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel

6 December 2023