



**NORTH SYDNEY COUNCIL**

Council Chambers  
27 March 2024

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Council Chambers, North Sydney at 2.00pm on Wednesday, 3rd April 2024.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**THERESE COLE**  
**CHIEF EXECUTIVE OFFICER**

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**BUSINESS****LPP01: 201 Miller Street, North Sydney(CBD) - DA 145/23**

Applicant: Urbis Pty Ltd

Report of Rachel Wu, Assessment Officer

This development application seeks consent for the replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building. The development application was referred to the North Sydney Local Planning Panel on 6 December 2024 for determination as a sensitive development involving the partial demolition of a local heritage item (I0904) in accordance with Minister's Direction.

The Panel's decision was to defer the determination to allow the Applicant to submit amended plans and changes to the information *'to ensure the heritage value in terms of the distinctive original exterior form and construction is respected'*.

The heritage item is described in the State Heritage Inventory as *"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."* The building has since been substantially modified in 1989 in the Post-modern style to a muted green and later grey finish, with interior works and a new Pavilion building, but retains the distinctive original exterior form and construction.

The Panel decision (6/12/2024) requires amended plans to incorporate the following changes:

***"Amended Architectural Plans:***

- a. *Proposed window shroud design to be a modular structure fabrication to be installed as modular façade units for each window shroud.*
- b. *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. *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.)."*

In response to the Panel Decision, the Applicant proposes 'silver' shrouds with a 'bronze' (champagne) tint glass colour for each window shroud. Each window shroud retains a modular structure fabrication as per the original proposal. In terms of Point (c) above, the Applicant has stated that those works will be further considered in a separate future Development Application.

The Applicant advised in the original documentation that the proposed replacement of the window shrouds and changes to the façade are necessary in order to address issues associated with water ingress, "galvanic corrosion"

and aging of the existing fibreglass shrouds. The application is also made to address to improve compliance with current standards under the Building Code of Australia.

The original proposal has attracted nil (0) submissions, and the amended plans do not require renotification as per Council's Community Participation Plan.

The Applicant has provided an amended schedule of materials and colours and physical sample of the tinted glass, and façade colours and specifications in response to the Panel resolution. The application is considered to have adequately addressed the Panel resolution. The application is referred back to the Panel for determination and is recommended for **approval**, subject to conditions that include the replacement of the existing dummy panels on the northern elevation with the newly proposed window shroud with tinted glass modules to retain consistency across all facades, except where aluminium louvres are proposed.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, resolve to approve the Development Application No.145/23 regarding alterations and additions to a commercial premise subject to the attached Standard Conditions and following site specific conditions:-

**External Finishes and Materials**

A4. External finishes and materials must be in accordance with the submitted schedule dated received by Council on 19 March 2024, unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

**Window Shroud:**

Interpon Powdercoat: Anodic Slate Grey YY218A

**Grey Paint (Exterior Wall):**

Dulux: S13A4 Mole Grey

**Tinted Glass:**

ASG Glass: 6mm Champagne 40-1 – On Clear + 12mm Argon + 6mm Clear

Visible Light Transmission (VLT): 37%

U-Value: 1.42

Solar Heat Gain Coefficient (SHGC): 0.23

External Reflectivity (ER): 10%

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Statement of Significance and Ongoing Heritage Conservation Strategy**

A5. That the statement of significance relating to the subject heritage item be updated and that an overall heritage strategy for the site be devised incorporating the historical findings and works carried out to date to

assist in the ongoing management of the site as well as establish an agreed set of exemptions to support its ongoing conservation.

(Reason: To ensure the ongoing protection and management of the heritage significance of the site)

#### **Screening Plants**

A6. The empty planter bed containing dead stumps of past trees along the northern boundary of the subject site is to be planted with *Bambusa textilis* var 'Gracilis' (45L).

(Reason: To provide appropriate landscaping to enhance the aesthetics of the heritage building)

#### **Replacement of Existing Dummy Panels on the Northern Elevation**

A7. The proposed removal of the dummy panels on the northern elevation is to be replaced with the newly proposed window shroud and tinted glass modules to retain consistency across all facades, except where aluminium louvres are proposed.

(Reason: To protect the heritage significance of the local heritage item)

### **LPP02: 'Bardsley' bus shelter on Falcon Street, near intersection with Bardsley Gardens North Sydney - DA 160/23**

Applicant: JC Decaux Australia Trading Pty Ltd

Report of Brett Brown Consultant Planner, Ingham Planning Pty Ltd

This development application seeks approval for the replacement of an existing double sided advertising panel with new double sided digital advertising panel, located on Bus Shelter 49 (BS049), known as the 'Bardsley' bus shelter on Falcon Street, near the intersection with Bardsley Gardens North Sydney. The site is within a school zone.

The development application is reported to the North Sydney Local Planning Panel (NSLPP) for determination because Council is the owner of the land on which the bus shelter is located. Council is also, we understand, the roads authority pursuant to Section 7(4) of the Roads Act 1993. Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. Accordingly, the application requires determination by NSLPP under this Policy. This is also reinforced by the current Ministerial direction relating to the management of Planning Panels.

Notification of the proposal attracted nil submissions.

The DA was referred to Transport for NSW (TfNSW) as pursuant to Section 138 of the Roads Act 1993, Council cannot grant consent to such works without the concurrence of TfNSW (as Falcon Street is a classified road). Notwithstanding that the subject application is a DA, not a Section 138 application, the TfNSW has granted concurrence on traffic safety grounds, and this has been taken as advice in relation to the DA and their conditions adopted as conditions in the recommendation for consent.

The site is within the SP2 Infrastructure zone. The proposed use is permitted within this zone pursuant to Clause 2.5 of the LEP which relates to additional permitted uses for particular land. In this regard Schedule 1 of the LEP includes Clause 43, which permits signage on land zoned SP2 identified as 'Railway' or 'Classified Road'.

The structure is not heritage listed and Council's Heritage Advisor raised no concerns with the proposal.

The sign is sufficiently distant from residential properties so as not to create a potential nuisance.

The consent is proposed to be limited to an operational period of 7 years.

Having regard to the above and other matters discussed below, the development application is recommended for **approval**.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel grant consent to Development Application No. 160/2023 for replacement of an existing double sided advertising panel with a new double sided digital advertising panel on the 'Bardsley' bus shelter on Falcon Street, near the intersection with Bardsley Gardens North Sydney, subject to the following site conditions and the attached standard conditions.

**Time-limited Consent**

A5. This consent shall cease to be in force on the expiration of seven (7) years after the date on which the consent becomes effective in accordance with Section 4.17(d) of the Environmental Planning and Assessment Act 1979. At the expiry of the consent period the Advertising Panels must cease to operate for the purposes of displaying any sign, colour display, message or other like content.

Should any person(s) acting on this consent wish to extend this consent period, a new development application must be lodged with Council prior to the cessation of the current consent. This requirement shall be included in any future lease agreements for the new signage lot.

In the event that no application is received, or future application is refused, the advertising panels must be removed from their sites and the public domain areas made good in accordance with Council's Public Domain Specifications.

(Reason: To satisfy the provisions of SEPP (Industry & Employment) 2021, North Sydney Development Control Plan 2013, to require the terms of this consent to be reviewed and provide for the orderly development of land).

**TfNSW Conditions**

C1. The following conditions from TfNSW shall apply:-

1. The proposed signs design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) requirements.
2. The image displayed on the sign must not contain/ use:

- Flashing or flickering lights or content.
  - Animated displays, moving parts or simulated movement.
  - Complex displays including text and information that hold a driver's attention beyond "glance appreciation".
  - Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.
  - A method of illumination that distracts or dazzles.
  - Dominant use of colours red or green.
3. Dwell times between displays shall be no shorter than 10 seconds.
4. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the subject section of Falcon Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- (Reason: To ensure the proposed signage does not result in adverse impacts to drivers or residents within the LGA)

#### **Signage Content**

- G4. Prior to the commencement of operation of the signage, a Content Management Plan is to be provided and approved by Council. This Plan shall include controls on the content of the signage including:
- Details of the proposed hours a week and hours a year of Council generated content;
  - Details of the mechanism by which Council can be in control of content during emergency situations (as determined by Council);
  - Details of content that cannot be displayed in accordance with the relevant standards and Advertising Codes
  - The JC Decaux logo located on the border of the digital screen is to be no greater than 0.25sqm in area;
  - The requirements of TfNSW contained in this consent.
- (Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

#### **Signage Illumination Intensity**

- I1. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 26 April 2023; and
- 2) The AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:
- a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.
  - b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
  - c) The signage illumination must not flash.

(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)

**Signage content**

14. Signage content is to be in accordance with the Content Management Plan as required by condition G4.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

**LPP03: 'Benelong' bus shelter adjacent to 81A Gerard Street, near intersection with Benelong Road, Cremorne - DA162/23**

Applicant: JC Decaux Australia Trading Pty Ltd

Report of Brett Brown Consultant Planner, Ingham Planning Pty Ltd

This development application seeks approval for the replacement of an existing double sided advertising panel with new double sided digital advertising panel, located on bus shelter 67 (BS067), known as 'Benelong' bus shelter adjacent to 81A Gerard Street Cremorne.

The development application is reported to the North Sydney Local Planning Panel (NSLPP) for determination because Council is the owner of the land on which the bus shelter is located. Council is also, we understand, the roads authority pursuant to Section 7(4) of the Roads Act 1993. Council-Related Development Conflict of Interest Management Policy requires that the determination of an application for Council-related development be determined by the Local Planning Panel. Accordingly, the application requires determination by NSLPP under this Policy. This is also reinforced by the current Ministerial direction relating to the management of Planning Panels.

Notification of the proposal attracted nil submissions.

The DA was referred to Transport for NSW (TfNSW) as pursuant to Section 138 of the Roads Act 1993, Council cannot grant consent to such works without the concurrence of TfNSW (as Gerard Street is a classified road). Notwithstanding that the subject application is a DA, not a Section 138 application, the TfNSW has granted concurrence on traffic safety grounds, and this has been taken as advice in relation to the DA and their conditions adopted as conditions in the recommendation for consent.

The site is within the SP2 Infrastructure zone. The proposed use is permitted within this zone pursuant to Clause 2.5 of the LEP which relates to additional permitted uses for particular land. In this regard Schedule 1 of the LEP includes Clause 43, which permits signage on land zoned SP2 identified as 'Railway' or 'Classified Road'.

The structure is not heritage listed and Council's Heritage Advisor raised no concerns with the proposal.

The sign is sufficiently distant from residential properties so as not to create a potential nuisance.

The consent is proposed to be limited to an operational period of 7 years.

Having regard to the above and other matters discussed below, the development application is recommended for approval.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel grant consent to Development Application No. 162/2023 for replacement of an existing double sided advertising panel with a new double sided digital advertising panel on the 'Benelong' bus shelter in the road reserve of Gerard Street, adjacent to 81A Gerard Street Cremorne, subject to the following Site Specific conditions and the standard conditions appended to this report.

**Time-limited Consent**

A5. This consent shall cease to be in force on the expiration of seven (7) years after the date on which the consent becomes effective in accordance with Section 4.17(d) of the Environmental Planning and Assessment Act 1979. At the expiry of the consent period the Advertising Panels must cease to operate for the purposes of displaying any sign, colour display, message or other like content.

Should any person(s) acting on this consent wish to extend this consent period, a new development application must be lodged with Council prior to the cessation of the current consent. This requirement shall be included in any future lease agreements for the new signage lot.

In the event that no application is received or future application is refused, the advertising panels must be removed from their sites and the public domain areas made good in accordance with Council's Public Domain Specifications.

(Reason: To satisfy the provisions of SEPP (Industry & Employment) 2021, North Sydney Development Control Plan 2013, to require the terms of this consent to be reviewed and provide for the orderly development of land).

**TfNSW Conditions**

C1. The following conditions from TfNSW shall apply:-

1. The proposed signs design and operation shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines) requirements.
2. The image displayed on the sign must not contain/ use:
  - Flashing or flickering lights or content.
  - Animated displays, moving parts or simulated movement.
  - Complex displays including text and information that hold a driver's attention beyond "glance appreciation".
  - Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'.
  - A method of illumination that distracts or dazzles.
  - Dominant use of colours red or green.



3. Dwell times between displays shall be no shorter than 10 seconds.
4. The Applicant shall prepare an independent Road Safety Assessment (RSA) after a 12 month period of operation but within 18 months of the installation of the digital signage. The RSA should provide a formal assessment of the safety performance of the sign.
5. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the subject section of Gerard Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinLogin.jsf>.

(Reason: To ensure the proposed signage does not result in adverse impacts to drivers or residents within the LGA)

#### **Signage Content**

G4 Prior to the commencement of operation of the signage, a Content Management Plan is to be provided and approved by Council. This Plan shall include controls on the content of the signage including:

- Details of the proposed hours a week and hours a year of Council generated content;
- Details of the mechanism by which Council can be in control of content during emergency situations (as determined by Council);
- Details of content that cannot be displayed in accordance with the relevant standards and Advertising Codes
- The JC Decaux logo located on the border of the digital screen is to be no greater than 0.25sqm in area;
- The requirements of TfNSW contained in this consent.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

#### **Signage Illumination Intensity**

11. 1) The sign(s) must be installed and used at all times in accordance with the Lighting Impact Assessment prepared by Electro Light dated 26 April 2023; and
- 2) The AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:
  - a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.
  - b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
  - c) The signage illumination must not flash.

(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)

#### **Signage Content**

14. Signage content is to be in accordance with the Content Management Plan as required by condition G4.

(Reason: To ensure that the proposed signs have appropriate content and provide a public benefit)

**LPP04: 96-98 Ben Boyd Road, Neutral Bay - DA 86/2022/03**

Applicant: The Trustee for Aidop No 3 Unit Trust

Report of Thomas Holman, Senior Assessment Officer

Development Application DA86/2022 for demolition of existing structures and construction of a residential flat building containing 21 apartments including basement parking and associated landscaping and civil works was approved by the Land and Environment Court on 30 November 2022.

The previous modification application (DA 86/22/2 – MOD 1) was determined by the North Sydney Local Planning Panel (NSLPP) on 4 October 2023. Amended conditions were endorsed by the Panel which included changes to Condition C51 by the Panel to require the design of the approved balconies to match the LEC Court approved design and layout of the balconies to the southern elevation. The effect of the condition was to require a break in the form of the balconies and ensure appropriate built form and articulation.

The application is referred to the North Sydney Local Planning Panel for Determination as the terms of Condition C51 have not been satisfied in full and the applicant has submitted an alternative design which seeks to address the intent of the condition.

In accordance with the Ministerial Directions for Local Planning Panels an application for modification under the provisions of s4.56 of the Act which involves changes to a condition imposed by the Panel, must be determined by the Panel.

The proposal seeks to modify the terms of Condition C51 to provide for an amended balcony design that encompasses a physical break in the built form as well as provide additional building articulation. The proposed amended design differs from the LEC Court approved design and that currently required by Condition C51.

The proposed plans with amendments to the southern balconies and the Level 5 western balcony however satisfy the intent of Condition C51 Balconies – Design Amendments and would result in an improved design outcome over the previously proposed design under DA 86/22/2 – MOD 1.

The modifications do not result in any material adverse amenity impact to adjoining properties or the surrounding area and no submissions have been received following notification of the modification application.

Having regard to the provisions of section 4.56 & 4.15(1) of the Environmental Planning and Assessment Act 1979, the proposed development as modified is substantially the same development as originally consented to. The application is therefore recommended for **approval**.

**Recommending:**

PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Planning Panel exercising the functions of Council

approve the modification of development consent DA 86/2022 dated 30 November 2022 in respect of a proposal to amendments to the southern and western balconies at 96-98 Ben Boyd Road, Neutral Bay under the provisions of Section 4.56 of the Environmental Planning and Assessment Act only insofar as will provide for the following:

**A. Add Condition A8 as follows:**

**Development in accordance with Plans (s4.56 Amendments)**

A8. The development being carried out in accordance with plans identified in Condition A1 of the consent endorsed with Council’s approval stamp, except as modified by the modifications shown on:

Plan No.	Rev	Title	Drawn by	Received
DA 1002	H	Site Plan	MHNDUNION	16/02/2024
DA 2002	H	Ground Floor Plan	MHNDUNION	17/01/2024
DA 2003	H	Level 1 Floor Plan	MHNDUNION	17/01/2024
DA 2004	H	Level 2 Floor Plan	MHNDUNION	17/01/2024
DA 2005	H	Level 3 Floor Plan	MHNDUNION	17/01/2024
DA 2006	H	Level 4 Floor Plan	MHNDUNION	17/01/2024
DA 2007	H	Level 5 Floor Plan	MHNDUNION	17/01/2024
DA 3001	H	South Elevation	MHNDUNION	17/01/2024
DA 3003	H	West Elevation	MHNDUNION	16/02/2024
DA 9103	H	Site Coverage Diagram	MHNDUNION	16/02/2024

The Certifying Authority must ensure that the building plans and specifications, referenced on and accompanying the relevant Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Infrastructure)

**B. That Condition C51 of the consent be deleted**

**LPP05: LPP05: 173-179 WALKER STREET, 11, 15 & 17 HAMPDEN STREET  
NORTH SYDNEY - DA 367/22**

Applicant: H Rosen, CBUS Property Pty Ltd

Report of Jim Davies Executive Planner

Reason for Supplementary Report

This supplementary report responds to receipt of a submission from the applicant regarding potential loss of affordable housing resulting from the proposed development, which was requested by the Panel at its meeting held 6 December 2023. The submission was received on 1 March 2024, within the 3-month timeframe set by the Panel.

At its meeting held 6 December 2023, the Panel decided as follows:

**“Panel Determination**

The Panel has considered the submissions both oral and written made by the objectors and representatives, and the applicant and their experts.

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.

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 Planner'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."

**Recommending:**

**THAT** the North Sydney Local Planning Panel, as the consent authority, grant its consent Development Application 367/22 for site preparation works, comprising demolition of all buildings and works, removal of two trees and relocation of a sewer line and installation of a new sewer connection, and diversion of stormwater infrastructure, subject to the conditions in Attachment 1.

**LPP06: 54 High Street, North Sydney – DA 206/23**

Applicant: Joseph Georghy

Report of Robin Tse, Senior Assessment Officer

This development application seeks approval for the construction of a sunroom and a deck with associated balustrades for an approved studio apartment on roof level (9<sup>th</sup> floor) of an existing apartment building at 54 High Street located at the north-west junction of High Street and Clarke Road. The applicant also seeks modifications to various conditions in DA105/22 pursuant to Section 4.17(5) of the *Environmental Planning and Assessment Act 1979*, and Clause 6 of the *Environmental Planning and Assessment Regulations 2021*.

The application is referred to North Sydney Local Planning Panel for determination because the proposed sunroom and deck are to be located above the permissible height limit (12m) with a variation greater than 10% and the application has attracted more than 10 submissions in accordance with the Directions from the NSW Minister of Planning.

The construction of a sunroom and a deck with associated balustrades for an approved studio apartment on roof level (9<sup>th</sup> floor) of an existing apartment building is a form of permissible development on land zoned R4 (High Density Residential).

The proposal was considered under the relevant Environmental Planning Instruments and policies including *NSLEP 2013* and *NSDCP 2013* and was generally found to be satisfactory.

The Clause 4.6 written submission submitted by the applicant seeking a variation to the LEP maximum building height development standard is

acceptable because the proposal would not significantly change the height and the envelope of the existing apartment building and would not result in adverse impacts in terms of the loss of significant views, privacy and/or solar access for the adjoining properties.

Council received a total of twelve (12) submissions that raised various concerns about the proposed development including proposal for changes to the access to the rooftop for maintenance/repair purposes. The issues have been addressed in this report including the imposition of specific conditions of consent to ensure compliance with the relevant building codes and to facilitate access to the roof top areas for necessary future building repair and maintenance works.

Consideration has been given to the proposed modifications to various conditions in **DA105/22**. Further modifications to the affected conditions are necessary to ensure consistency with the outcome of the assessment of the subject application. A deferred commencement condition is recommended requiring the lodgement of a notice of modification of Development Consent No. DA105/22 with Council to ensure that there are no inconsistencies between the scope of the approved development in DA105/22 and that of the subject development application (D206/23) (**Condition AA1**).

Having regard to the merits of the proposal, the application is recommended for approval subject to the imposition of a deferred commencement condition and appropriate standard and site specific conditions.

**Recommending:**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 – maximum building height and grant deferred commencement consent to Development Application No. 206/23 on land at 54 High Street, North Sydney subject to the following conditions:-

**AA. Deferred Commencement Condition**

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

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

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

**Deferred Commencement Matters**

**Modification of Development Consent No. 105/22 (as modified to date)**

AA1. A notice of modification of Development Consent No. **DA105/22** (as modified to date) must be lodged with the Council in accordance with

the requirements of section 67 of the Environmental Planning and Assessment Regulation 2021 consistent with the following:

**Conditions A4, C1, I1 and I2 are to be modified as set out below (with insertions shown in red and deletions shown in strikethrough):**

**~~No Approval for Sunroom, Timber Deck and Planters~~**

A4. ~~Approval is only granted for the residential use of the exclusive use area on the 9<sup>th</sup> floor of the building in conjunction with Lot 105 in SP 8461. Nothing in this consent authorises the construction works and/or use of the following:~~

~~(a) Sunroom and timber deck to the east of the proposed studio; and~~

~~(b) —~~

(a) Garden bed/planters on the roof level with associated planting removed.

(Reason: To ensure that the terms of consent are clear and any approval of the 9<sup>th</sup> floor studio is related to its use only)

**Design Modifications – Eastern Elevation**

~~C1. The design of the existing openings on the eastern elevation of the subject studio on the roof level (9<sup>th</sup> floor) must be modified as follows:~~

~~(a) Installation of frames and glazed panels to all full height openings.~~

~~The frames and glazed panels must be contained within the existing openings and must not extend beyond the building envelope; and~~

~~(b) Installation of complying balustrades/railing across the full width of the openings to restrict access to the outdoor areas on the roof level.~~

~~The design and installation of the above modified building elements must comply with the relevant building requirements and submitted for the written approval of Council's Team Leader Assessments.~~

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

~~(Reason: To restrict pedestrian access to the roof top and to ensure safety for occupants)~~

**Non-trafficable Area**

I1. The external areas on the roof top level (9<sup>th</sup> Floor), **with the exception of the deck associated with Unit 901 (Exclusive Use Area)**, must be non-trafficable other than to provide access to carry out maintenance and repair works on the roof level by qualified persons.

(Reason: To restrict pedestrian access to the roof top and to ensure safety for occupants)

**Access to the Roof Level for Repair and/or Maintenance Works**

I2. The applicant **and/or the owner of the subject property, shall must** provide access through the subject exclusive use area on the 9<sup>th</sup> floor to the external roof areas to carry out maintenance and repair works by qualified/authorised persons **in accordance with the provisions of the By-Laws relevant to the subject studio apartment on the 9<sup>th</sup> floor.**

(Reason: To ensure access to the external areas on the roof level for maintenance and repair works **and consistency with the**

relevant By-laws relevant to the subject studio apartment.)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

- B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following site specific conditions:

**Terms of Consent (D206/23)**

- A4 Approval is granted for the construction of a sunroom, a tiled deck and associated balustrades ancillary to Unit 901, also known as the "exclusive use area" on the 9<sup>th</sup> floor of the building that is used in conjunction with Lot 105 in SP 8461.

No approval is granted or implied for construction/use of other building elements under this consent.

(Reason: To ensure that the terms of consent is clear).

**Access to the Roof Level for Repair and/or Maintenance Works**

11. The applicant and/or the owner of the subject property, shall provide access through the subject exclusive use area on the 9<sup>th</sup> floor to the external roof areas to carry out maintenance and repair works by qualified/authorised persons in accordance with the provisions of the By-Laws relevant to the studio apartment on the 9<sup>th</sup> floor.

(Reason: To ensure access to the external areas on the roof level for maintenance and repair works and consistency with the relevant By-laws relevant to the subject studio apartment.)

**Non-trafficable Area**

12. The external areas on the roof top level (9<sup>th</sup> Floor), with the exception of the deck associated with Unit 901 (Exclusive Use Area), must be non-trafficable other than to provide access to carry out maintenance and repair works on the roof level by qualified persons.

(Reason: To restrict pedestrian access to the roof top and to ensure safety for occupants)



**NORTH SYDNEY LOCAL PLANNING PANEL**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL  
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 6 MARCH 2024, AT 2.00PM.**

**PRESENT**

**Chair:**

Dr Gary Shiels AM

**Panel Members:**

Gerard Turrisi (Panel Member)  
James Harrison (Panel Member)  
Lindsey Dey (Community Representative)

**Staff:**

Stephen Beattie, Manager Development Services  
Isobella Lucic, Team Leader Assessments  
David Hoy, Team Leader Assessments

**Administrative Support:**

Peita Rose, Governance Officer (Minutes)

This meeting was conducted by remote (Zoom) means.

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

**Apologies:**

Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 7 February 2024 were confirmed following that meeting.



## 2. Declarations of Interest

James Harrison declared an interest in Item No. 2 – 41 McLaren Street, North Sydney.

## 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.*

### ITEM 1

<b>DA No:</b>	DA 320/23
<b>ADDRESS:</b>	9 Oak Street, North Sydney
<b>PROPOSAL:</b>	Alterations and additions to an existing semi-detached dwelling house and associated works
<b>REPORT BY NAME:</b>	Rachel Wu, Assessment Officer
<b>APPLICANT:</b>	Michael Sandel

One Written Submissions

### Registered to Speak

Submitter	Applicant/Representative
	Rebecca Wood - Owner

### Panel Determination

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

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel, subject to an amendment to condition A5 included below.

### Reuse of heritage significant materials

- A5. Prior to the issue of any Construction Certificate, plans containing the following revisions are to be submitted to Council for approval showing the potential for:
- i. Re-use of the double hung window from the existing kitchen to the new bathroom area.
  - ii. Retain the sandstone base and brick wall (or a rebuilt brick wall skin) along the western elevation to the breezeway side of the service wing up to the south-western corner of the existing kitchen below the secondary roof element.

- iii. Re-use bricks from the new window openings (where practicable) to brick up the existing kitchen window opening to match the south-western corner of the existing kitchen, allowing for the construction of the contemporary horizontal window to the proposed kitchen as per plan A206.

(Reason: To protect the character of the heritage item)

**Panel Reason:**

The Panel considered that the existing brick wall in the vicinity of the kitchen should be retained or rebuilt. The Panel also thought that the sandstone shown in the drawings should be retained.

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		Lindsey Dey	Y	
Gerard Turrisi	Y				
James Harrison	Y				

**ITEM 2**

<b>DA No:</b>	DA 269/23
<b>ADDRESS:</b>	41 McLaren Street, North Sydney
<b>PROPOSAL:</b>	Stage 2 of concept approval SSD-46014456, comprising fit-out of levels 3-7 and works on open terraces on levels 2, 3 and 6, to reuse the existing building as an independent K-12 school for up to 1,560 students.
<b>REPORT BY NAME:</b>	Jim Davies, Executive Planner
<b>APPLICANT:</b>	J Cottee, Built Developments Pty Ltd

James Harrison declared an interest in this item and left the room for the deliberation.

No Written Submissions

**Registered to Speak**

Submitter	Applicant/Representative
	Sarah Castro – Ethos Urban – representing applicant

**Panel Determination**

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

**Panel Reason:**

The Panel endorses the Council Officer's Report, recommendation and conditions subject to the play equipment on the level two terrace being reduced in height to enable the horizontal banding of the planter boxes to be retained as viewed from the street.

The Manager Development Services is delegated authority to impose an appropriate condition to the above effect on any consent issued.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Lindsey Dey	Y	
Gerard Turrisi	Y				
James Harrison	Absent				

**ITEM 3**

<b>DA No:</b>	DA 216/23
<b>ADDRESS:</b>	17 Elamang Avenue, Kirribilli
<b>PROPOSAL:</b>	Alterations and additions to an existing attached dual occupancy and a change of use to a single dwelling including internal alterations, a new attic addition, a new swimming pool and associated landscape works
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Teresa Jane Harvey

One Written Submission from the applicant.

**Registered to speak.**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Jaie Midei - Corben Architects - representing applicant
	James Phillips – Weir Phillips – Heritage and Planning- representing applicant
	Alice Fuller – Weir Phillips – Heritage and Planning – observing only

**Panel Determination**

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

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone objectives.

**Panel Reason:**

The Panel endorsed the Council Officer’s Report, Recommendation and conditions subject to amendments to conditions C21, C23, C24, C36, C38, D4, E12 and G8, and the addition of a new condition G14 to facilitate the removal of a street tree.

**Tree Bond for Public Trees**

C21. Prior to the issue of any construction certificate, security in the sum of \$10,500.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

#### SCHEDULE

Tree Species	Location	Bond
T1 <i>Lophostemon confertus</i> - 12x10m	Council verge in front of 17 Elamang Avenue	\$9,000
1 x <i>Callistemon</i> sp. (3m)	Council verge in front of 15 Elamang Avenue	\$1,500

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

#### Protection of Trees

C23. The following tree(s) 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
T1 <i>Lophostemon confertus</i>	Council verge in front of 17 Elamang Avenue	12x10m
1 x <i>Callistemon</i> sp.	Council verge in front of 15 Elamang Avenue	3m
T3 & T4 <i>Plumeria acutifolia</i> (to be transplanted)	Rear setback of 17 Elamang Avenue	4x5m
T2 <i>Archontophoenix alexandrae</i>	Rear setback of 17 Elamang Avenue	12x4m
All trees and vegetation	Adjacent boundaries to 17 Elamang Avenue	variable

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.

Any tree(s) 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)

### Approval for Removal of Trees

C24. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
<i>T5 Magnolia 'Teddy Bear'</i>	Rear setback of 17 Elamang Avenue	4x2m
<i>T6 Araucaria heterophylla</i>	Rear setback of 17 Elamang Avenue	4x3m
<i>T7 Magnolia X soulangiana</i>	Council verge in front of 17 Elamang Avenue	1.5x1m

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Section 16 of the North Sydney DCP 2013.

Any tree(s) 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)

### Security Deposit/Guarantee Schedule

C36. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$10,500.00
Footpath Damage Bond	\$5,000.00
<b>TOTAL BONDS</b>	<b>\$15,500.00</b>

Note: The following fees applicable

Fees	
Section 7.12 Contributions	\$32,200.00
<b>TOTAL FEES</b>	<b>\$32,200.00</b>

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

### Amendments to the Landscape Plan

C38. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 1 x *Plumeria acutifolia* shown in plant schedule but not depicted on plans shall be deleted from LS Plan.

- A Tree protection, management and ongoing maintenance plan prepared by a qualified (AQ5) arborist/horticulturalist shall be required, detailing methods of transplanting and maintenance for T3 & T4 *Plumeria acutifolia* (4x5m).
- Removal of a street tree (T7 *Magnolia X soulangiana*) on Council verge in front of No. 17 Elamang Avenue and planting of a new replacement street tree *Lophostemon confertus* (100 litres pot size) at the same location.

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 residential amenity)

### Protection of Public Trees

- D4. The following tree(s) 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	Protection
T1 <i>Lophostemon confertus</i> (12x10m)	Council verge in front of 17 Elamang Avenue	1.8m high steel mesh tree protection fencing, Trunk, branch & root protection
1 x <i>Callistemon</i> sp.	Council verge in front of 15 Elamang Avenue	1.8m high steel mesh tree protection fencing

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

(Reason: Protection of existing environmental and community assets)

### Trees to be Removed.

- E12. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Trees that are acceptable to remove	Location	Height
T5 <i>Magnolia</i> 'Teddy Bear'	Rear setback of 17 Elamang Avenue	4x2m
T6 <i>Araucaria heterophylla</i>	Rear setback of 17 Elamang Avenue	4x3m
T7 <i>Magnolia X soulangiana</i>	Council verge in front of 17 Elamang Avenue	1.5x1m

(Reason: To ensure compliance with the terms of this development consent)

### Certification of Tree Condition

- G8. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
T1 <i>Lophostemon confertus</i>	Council verge in front of 17 Elamang Avenue	12x10m
1 x <i>Callistemon</i> sp.	Council verge in front of 15 Elamang Avenue	3m
T3 & T4 <i>Plumeria acutifolia</i> (to be transplanted)	Rear setback of 17 Elamang Avenue	4x5m
T2 <i>Archontophoenix alexandrae</i>	Rear setback of 17 Elamang Avenue	12x4m
All trees and vegetation	Adjacent boundaries to 17 Elamang Avenue	variable

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

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

### Required Tree Planting

- G14. On completion of works and prior to the issue of the Occupation Certificate for the whole of the building, trees in accordance with the schedule hereunder must be planted in Council's nature strip/footpath: -

#### Schedule

Tree Species	Location	Pot Size
1 x <i>Lophostemon confertus</i>	Council verge in front No.17 Elamang Avenue (at the same location of the removed street tree T7 <i>Magnolia X soulangiana</i> )	100 Litres

The installation of such trees, their current health and their prospects for future survival must be certified upon completion by an appropriately qualified horticulturalist.

Upon completion of installation and prior to the issue of an Occupation Certificate an appropriately qualified horticulturalist must certify that any trees planted in accordance with this condition are healthy and have good prospects of future survival. The certification must be submitted with any application for an Occupation Certificate.

(Reason: To ensure that replacement plantings are provided to enhance community landscaped amenity and cultural assets)

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Lindsey Dey	Y	
Gerard Turrisi	Y				
James Harrison	Y				



**ITEM 4**

<b>DA No:</b>	DA 300/22
<b>ADDRESS:</b>	19 Walker Street, Lavender Bay
<b>PROPOSAL:</b>	Alterations and additions to existing dwelling house and removal of identified trees, including rear extension, internal reconfigurations, and alterations to garage rooftop.
<b>REPORT BY NAME:</b>	Damon Kenny, Executive Assessment Planner
<b>APPLICANT:</b>	Blake Letnic

One Written Submission

**Registered to speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Peter Zachert – owner at 17 Walker St	Adam Byrnes - Think Planners
Theresa Heintze – owner of 21 Walker St	Blake Letnic - Blake Letnic Architects
	John Luchetti - owner of 19 Walker St

**Panel Determination**

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

The Chair noted that all of the written submissions were considered by the Panel.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request to the contravention of the Height of Buildings development standard in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention. Further, the Panel considers that the development is in the public interest because it is 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:

**Condition C15 and C22 to be amended as follows:****Approval for removal of Trees**

C15. The following tree(s) are approved for removal in accordance with the development consent:

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
T3 <i>Lagerstroemia indica</i>	front setback -19 Walker St	8m
T6 <i>Lagerstroemia indica</i>	rear setback -19 Walker St	6m
T8 & T10 <i>Dicksonia antarctica</i>	rear setback -19 Walker St	2m
T9 <i>Cyathea australis</i>	rear setback -19 Walker St	7m

<i>T11 Callistemon viminalis</i>	rear setback -19 Walker St	5m
<i>T12 &amp; T13 Hibiscus rosa-sinensis</i>	rear setback -19 Walker St	4m

Removal of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Any tree(s) 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)

### Amendments to the Landscape Plan

C22. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 1 x canopy tree (45l) capable of attaining a mature height of 6m min. shall be planted within the front setback of 19 Walker St
- 1 x replacement *Lagerstroemia indica* (75l) shall be planted within the rear setback of 19 Walker St
- Suitable mature planting to provide screening and privacy shall be planted and maintained as shown as "DENSE PLANTING ON BOTH SIDES OF BOUNDARY" – between the rear setbacks of 19 & 17 Walker Street.
- The screen planting on the boundary adjoining No. 17 Walker Street must be capable of achieving a height of 1.5m above the finished floor level of the elevated walkway.
- A detailed Landscape Plan showing the above, and including plant species, number, and pot size, shall be provided to council for approval prior to CC.

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)

### Additional condition

#### Design changes.

C24. The following design changes are to be implemented:

- a) The balcony and roof above located off the master bedroom on the first floor is to be reduced to a depth of 450mm.
- b) A privacy screen is to be provided to the southern elevation of the elevated walkway with a height of 1.5m above the finished floor level with 50% solid form.

Plans and specifications 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 building plans and specifications submitted, referenced on and

accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties located at No. 17 & 21 Walker Street, Neutral Bay.

**Panel Reason:**

The Panel after hearing from the submitters and from the applicants' representative reviewed all of the correspondence that has been received.

The Panel checked the calculations contained in the report and found that there was an incorrect calculation of the site coverage. The correct figure was 184.3m<sup>2</sup> (67.73%). In assessing the merit of the non-conforming site cover, the panel considered that the proposal would be consistent the built form in the immediate locality.

The Panel did feel that the balcony to the master bedroom should be reduced to a maximum of 450mm to minimise potential privacy impacts while preserving amenity. The Panel also noted that proposal would increase the landscape area on site.

The panel also considered, at length, the relationship of the proposed walkway to the adjoining property and concluded that there should be a 1.5m high balustrade that is 50% solid and that there should be a requirement for landscaping of the space between walkway and 17 Walker Street to mitigate its visual impact.

The Panel also noted that notwithstanding the request from the submitters, they could not consider matters dealt with in the previous application. However, the Panel considered all the matters raised by the submitters including the absence of the full heritage report in the officer's report, and the written submissions, prior to the determination of this application.

The Panel included additional conditions to appropriately address matters of concern.

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		Lindsey Dey	Y	
Gerard Turrisi	Y				
James Harrison	Y				

**ITEM 5**

<b>DA No:</b>	DA 191/23
<b>ADDRESS:</b>	160 Kurraba Road, Kurraba Point
<b>PROPOSAL:</b>	Substantial alterations and additions to an existing residential flat building to change the use to a dual occupancy (attached) with alterations to existing car parking and landscaping.
<b>REPORT BY NAME:</b>	Thomas Holman, Senior Assessment Officer
<b>APPLICANT:</b>	SJB Architects

No persons elected to speak on this item.

No Written Submissions

<b>Submitter</b>	<b>Applicant/Representative</b>
	Chris Lane – owner (Observing Only)

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and have considered all verbal and 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 requests have demonstrated that compliance with the development standards would be unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention of the two standards. Further, the Panel considers that the development is in the public interest because it is consistent with the objectives of the standard and the zone objectives.

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 to the Dual Occupancy development standard in Clause 6.6 of the LEP, adequately address the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request has demonstrated that compliance with the development standard would be unnecessary in the circumstances of the case and the written request identifies sufficient environmental planning grounds to justify the contravention of the two standards. Further, the Panel considers that the development is in the public interest because it is 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 was satisfied with the assessment, recommendations, and conditions contained in the council officers report.

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		Lindsey Dey	Y	
Gerard Turrisi	Y				
James Harrison	Y				

The public meeting concluded at 2:50pm.

The Panel Determination session commenced at 2:55pm.

The Panel Determination session concluded at 4:23pm.

Endorsed by Dr Gary Shiels AM

Chair

North Sydney Local Planning Panel

**6 March 2024**