

NORTH SYDNEY LOCAL PLANNING PANEL

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 3 APRIL 2024, AT 2.00PM.**

PRESENT

Chair:

Dr Gary Shiels AM

Panel Members:

Linda McClure(Panel Member)

Stuart McDonald(Panel Member)

Ken Robinson (Community Representative)

Staff:

Isobella Lucic, A/Manager Development Services

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, 6 March 2024 were confirmed following that meeting.

2. Declarations of Interest

Stuart McDonald declared an interest in Item No. 5, 173 - 179 Walker Street and 11-17 Hampden 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

DA No:	DA 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, Assessment Officer
APPLICANT:	Sebastian Aguliar, Urbis Pty Ltd

1 Written Submission

Registered to Speak

Submitter	Applicant/Representative
	Matthew Bailey - LaSalle Representing Applicant
	Nick Sissons - Sissons - Architect
	Abigail Cohen - LaSalle Representing Applicant
	Mark Holloway - Sissons - Architect
	Naomi Daley - Urbis - Planner
	Natalia Vinton - Curio Projects - Heritage Consultant

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and noted there was one written submission.

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel subject to an amendment to Condition A4 and Deletion of Condition A7 as follows:

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 by Council's Manager Development Services. 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)

~~Northern Elevation colour & finish~~

~~A7. The colour and finish on the northern elevation is to be sympathetic to the colour palette of the building and be to the written approval of the Manger Development Services.~~

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

Panel Reason:

The Panel supported the upgrading of the building in compliance with the standards. However, it was felt that the additional cost required by condition A7 and likely aesthetic improvement was difficult to justify and therefore that condition was deleted.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Y				

ITEM 2

DA No:	DA 160/23
ADDRESS:	Land adjacent to Falcon Street and Bardsley Gardens, North Sydney
PROPOSAL:	Replacement of existing static advertisement display with new double-sided digital advertisement display affixed to an existing bus shelter (identified as 'Bardsley')
REPORT BY NAME:	Brett Brown of Ingham Planning Pty Ltd
APPLICANT:	Cordelia Maxwell Williams, JC Decaux Australia P/L

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	John Wynne - Urbis - Representing Applicant
	Jocelyn Moorfoot - JC Decaux Australia- Applicant

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and noted there were no written submissions.

The Consultant's Assessment Report, Recommendation and conditions are endorsed by the Panel subject to the deletion of condition A6, as these requirements are otherwise addressed by conditions G4 and I4.

The Panel did not accept the applicant's submission that the consent be extended to 9 years.

Panel Reason:

The Panel noted that TfNSW has provided concurrence to the proposal under S.138 of the *Roads Act 1993*, including conditions for the management of the displays and illumination. The Panel observed that the proposal replaces the existing signage and will not create any additional impacts in the locality.

The Panel supported the applicant's request for the deletion of condition A6 and the consultant's recommendation for a 5-year consent.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Y				

ITEM 3

DA No:	162/23
ADDRESS:	Land adjacent to 81 Gerard Street, Cremorne
PROPOSAL:	Replacement of existing static advertisement display with new double-sided digital advertisement display affixed to an existing bus shelter (identified as 'Benelong')
REPORT BY NAME:	Brett Brown of Ingham Planning Pty Ltd
APPLICANT:	Cordelia Maxwell Williams, JC Decaux Australia P/L

No Written Submissions**Registered to speak**

Submitter	Applicant/Representative
	John Wynne - Urbis - Representing Applicant
	Jocelyn Moorfoot - JC Decaux Australia - Applicant

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and noted there were no written submissions.

The Consultant's Assessment Report, Recommendation and conditions are endorsed by the Panel subject to the deletion of Condition A6, as these requirements are otherwise addressed by conditions G4 and I4.

The Panel did not accept the applicant's submission that the consent be extended to 9 years.

Panel Reason:

The Panel noted that TfNSW has provided concurrence to the proposal under S.138 of the *Roads Act 1993*, including conditions for the management of the displays and illumination. The Panel accepted that the proposal replaces the existing signage and will not create any additional impacts in the locality.

The Panel supported the applicant's request for the deletion of condition A6 and the consultant's recommendation for a 5-year consent.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shields	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Y				

ITEM 4

DA No:	86/22/3
ADDRESS:	96-98 Ben Boyd Road, Neutral Bay
PROPOSAL:	To modify a consent by the submission of amended plans with amendments to the southern and western balconies to satisfy the intent of Condition C51 Balconies - Design Amendments.
REPORT BY NAME:	Thomas Holman, Senior Assessment Officer
APPLICANT:	The Trustee for Aidop No. 3 Unit Trust

No Written Submissions**Registered to speak.**

Submitter	Applicant/Representative
	Stephen Kerr- Gyde Consulting - Planning Consultant
	Brian Meyerson - MHNDU - Architect
	Michael Waterman - MHNDU - Architect
	Dominic Biancardi - Podia - Applicant

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and noted there were no written submissions.

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

Panel Reason:

The Panel was satisfied that the amended scheme provided the articulation sought in the Land and Environment court approval and would achieve the intention of Condition C51.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Y				

ITEM 5

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

Stuart McDonald declared an interest in this item. He was not present at the site inspection and left the room for the discussion on this matter.

4 Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	Helen Rosen - CBUS - Applicant
	Andrew Duggan - Ethos Urban - Representing Applicant
	Mr Jethro Yuen - Ethos Urban- Representing Applicant

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and noted there were four written submissions.

The chair was advised by staff after the meeting that one registered speaker experienced technical difficulties and was unable to address the meeting personally, however their written submission had been received, circulated and considered by the Panel.

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel subject to the deletion of Condition I4 and the modification to condition D1 to read as follows:

Payment of Affordable Housing Contribution

D1 A contribution calculated in accordance with clause 48 of SEPP (Housing) 2021 shall be paid. The amount of the contribution must be calculated based on a new independent and comprehensive analysis and assessment required by clause 47 of this SEPP. This information must be submitted to the satisfaction of Council before the contribution is paid.

(Reason: To assist in mitigating the loss of affordable housing caused by the development)

The Panel also considered that the maximum term for the satisfaction of the deferred commencement condition AA1 should be amended to 12 months, not 24 months, as previously decided by the Panel at its meeting of 6 December 2023.

Panel Reason:

The Panel expressed concern that the demolition application was not accompanied by a proposed development to enable an accurate assessment of the loss of affordable housing. Therefore, the Panel imposed a condition requiring payment of the contribution in accordance with Clause 48 of the *SEPP (Housing) 2021*.

The Panel noted that the conditions include requirements for ongoing community liaison, site rehabilitation, a management plan, the provision and maintenance of approved landscaping.

Condition AA1 be amended from 6 months to 12 months.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Absent				

ITEM 6

DA No:	206/23
ADDRESS:	54 High Street, North Sydney
PROPOSAL:	Construction of a new sunroom and deck for an existing unit in a residential flat building and modifications to various conditions in DA105/22.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Joseph Georghy

No Written Submissions**Registered to Speak**

Submitter	Applicant/Representative
	James Lovell - Planning Consultant
	Joseph Georghy - Owner/Applicant

Panel Determination

The 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 for the exceedance 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. Additionally, the Panel considers that the development is in the public interest and 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. The Panel noted that flues observed on site were addressed by the architectural drawings.

The applicant addressed the Panel and accepted all of the recommended conditions of consent.

Panel Reason:

The Panel noted that the Clause 4.6 has been considered in the Assessment Officer’s Report and the recommendation was endorsed.

The Panel noted the history of this application and the unique nature of the existing structure.

The Panel considered that access to the roof through the subject studio apartment for maintenance and/or repair should be retained by a condition that is consistent with the relevant building by-laws.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Gary Shiels	Y		Ken Robinson	Y	
Linda McClure	Y				
Stuart McDonald	Y				

The public meeting concluded at 2:42pm.
The Panel Determination session commenced at 2:45pm.
The Panel Determination session concluded at 3.44pm.

Endorsed by Dr Gary Shiels AM
Chair
North Sydney Local Planning Panel
3 April 2024