



NORTH SYDNEY COUNCIL

Council Chambers
24 April 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, 1 May 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

BUSINESS**LPP01: Unit 9 and 9A, 50 Milson Road, Cremorne Point – DA 353/23**

Applicant: Robert Furey C/O Walter Barda Design

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for of two units, alterations and additions including internal demolition and reconfiguration, landscaping and addition of pergola on existing roof terrace on the top levels of an apartment building at Units 9 and 9A, 50 Milson Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application seeks a variation to a development standard by more than 10% in accordance with the Minister's Direction.

Notification of the proposal has attracted a total of seven (7) submissions, including two (2) submissions from a single submitter, raising particular concerns about impacts on significant views as seen from nearby properties, non-compliance with the LEP building height standard, impacts during construction, structural adequacy of the existing building and inconsistencies shown on submitted drawings. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

The subject site is located on land zoned R2 (Low Density Residential) where residential flat building is a form of development prohibited within the zone. However, the subject site benefits from existing use rights because the circumstances of the subject site and the proposed development are generally consistent with Sections 4.65 - 4.70 of the *EP&A Act 1979* and Sections 162 - 167 in Part 7 of *EP&A Regulations 2021*.

Consideration has been given to the relevant planning controls and the submission seeking a variation to the LEP maximum building height control for the proposed works. It is concluded that the proposal is unlikely to give rise to material amenity impacts, including significant views as seen from the adjoining properties subject to the imposition of a condition requiring design modifications to the proposed pergola. The design, height, bulk and scale of the proposed development, as amended by conditions, are considered to be acceptable and is reasonably consistent with potential outcomes anticipated by the relevant controls.

Council's Conservation Planner has raised no in-principle objection to the proposed development given that there would be no material impact on the significance of the subject residential flat building and the Cremorne Conservation Area subject to the imposition of appropriate conditions of consent.

Having regard to the merits of the proposal, the application is recommended for approval subject to appropriate site specific and standard 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 consent to Development Application No. 353/23 on land at Units 9 and 9A, 50 Milson Road, Cremorne Point subject to the following site specific and standard conditions.

Landscaping

C1. A landscape plan, based on drawing numbered A201 Issue E and dated 15.12.23, showing the landscape treatments on roof terrace shall be prepared with details on species names, number and pot sizes of all plantings.

The planting on the roof terrace must be maintained to a height not higher than the height of the roof parapet to minimise any impacts on views as seen from neighbouring properties.

The landscape plan, prepared by a qualified horticulturalist, complying with this condition must be submitted for the written approval of Council's Team Leader Assessment.

The approval letter and the landscaped plan must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure landscape quality of the locality and to protect amenity from neighbouring properties)

Design Modifications

C2. The following design modifications shall be applied to the proposed development:

(a) The proposed pergola to the south of the southern building line of the roof level (Level 10) structure containing conservatory/kitchen/bathroom shall be deleted and form no part of this consent to minimise any impacts on significant views as seen from the neighbouring properties; and

(b) The existing flagpole on top of the Level 10 structure shall be removed.

Revised architectural drawings, demonstrating compliance with this condition, must be submitted for the written approval of Council's Team Leader Assessment.

The approval letter and the revised architectural drawings must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the architectural plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To protect amenity from neighbouring properties)

LPP02: 1/19 Lavender Street, Lavender Bay – DA 290/23

Applicant: J G Shetty, C/- McKendry Hunt Architects

Report of Jim Davies, Executive Planner

This development application seeks approval for alterations and additions to a dwelling in an attached dual occupancy and associated works. The site is a heritage item of the North Sydney Local Environmental Plan 2013.

The application is reported to North Sydney Local Planning Panel for determination as 10 submissions were received, and because the proposed development exceeds the maximum building height standard by more than 10%.

The original sandstone residence has 4 storeys including an attic, and a height of 13.33 (56.8% above the 8.5m height maximum). The house dates to the 19th century and has been altered and extended several times, the last being in the 1990s, a large extension to the south of the original building. This building and grounds have been strata subdivided to form an attached dual occupancy, lot 1 being the lot the subject of this application.

The proposed additions, to the west of the existing dwelling on lot 1, propose to link the residential building to an outbuilding which mainly accommodates car parking, located in the site's north western corner. The height of the additions is 10.6m, exceeding the 8.5m limit by 24%.

Consequently, a request to breach the height standard was submitted with the application.

The application was notified in October 2023 for 14 days and 10 submissions were received, including a petition of 6 signatures. Key issues raised by submissions were:

- Breach of the building height development standard,
- Adverse impact on existing residential building on the site, a heritage item,
- Negative impact on the Heritage Conservation Area in which the site is situated,
- Incompatibility with local character,
- Negative impact on privacy of occupants of the neighbouring and the subject residences in the dual occupancy,
- Excessive bulk and scale,
- Adverse impact on views from nearby residents and from the public domain,
- Variations to setbacks, and
- Potential impact on trees on adjacent public land.

The applicant submitted amended plans which did not adequately respond to these concerns, the plans were consequently rejected. Therefore, these plans did form part of the application and are not considered by this assessment.

In addition to the above issues, the assessment finds the request to contravene the height standard is not well founded and concludes that the application is unsatisfactory. Consequently, the application cannot be approved and refusal is recommended.

Recommending:

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority refuse to grant consent to Development Application No. 290/23 for alterations and additions to a dwelling in an attached dual occupancy and associated works on land at 1/19 Lavender Street Lavender Bay, for the reasons set out below:-

1. The requirements of clause 4.6 (3) North Sydney Local Environmental Plan 2013 (the LEP) have not been satisfied. Consent must not be granted because the applicant's written request to vary the height of building development standard does not demonstrate that compliance would be unreasonable or unnecessary and neither does the request demonstrate that there are sufficient environmental planning grounds to justify contravening the standard.
2. The application is inconsistent with the following objective of the R3 Medium Density Housing zone:
 - *To ensure that a high level of residential amenity is achieved and maintained.*
3. The application is inconsistent with the objectives of the Building Height development standard of the LEP, clause 4.3 (1).
4. The application does not satisfy the objectives of the LEP, clause 5.10 Heritage conservation, subclause (1), paragraphs (a) and (b).
5. The application is inconsistent with the following provisions of North Sydney Development Control Plan 2013 (the DCP), Part B Development Controls, Section 1 - Residential Development:
 - a) Clause 1.3.6 – Views, the development has unacceptable impacts on views from the public domain and whether the development has acceptable impacts on views from private residences in proximity of the site has not been adequately demonstrated.
 - b) Clause 1.3.7 – Solar access, it has not been adequately demonstrated that increased overshadowing of trees adjacent to the site will adversely impact the health of those trees.
 - c) Clause 1.4.1 – Context, for the reasons provided by the Conservation Planner's assessment and reasons for refusal of paragraph 6 below, the proposed development is incompatible with its heritage context.
 - d) Clause 1.4.3 – Streetscape, the proposed development is inconsistent with the streetscape due to its height, bulk and scale, and potential impact on nearby significant vegetation.
 - e) Clause 1.4.6 - Side Setbacks, Provision P2, the proposed development does not provide compliant and adequate setbacks on the western side of the site.
 - f) Clause 1.4.6 – Rear Setback, Provision P5, the rear setback of the proposed additions is inconsistent with objectives O2, O3 and O4.
 - g) Clause 1.4.7 – Form, massing and scale, inconsistencies with requirements and objectives for height, setbacks, site coverage, and landscaped area result in the proposal having excessive form, massing

- and scale. These inconsistencies indicate that the proposed development is an overdevelopment of the site, as does the fact the proposed development forms, in conjunction with existing buildings on the site, a continuous wall of built form from the north western corner to the south eastern corner of the site.
- h) Clause 1.5.5 – The development has excessive site coverage and is inconsistent with the provisions of this clause.
 - i) Clause 1.5.6 - The development has inadequate landscaped area and is inconsistent with the provisions of this clause.
6. The application is contrary to the following provisions of the DCP, Part B Development Controls, Section 13 – Heritage Conservation:
 - a) clause 13.1.1 Guiding Statement: in terms of managing North Sydney’s heritage for present and future generations in accordance with the principles of intergenerational equity as per the Burra Charter;
 - b) clause 3.1.2 General objectives – Objective O5
 - c) clause 13.4 Development in the vicinity of heritage items O1/ P1/P5;
 - d) clause 13.5.1 Protecting heritage significance - Objectives O1, O3 and O5 and Provisions P4 and P5;
 - e) clause 13.5.2 Form, massing and scale
 - f) clause 13.5.3 Additional Storeys – Objective O1
 - g) clause 13.5.4 Roofs – Objective O1
 - h) clause 13.5. 5 Interior layouts O1/ P1/ P8
 - i) clause 13.9 Controls for specific building elements –
 - j) Part C: clause 9.9.4 Views – P10; s9.9.6 - P7; s9.9.7 – P1
 7. The application is inconsistent with the following provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021:
 - a) Clause 6.28 (1), paragraphs a), c), f), g) and h), and
 - b) Clause 6.28 (2), paragraph e).
 8. The site is unsuitable for the site, for reasons 1-7.
 9. Approval of the application would not be in the public interest, for reasons 1-7.

LPP03: 2 Waiwera Street, Lavender Bay (LB) - DA 10/24

Applicant: Daniel Barber

Report of Rachel Wu, Assessment Officer

This development application seeks approval for minor internal alterations and additions to a semi-detached dwelling and the installation of a lift from the existing Lower Ground Floor to the Third Floor (Loft Level).

The development application is reported to North Sydney Local Planning Panel for determination for the breach to NSLEP 2013 Cl4.3 *Height of Building* development standard by 53.4% or 4.54m above the maximum 8.5m height control to reach a maximum height of 13.04m, calculated from the existing subterrain basement (RL34.01).

The subject site is located within an R3 Medium Density Residential zone. The site is not identified as a contributory item nor a heritage item, although it is located within the McMahons Point North Conservation Area (CA13).

Notification of the proposal has attracted one (1) unique submission raising particular concerns about acoustic impact, glass reflectivity, adverse visual impacts from increased massing, and incomplete documentation and detail regarding the proposed lift. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to 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 as the consent authority grant consent to Development Application No. 10/24 for alterations and additions to a semi-detached dwelling subject to the attached Standard conditions and following site specific conditions:-

Southern Elevation of Lift

C12. The southern elevation of the proposed lift is to be finished with solid cladding.

(Reason: To mitigate excessive light spill from the proposed development onto adjoining properties)

Reflectivity Glazing

C13. The glazing for the proposed lift must consist of low glare and low reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any 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.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Noise from Plant and Equipment

C14. 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 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.

“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 adjoining land uses)

LPP04: 70 Carabella Street, Kirribilli (C) - DA 345/23 (PAN-398453)

Applicant: Christopher Raddatz, Raddatz-Kueber Pty Ltd

Report of Andrew Beveridge, Senior Assessment Officer

This development application seeks NSLPP approval for alterations and additions to an existing terrace style dwelling including demolition, new garage, and associated landscape works, at 70 Carabella Street, Kirribilli.

The application is reported to the North Sydney Local Planning Panel for determination as the application is seeking a variation to a development standard by more than 10% and creates additional height and floorspace yield to the building.

The proposed development breaches the maximum permitted building height of 8.5m by approximately 11.99m, equating to a maximum variation of 3.49m or 41.05%. The applicant’s submission has been considered with reference to the Land and Environment Court’s decision in *Wehbe v Pittwater Council [2007] NSWLEC 827* in order to justify the proposed variation. The applicant’s submission has been considered with reference to the Land and Environment Court’s decision in *Wehbe v Pittwater Council [2007] NSWLEC 827* in order to justify the proposed variation. The applicant’s Clause 4.6 is considered to be satisfactory given the site circumstances and on the basis that it will not have a significant impact upon the general amenity of adjoining properties.

The application was notified in accordance with the community engagement protocol and Council received two submissions. The amenity impacts upon adjoining have been assessed and are considered to be relatively minor and acceptable within the site circumstances. The works will also maintain a sympathetic scale that is consistent with the existing building and surrounding buildings, and accords with the built form of the neighbourhood and the sloping topography of the site.

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality or adjoining properties, and the streetscape character will be maintained. The proposed development would be in the public interest as the

submitted written request is considered to be well founded and worthy of support.

Having regard for the potential impacts upon the amenity of adjoining properties and the surrounding neighbourhood, subject to conditions, the development application is considered to be satisfactory and 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, exercising the functions of Council, assume the concurrence of the Secretary of The Department of Planning and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 and **grant consent** to Development Application No. 345/23 for alterations and additions to an existing dwelling, on land at 70 Carabella Street, Kirribilli, subject to the attached site specific and standard conditions.

LPP05: 340 Pacific Highway, Crows Nest - DA 338/23

Applicant: Douglas Hor

Report of Damon Kenny, Executive Assessment Planner

This development application seeks approval for the use of a premises as sex service premises with operating hours 10am and 10pm 7 days a week.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal is sensitive development being development for the purpose of a sex service premises.

The proposed development was considered under the relevant Environmental Planning Instruments and policies including *NSLEP 2013* and *NSDCP 2013* and generally found to be satisfactory, subject to the satisfaction of recommended conditions of consent.

Notification of the proposal has attracted three (3) submissions, and the assessment of the proposal has considered the performance of the application against Council's planning requirements. Any substantive points raised by the submissions have been addressed/clarified in this report and dealt with condition of consent where relevant.

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality. Having regard for the potential impacts upon the amenity of adjoining properties and the context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **approval** for the reasons as set out in this report.

Recommending:

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority and grant deferred commencement consent

to Development Application No. 338/23 for the use of premises as sex service premises with operating hours 10am and 10pm 7 days a week on Land at 340 Pacific Highway, Crows Nest, subject to the following conditions:-

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition has been satisfied.

The applicant must satisfy Council as to the matter specified in the deferred commencement condition within 6 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matter specified in the deferred commencement condition within 6 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.

BCA Compliance Statement

AA1. A BCA Compliance Statement pursuant to Clause 62 of the Environmental Planning & Assessment Regulations 2021, prepared by a suitable qualified Building Surveyor is to be provided identifying all required Category 1 fire safety measures.

(Reason: To ensure the building complies with the Category 1 fire safety provisions that are applicable to the building's proposed use)

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 has been satisfied.

B. Subject to the above deferred commencement condition being satisfied within 6 months of the date of this determination, the consent shall operate in accordance with the attached conditions.

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