

## NORTH SYDNEY LOCAL PLANNING PANEL

### DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 1 MAY 2024, AT 2.00PM.

#### PRESENT IN THE SUPPER ROOM

##### Chair:

Dr Gary Shiels AM

##### Panel Members:

Lindsay Fletcher (Panel Member)

Lloyd Graham (Panel Member)

John Bohane (Community Representative)

##### Staff:

Stephen Beattie Manager Development Services

David Hoy, Team Leader Assessments

##### Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise 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, 3 April 2024 were confirmed following that meeting.

#### 2. Declarations of Interest

Nil.

#### 3. Business Items

*The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.*

*The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.*

**ITEM 1**

<b>DA No:</b>	353/23
<b>ADDRESS:</b>	Units 9 and 9A - 50 Milson Road, Cremorne Point
<b>PROPOSAL:</b>	Consolidation of two units, alterations and additions including internal demolition and reconfiguration, landscaping and addition of pergola on existing roof terrace.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Robert Furey C/- Walter Barda Design

**Registered speakers**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Robert Furey - Walter Barda Design - Architect
	Walter Barda - Walter Barda Design - Architect

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions and the oral representations of the applicant at the meeting.

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 subject to a minor modification to Condition C1, removing the requirement for a qualified horticulturist person to prepare the landscape plans.

**Panel Reason:**

The Panel heard from the applicant's representatives and considered that the application should be approved subject to amended conditions

The Panel accepted the assessment, conclusion and the conditions contained in the Council Officer's 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		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 2**

<b>DA No:</b>	290/23
<b>ADDRESS:</b>	1/19 Lavender Street, Lavender Bay
<b>PROPOSAL:</b>	Alterations and additions to a dwelling in an attached dual occupancy and associated works.
<b>REPORT BY NAME:</b>	Jim Davies, Executive Planner
<b>APPLICANT:</b>	Mrs J Shetty – C/- McKendry Hunt Architects

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Eleanor M Purcell - Resident	Debra McKendry-Hunt - McKendry Hunt Architects - Architect

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions, the petition, and the oral submissions to the panel meeting.

The applicant's representatives requested in writing, that the application be deferred to allow the council to consider the amended plans submitted on the 15 April 2024. The Panel was advised that the amended plans did not adequately address the key concerns identified by Council officers. Accordingly, the Panel was of the opinion that the Council Officer's recommendation is appropriate.

Pursuant to the provisions of Clause 4.6 of the *North Sydney Local Environmental Plan 2013* ("the LEP"), the Panel is not 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. The Panel was not satisfied that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case or that the written request identified sufficient environmental planning grounds to justify the contravention. The Panel considered that approval of the development would not be in the public interest and would be inconsistent with the provisions and objectives of the standard and the zone objectives.

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

**Panel Reason:**

The Panel was of the opinion that the application should not be approved in its present form.

Note: It is open to the applicant to revise the submitted plans addressing the reasons for refusal and submit those for consideration of the Panel in accordance with the provisions of s8.2 of the EPA Act 1979.

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		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 3**

<b>DA No:</b>	10/24
<b>ADDRESS:</b>	2 Waiwera Street, Lavender Bay
<b>PROPOSAL:</b>	Alterations and additions to the existing dwelling and includes a new lift and internal reconfiguration.
<b>REPORT BY NAME:</b>	Rachel Wu, Assessment Officer
<b>APPLICANT:</b>	Daniel Barber

**Registered to speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Miguel Paredes - Paredes Design - Architect
	Daniel Barber – Paro Consulting - Applicant

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, and the oral submission from the applicant at the panel meeting.

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.

**Panel Reason:**

The Panel considered that the application was acceptable and should be approved subject to conditions.

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		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 4**

<b>DA No:</b>	345/23
<b>ADDRESS:</b>	70 Carabella Street, Kirribilli
<b>PROPOSAL:</b>	Alterations and additions to dwelling including demolition, new garage and associated landscape works.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Senior Assessment Officer
<b>APPLICANT:</b>	Christopher Raddatz – Raddatz-Keuber Pty Ltd

No persons have elected to speak on this item.

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting.

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 adopted by the Panel.

**Panel Reason:**

The Panel considered that the Council Officer’s report should be endorsed, and the application should be approved subject to conditions.

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		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

**ITEM 5**

<b>DA No:</b>	338/23
<b>ADDRESS:</b>	340 Pacific Highway, Crows Nest
<b>PROPOSAL:</b>	Use of premises as sex service premises with operating hours 10am and 10pm 7 days a week.
<b>REPORT BY NAME:</b>	Damon Kenny, Executive Assessment Planner
<b>APPLICANT:</b>	Douglas Hor

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Warwick Gosling of DFP Planning - representing applicant

**Panel Determination**

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

The Council Officer's Report, Recommendation and conditions are endorsed by the Panel subject to an amendment to the deferred commencement condition. The Panel considered that the BCA and Fire Safety Measures should be identified and implemented prior to the consent becoming operative. Therefore, the deferred commencement conditions are modified as follows:

**Category 1 Fire safety measures**

AA2. All Category 1 fire safety measures required to be provided are to be implemented.

(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 these conditions have been satisfied.**

**Panel Reason:**

The Panel was advised that the use had been operating for over 20 years and had not been the subject of any significant objections. The Panel noted that the deferred commencement provided the opportunity to identify and/or upgrade the fire and BCA provisions and to impose the conditions relating to the ongoing management of the use.

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		John Bohane	Y	
Lindsay Fletcher	Y				
Lloyd Graham	Y				

The public meeting concluded at 2.25pm.

The Panel Determination session commenced at 2.30pm.

The Panel Determination session concluded at 3.30pm.

Endorsed by Dr Gary Shiels AM

Chair

North Sydney Local Planning Panel

**1 May 2024**