



**NORTH SYDNEY COUNCIL**

Council Chambers  
28 August 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, 4 September 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: 51 Pine Street, Cammeray – DA 11/24

Applicant: Andrew Seller

Report of Jack Varka, Assessment Officer

This development application seeks consent for alterations and additions to the detached dwelling at 51 Pine Street, Cammeray.

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 Directions the application must be determined by the Local Planning Panel.

The subject site (Lot 102 DP 876636) is on the northern side of Pine Street and is generally rectangular in shape with a total site area of 250m<sup>2</sup>. The site slopes down steeply to the north, with the existing carport located at street level above the subject dwelling. Currently located on the site is a two-storey semi-detached dwelling originally built in c.1923 with rendered brick walls on the northern and southern elevations, and a hipped red tiled roof with a dormer window on the eastern roof elevation.

Given the sites location adjacent to Plateau Heritage Conservation Area, Council's Heritage Officer considered the application and raised no objections to the proposed alterations and additions, as the works would not adversely impact upon the character of the conservation area.

It is proposed to remove tree T1 (*Plumeria sp. 6x5.5m*). The TPZ of T1 is located within the footprint of the proposed garage and studio structure. The proposal in its current form will result in the removal of the only mature tree within the front setback. Regardless of whether the garage and studio structure were to be approved or not, T1 is located in a highly constrained location and would be subject to significant pruning and damage during constructions phases. The likelihood of survival is unclear if it were to be retained in its current location.

Based on Council's Landscape Team's feedback, the ideal solution would be to transplant the tree to a new location within the front setback. T1 is a Frangipani tree which is a suitable species for relocation and the tree is in good health, despite its low retention value. The revised location would uphold Councils Landscape Team's inherent position of tree retention or like-for-like replacement.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 10.46m. Whilst the proposal does not change the existing maximum height of the dwelling, the removal of existing dormers and construction of new dormers are located above the maximum building height of 8.5m.

The semi-detached dwelling will be more visually prominent from Pine Street through the addition of the garage structure which is relatively low in scale, will be composed of high-quality materials and additional landscaping, that will ensure that the visual impact of the structure is minimised within the

streetscape. While the garage will add significant bulk to the streetscape elevation of the subject site, the structure has been carefully designed to match the approved garage at 49 Pine Street such that both sides of the semi-detached pair will present in near identical scales within the streetscape. The garage is also appropriately stepped along the street following the natural topography of the area.

On balance, with regards to amenity, view impacts, and bulk and scale, the development is considered to be acceptable and generally compliant with Council's other controls in Part B of NSDCP 2013 and will not result in any other significant adverse impact upon the amenity of adjoining properties or the character of the adjoining area.

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 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. 11/2024 for alterations and additions to the existing semi-detached dwelling on land at 51 Pine Street, Cammeray subject to the following site specific and standard conditions:

**Garage Structure Solar Panels**

C19. The installation of proposed roof top solar panels at the street front garage structure are to mounted flat and flush with the roof line to avoid creating additional bulk along the Pine Street frontage.

(Reason: To ensure that the approved garage is compatible with the scale of surrounding development)

**Garage Driveway Levels**

C20. The new garage floor level is to be maintained at the existing RL and aligned to the present boundary level. Council will not allow any adjustments to the current footpath boundary levels as detailed in Condition C9.

Plans and specifications which document the proposed garage levels which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

(Reason: To ensure that the interface between the property and public land remain consistent and uniform)

**Use of Studio**

I2. The approved studio structure is to be used in conjunction to the primary dwelling. Nothing in this consent authorises the use of the

studio premises other than as part of the primary dwelling's residence. The sub-letting of the studio premises is not permitted.

(Reason: To ensure that site density remains consistent with the locality)

**LPP02: 71 Pine Street, Cammeray – DA 348/23**

Applicant: Joumana Moore

Report of Jack Varka, Assessment Officer

This development application seeks consent for alterations and additions to the detached dwelling at 71 Pine Street East, Cammeray.

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 Directions the application must be determined by the Local Planning Panel.

The subject site, described as Lot 18, DP 8680 is a three-storey detached dwelling, however, it presents to Pine Street East as two storeys. The site is rectangular in shape and has an area of 445.9m<sup>2</sup>. The topography of the site slopes steeply to the north towards Long Bay. The dwelling is constructed from brick cladding with terracotta tiling along a gable roof. The southern primary frontage is located along Pine Street East, while the rear northern boundary adjoins with the rear of 9 Vernon Street located below the subject site.

The application was referred to Council's Engineering and Landscape Officers, both of which provided no objection to the proposed development. Appropriate conditions have been recommended by both referral officers and are reflected in the determination of the application.

The application does not propose the removal or pruning of any trees or vegetation and seeks to retain the existing landscape context of the site.

Notification of the proposal has attracted no submissions.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 11.3m at the top of the ridgeline at northern most extent of the proposed roof extension.

Whilst the proposal does not technically increase the height of the dwelling, the proposed works extend the existing primary roof ridgeline towards the north which effectively increases the degree of non-compliance as a result of the sloping topography of the site. It should be noted that the enclosure of the First Floor level bedroom balcony and roof extension works all take place above the maximum building height plane.

The proposal results in an exceedance of the height standard of 2.8m which represents a 33% variation.

On assessment of the view and privacy impacts and bulk and scale, the development is considered to be acceptable and not readily visible from the streetscape. The proposal is also generally compliant with Council's other controls in Part B of *NSDCP 2013* and will not result in any other significant

adverse impact upon the amenity of adjoining properties or the character of the adjoining area.

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 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. 348/2023 for alterations and additions to the existing dwelling on land at 71 Pine Street East, Cammeray subject to the following standard conditions.

**LPP03: 30 Cremorne Road, Cremorne Point – DA 371/23**

Applicant: Stephanie Brancatisano Architect

Report of Andrew Beveridge, Senior Assessment Officer

This development application seeks NSLPP approval for the change of use of an existing 4-unit residential flat building into a dual occupancy (attached) and associated alterations and additions, at 30 Cremorne Road, Cremorne Point.

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 627mm-1.202m, equating to a maximum variation of 822mm-922mm or 9.67-10.84%. 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 three submissions. The amenity impacts upon adjoining sites have been assessed and are considered to be relatively minor and acceptable within the site circumstances. The works will also maintain a relatively 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, Housing and Infrastructure, 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. 371/23 for the change of use from a residential flat building into an attached dual occupancy including alterations and additions and associated landscape works, on land at 30 Cremorne Road, Cremorne Point, subject to the following site specific and standard conditions.

**LPP04: 47 Kareela Road, Cremorne Point – DA 81/22**

Applicant: Ione Churcher

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for alterations and additions to an existing detached dwelling including a two storey rear addition and a new garage structure at the rear with a driveway bridge to Kareela Road at No.47 Kareela Road.

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% and attracted more than 10 submissions by way of objection. A public determination meeting is required in accordance with the Ministers Direction.

The application was lodged on 22 March 2022 and has been subject to amendments and the provision of additional information since that time. Given this, it is considered appropriate for determination to occur at this point to give both the applicant and the community clarity on this matter.

The development application has been assessed against the *North Sydney LEP 2013* and North Sydney DCP 2013 and was found to be unsatisfactory.

Consideration has also been given to the Clause 4.6 request for a variation to the LEP's building height development standard as submitted by the applicant. The variation to the building height development standard is not supported because the excessive bulk and scale of the proposed garage structure, including those above the LEP maximum building height limit, that would result in adverse impacts on the amenity of the neighbouring property and the public domain. Furthermore, these adverse impacts do not demonstrate public benefit. Therefore, the variation to the LEP building height control is not considered to be well-founded and strict compliance with the standards is

necessary.

The proposal fails to comply with the provisions of *SEPP (Biodiversity and Conservation) 2021* because of the loss of significant views as seen from the Foreshores and Waterways area.

The proposed development is contrary to the objective of the R2 (Low Density Residential) zone because the proposal would have adverse impacts on the amenity of the adjoining properties.

The application was referred to Council's Landscape Development who considered the proposal unsatisfactory because of the likely adverse impacts on an existing Port Jackson fig tree located on Council land adjacent to the subject site.

The issues raised in the submissions received have been addressed in this report.

Accordingly, the proposed development is recommended for **refusal**.

**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 refuse development consent to Development Application No. 81/22 for alterations and additions to a detached dwelling on land at No.47 Kareela Road, Cremorne Point, for the following reasons:-

**1. The written request pursuant to clause 4.6 of NSLEP is not supported**

The written request pursuant to clause 4.6 of NSLEP seeking a variation to the height of building development standard in clause 4.3 of NSLEP is not considered to be well founded.

**Particulars:**

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed garage structure breaches the 8.5m maximum height of building development standard specified in clause 4.3(2) in *NSLEP 2013*.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the written request submitted with the application seeking a variation to the maximum height of building development standard has inadequately addressed the matters required to be addressed in subclause (3) in clause 4.6 in *NSLEP 2013*.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the written request has failed to adequately demonstrate that compliance is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the height of building development standard.

- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and (e) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is not considered to be in the public interest as the development is not consistent with the objectives of the height of building standard in clause 4.3(1) in *NSLEP 2013* and the objectives of the R2 (Low Density Residential) zone (dot point 4) under *NSLEP 2013*.

**2. Inappropriate context, excessive height, bulk and scale and built form**

The proposed development is unacceptable because of the proposed works will result in an inappropriate built form within the locality.

**Particulars**

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is inappropriate to its context being a free standing structure with excessive building height bulk and scale as seen from the ground level is contrary to aim 1.2 (2)(a) in *NSLEP 2013* as well as section 1.4.1 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.4.5 in Part B of NSDCP 2013 because the siting of the proposed garage structure that will result in the loss of slot views from Kareela Road to Mosman Bay.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development contrary to Section 1.4.6 in Part B of NSDCP 2013 because the non-complying building setback from the northern property boundary and the adverse impacts on the adjoining properties.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.4.7 and 1.4.8 in Part B of NSDCP 2013 because the proposed garage structure will be excessive in bulk and scale and will be significantly larger than characteristic buildings.

**3. Unacceptable view impacts**

The proposed garage structure will cause unacceptable impacts on significant views as seen from adjoining properties and the public domain.

**Particulars**

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that consent cannot be granted for the proposed development because the proposal is contrary to Clause 6.28(2) of *SEPP (Biodiversity and Conservation) 2021* because the proposed development will cause the loss of significant views within



the Foreshore and Waterways area and fails to enhance/protect/maintain views and vista.

- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development will cause the loss of significant views and is contrary to aim 1.2 (2)(a) and (c)(i) in *NSLEP 2013*.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of *NSLEP 2013* because of the proposed development will cause adverse view impacts and does not promote a high level of residential amenity.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.3.6 in Part B of *NSDCP 2013* because the proposal will cause the loss of significant views as seen from the adjoining properties.
- (v) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposal is contrary to P2 in Section 6.4.6 in Part C of *NSDCP 2013* because the siting of the proposed garage structure will not retain the slot view to Mosman Bay.

#### **4. Adverse Shadowing impacts**

The proposed garage structure will cause adverse shadowing impacts on the adjoining property to the south at No.45 Kareela Road.

##### **Particulars**

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development will cause adverse shadowing impacts on an adjoining property and is contrary to aim 1.2 (2)(a) and (c)(i) in *NSLEP*.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of *NSLEP 2013* because of the proposed development will cause adverse shadowing impacts and does not promote a high level of residential amenity.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.3.7 in Part B of *NSDCP 2013* because the proposal will cause excessive overshadowing of the adjoining properties.

#### **5. Landscaping**

The proposed development is unacceptable because the proposal is unsatisfactory and fails to address the concerns raised by Council's Landscape Officer particularly the likely impacts on the Port Jackson fig tree on Council land adjacent to the subject site.

**Particulars**

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Clause 2.1 and Clause 6.28(1)(f) of *SEPP (Biodiversity and Conservation) 2021* because of the likely adverse impacts on native vegetation in non-rural areas and within the Foreshore and Waterways area.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to aim 1.2 (2)(e) in *NSLEP 2013* as well as section 1.5.7 in Part B of *NSDCP 2013*.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* in that the proposed development does not satisfy the objective of the R2 (Low Density Residential) zone in the Land Use Table in Part 2 of *NSLEP 2013* because of the proposed landscape treatments do not promote a high level of residential amenity.
- (iv) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development is contrary to Section 1.5.7 in Part B of *NSDCP 2013* because the proposal does not achieve a landscaping outcome that will clearly satisfy the DCP objectives and provisions for landscaping.

**6. Insufficient information**

The application has failed to provide the following information to facilitate the assessment of the application:

- (a) A detailed view analysis.
- (b) A detailed landscape plan.
- (c) A revised geotechnical report/structural engineering report.
- (d) An updated BASIX Certificate.

**7. Public Interest**

The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(e) of the *Environmental Planning and Assessment Act 1979* in that the approval of the proposed development is not in public interest because of the excessive building height, bulk and scale of the garage structure and the associated adverse impacts on the residential amenity of the locality.

## NORTH SYDNEY LOCAL PLANNING PANEL

### DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 7 AUGUST 2024, AT 2.00PM.

#### PRESENT IN THE SUPPER ROOM

##### Chair:

Dr Robert Stokes

##### Panel Members:

Robert Montgomery (Panel Member)

John McNerney (Panel Member)

Lindsey Dey (Community Representative)

##### Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Isobella Lucic, Team Leader Assessments

##### Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Teams) means.

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

##### Apologies:

Nil.

#### 1. Declarations of Interest

Nil.

#### 2. 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>	359/23
<b>ADDRESS:</b>	45 Ben Boyd Road, Neutral Bay
<b>PROPOSAL:</b>	Alterations and additions to the heritage semi-detached dwelling including partial demolition of the rear section of the dwelling and construction of rear extension.
<b>REPORT BY NAME:</b>	Jack Varka, Assessment Officer
<b>APPLICANT:</b>	Linda Ingaldo, C/- Sydesign Pty Ltd

**Written Submissions - Nil****Registered to speaker**

<b>Submitter</b>	<b>Applicant/Representative</b>
	James Corry - GAT & Associates - Representing Owner

**Panel Determination**

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

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

The Panel noted that the masonry front fence detracts from the heritage values of the item and therefore, the Panel would like to encourage the owner to consider replacing the masonry fence along the front boundary with a more suitable design which is in keeping with the heritage item. The owner should consult with Council as to what, if any approvals are required.

**Panel Reason:**

The Panel agrees with the Assessment Officer's Report and Recommendation.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 2**

<b>DA No:</b>	37/24
<b>ADDRESS:</b>	171 Miller Street, North Sydney
<b>PROPOSAL:</b>	Fit-out and use of a food and drink premises, including café, restaurant and bar premises within the Victoria Cross Station, over station development.
<b>REPORT BY NAME:</b>	Kim Rothe, Senior Assessment Officer
<b>APPLICANT:</b>	The Trustee for Etymon Projects Trust

**Written Submissions - Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Matthew Holt - Urbis

**Panel Determination**

The Panel members undertook a site inspection and considered the oral submission from the applicant at the panel meeting.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the changes to Condition I4 and Plan of Management to provide for improved management arrangements and to exclude smoking or vaping areas within the premises.

Condition I4 is to be amended to read as follows:

***Plan of Management***

14. *The Plan of Management prepared by Etymon Projects Miller House, dated February 2024 submitted with the application is to be amended to include the following changes:*

- *Any requirements of the Office of Liquor and Gaming;*
- *Any requirements of the NSW Police Local Command and Emergency Services;*
- *The Complaints management arrangements is to require signage and details of a 24 hour contact phone number, complaints register and process for dealing with and reporting complaints;*
- *All references to smoking & vaping areas are to be deleted*
- *Implementation of mitigation measures recommended by the acoustic report;*
- *Signage is to include contact details for the licensee including phone number and maximum patron number details;*
- *Details of security arrangements and security staff and procedures;*
- *Details of access to loading dock including any limitation on delivery hours*
- *Any errors or inconsistencies in the POM to be rectified.*

*The Plan of Management is to be updated to incorporate the above changes and all other changes required by this consent including but not limited to the approved limits on patron numbers, approved hours of operation and provision for security staff.*

*The updated Plan of Management is to be submitted to Council’s Manager Development Services for written approval prior to issue of the Occupation Certificate and before use commences.*

*Management of the premise(s) is to be conducted at all times in accordance with the requirements of the Plan of Management and the requirements of this consent.*

The Plan of Management is to be updated and provided to council every two years, and a copy of the POM is to be kept on site and made available to all staff.

*In the event of any inconsistency between the Plan of Management and the conditions of this consent or relevant legislation, then the stricter condition or regulation will prevail.*

*(Reason: Safety, security and amenity)*

**Panel Reason:**

The Panel agrees with the Assessment Officer’s Report and Recommendation.

The Panel considered that areas for smoking and vaping were not adequately identified in the Plan of Management or the plans for the premise(s) and that each of the premises would be unlikely to meet the requirements of the Smoke-free Environment Act 2000, as it relates to food & drink premises. The Panel considered that it would be inappropriate to provide for smoking or vaping within the Plan of Management.

The additional conditions relating to the Plan of Management are designed to provide clarity and transparency for the operation of the premises.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 3**

<b>DA No:</b>	291/22/3
<b>ADDRESS:</b>	13-15 Allister Street, Cremorne
<b>PROPOSAL:</b>	Modifications of development consent to enable alterations to the approved development and amendment of specified conditions of consent, for alterations and additions to an existing residential flat building, demolition of remaining structures, amalgamation of lots and the provision of a 4 storey addition.
<b>REPORT BY NAME:</b>	Jim Davies, Executive Planner
<b>APPLICANT:</b>	Winim Developments

**2 Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Johnathan Joseph - Planning Ingenuity

**Panel Determination**

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

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

**Panel Reason:**

The Panel agrees with the Assessment Officer's Report and Recommendation.

The Panel is of the view that the modification as now recommended for approval provides a better design outcome than the originally approved development.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 4**

<b>DA No:</b>	713/02/3
<b>ADDRESS:</b>	Unit 6, 18-20 Cremorne Road, Cremorne Point
<b>PROPOSAL:</b>	Modification to condition I2 of DA 713/02 to increase the permitted number of users on the rooftop terrace of Apartment No. 6 to a maximum capacity of 84 people at certain times of the year.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Senior Assessment Officer
<b>APPLICANT:</b>	Mona Karam

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Graham Walker - Resident	Mathew Quattroville - Four Towns Planning
	Mona Karam - TMA Group
Observing: David Yulli - Resident	

**Panel Determination**

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel except for the following:

The Panel had concerns relating to egress from the terrace in case of emergency. The Panel notes that the issue of emergency egress had not been specifically addressed by the applicant. The Panel is concerned about safety aspects of the use of the terrace by 84 people as proposed. It is noted that while there are no apparent fire safety specifications for this type of residential situation, it would be prudent to have a better understanding of safety and emergency egress in the circumstances of the matter.

Accordingly, authority is delegated to the Manager Development Services to determine the application following the submission of additional information from a suitably qualified fire safety practitioner which identifies the maximum number of people who can be safely evacuated from the terrace in the event of emergency. The number of people to be permitted on the terrace at any one time is to be determined by the Manager Development Services based on the evidence provided above and additional condition/s applied.

The Panel agreed to insert the following note into the amended condition I2 as follows:

“These restrictions must be notified to those responsible for reporting to Council's Annual Fire Safety Statement Register prior to the commencement of the first event”.

Subject to the above, the Panel also noted the owner's desire to host family events and, appreciative of the size of the owner's family, agrees that events accommodating the maximum of 84 people on the roof terrace, subject to resolution of the above, should be permitted on three occasions each year, one being New Year's Eve.



**Panel Reason:**

The Panel was concerned about the safety of the people on the terrace and the ability for safe egress in the event of an emergency.

The Panel also sought to balance the owner’s desire to entertain family and friends with submitter concerns about the impact on the neighbourhood.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 5**

<b>DA No:</b>	79/24
<b>ADDRESS:</b>	20 Folly Point, Cammeray
<b>PROPOSAL:</b>	Alterations and additions to existing dwelling including internal reconfiguration and installation of a lift.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Senior Assessment Officer
<b>APPLICANT:</b>	Alex Roth, Roth Architecture Workshop Pty Ltd

**Written Submissions - Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Alex Roth - Architect

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered 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 agrees with the Assessment Officer’s Report and Recommendation.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 6**

<b>DA No:</b>	397/19/3
<b>ADDRESS:</b>	2 Folly Point, Cammeray
<b>PROPOSAL:</b>	S4.55 (1A) modification application for internal and external alterations to existing dwelling house and davit (boat lift) structure.
<b>REPORT BY NAME:</b>	Andrew Beveridge, Senior Assessment Officer
<b>APPLICANT:</b>	Mark Solomon, Plan Urbia

**Written Submissions Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Mark Solomon (Town Planner) -Plan Urb
	Raymond Ng (Architect)- Play Co

**Panel Determination**

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

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

**Panel Reason:**

The Panel agrees with the Assessment Officer's Report and Recommendation.

The Panel notes that the proposed modifications are primarily internal and do not result in any significant amenity impacts.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 7**

<b>DA No:</b>	45/24
<b>ADDRESS:</b>	10 Larkin Street, Waverton
<b>PROPOSAL:</b>	Retractable awning structure
<b>REPORT BY NAME:</b>	Thomas Holman, Senior Assessment Officer
<b>APPLICANT:</b>	Chapman Planning Pty Ltd

**Written Submissions - Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Inderjit Singh - Owner

**Panel Determination**

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

**Terms of Consent**

- A4. Approval is granted for the use of the awning structure and proposed works stipulated in Condition A1 of this consent. No approval is given or implied for any works undertaken prior to the date of determination of this consent associated with the use of the awning structure. The consent holder may consider the lodgement of a building information certificate application to regularise any such works.

The retractable awning is to be a Markilux Pergola 110/210 tracfix awning system which is not fixed and the colour of the awning shall be neutral as stipulated in the submitted Statement of Environmental Effects dated 20 February 2024 prepared by Chapman Planning.

The Markilux Pergola 110/210 tracfix awning system applies to the retractable awning coloured as Proposed Works in Condition A1 of Consent that identifies the approved plans.

(Reason: To ensure the terms of consent are clear)

**Panel Reason:**

The Panel notes that this is a rationalisation of the existing roof structures and will improve the amenity to the occupants and has limited additional visual impact.

There is a limited footprint of the pergola structure and the structure is substantially setback from the parapet.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 8**

<b>DA No:</b>	311/23
<b>ADDRESS:</b>	10 Colin Street, Cammeray
<b>PROPOSAL:</b>	Alterations and additions to a detached dwelling and a secondary dwelling including demolition, construction of a first floor addition, a garage building and a swimming pool.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Ken Demlakian

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Antony Partos - Resident	Ken Demlakian- Applicant
Paul Hutley - Resident	

**Panel Determination**

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to the following additional condition:

**Maintenance of Approved Landscaping and Street Trees**

13. The owner of the premises at No.10 Colin Street, Cammeray is to maintain the landscaping within the subject site generally in accordance with approved landscape plans as required by Condition C2 of this consent.

The new street tree as required in Condition G10 shall be maintained by the owners of the premises at No, 10 Colin Street, Cammeray for a period of 24 month from the date of issue of the final Occupation Certificate.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

Should it be desired to substitute plants which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

(Reason: To ensure maintenance of the approved landscaping within the subject site and the new street tree on the nature strip)

**Panel Reason:**

The Panel agrees with the Assessment Officer’s Report and Recommendation.

The Panel noted that the existing subdivision pattern creates a context for conflict over views, access, privacy and sunlight. The Panel is of the view that the development, as modified by the deferred commencement conditions, represents an appropriate design outcome in the circumstances. The Panel finds that the Assessment Report and Recommendation thoughtfully addressed the concerns raised by Council Officers and submitters.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

**ITEM 9**

<b>DA No:</b>	350/23
<b>ADDRESS:</b>	Units 20 & 23, 11 Amherst Street, Cammeray
<b>PROPOSAL:</b>	Alterations and additions to existing roof terraces of a four (4) storey shop top housing development.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Roberto Bianco

**Written Submissions - Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Paul Ludlow - Invest APR

**Panel Determination**

The Panel members have undertaken a site inspection prior to the meeting and considered the oral submissions 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 agrees with the Assessment Officer’s Report and Recommendation.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Dr Robert Stokes	Y		Lindsey Dey	Y	
Robert Montgomery	Y				
John McInerney	Y				

The public meeting concluded at 2.54pm.

The Panel Determination session commenced at 3.00pm.

The Panel Determination session concluded at 4.45pm.



Endorsed by Dr Robert Stokes  
Chair  
North Sydney Local Planning Panel  
**7 August 2024**