

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 4 SEPTEMBER 2024, AT 2.00PM.

PRESENT IN THE SUPPER ROOM

Chair:

Vince Hardy

Panel Members:

Scott Barwick (Panel Member)

Lisa Trueman (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

Stephen Beattie Manager Development Services

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

DA No:	11/24
ADDRESS:	51 Pine Street, Cammeray
PROPOSAL:	Alterations and additions to the existing semi-detached dwelling including new garage, studio, internal reconfiguration, and associated works and landscaping.
REPORT BY NAME:	Jack Varka, Assessment Officer
APPLICANT:	Andrew Seller

Written Submissions – Nil**Registered speakers**

Submitter	Applicant/Representative
	Andrew Seller - Applicant

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 subject to the amended conditions below relating to tree removal and landscaping.

The Panel is of the view that the retention of the Frangipani tree was impractical and unnecessary. Condition C18 has been amended to require the planting of a replacement native tree species. The change to Condition C18 also necessitated changes to several other conditions that relate to both protection of trees and approved tree removal. These amended conditions are identified below:

Protection of Trees

C12. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
<i>Michelia champaca</i>	eastern boundary-front setback 49 Pine Street	8x7m
<i>Existing vegetation</i>	Rear setback of 51 Pine Street	var

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

C13. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Height
<i>Nyssa sylvatica</i>	front setback of 51 Pine Street	5x5m
<i>Plumeria sp.</i>	Front setback of 51 Pine Street	6x5.5m

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

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Amendments to the Landscape Plan

C18. The landscape plan must be amended and resubmitted, so it correctly reflects all existing vegetation on site, including the x5 *Elaeocarpus eumundii* (magnolia tree) in the rear setback and the X2 established *Prunus serrulata* (cherry blossom) within the front setback, as well as providing the following list of changes:

- The existing *Plumeria sp.* is to be shown as removed.
- The removed *Plumeria sp.* shall be replaced by a native tree. The tree is to be chosen from the list of 'medium trees' from North Sydney Council's Plant Local Guide to native trees (<https://www.northsydney.nsw.gov.au/downloads/download/396/plant-local-a-guide-to-native-plants-in-north-sydney>).
- The *Backhousia citriodora* shown to be planted within the front setback of 51 Pine Street shall be 75L (minimum) pot size.
- Canopy pruning to the *Michelia champaca* located on the eastern boundary of the front setback of 49 Pine Street shall be strictly limited to the minor branches within the red ellipse detailed on p.16 of the arborist report prepared by Sydney Arborist dated 29/5/24.

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

(Reason: To ensure residential amenity)

Trees to be Removed

E7. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Trees that are acceptable to remove	Location	Height
<i>Nyssa sylvatica</i>	front setback of 51 Pine Street	5x5m
<i>Plumeria sp.</i>	front setback of 51 Pine Street	6.5.5m

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

Certification of Tree Condition

- G2. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
<i>Michelia champaca</i>	eastern boundary-front setback 49 Pine Street	8x7m
<i>Existing vegetation</i>	Rear setback of 51 Pine Street	var
<i>1 x Backhousia citriodora</i>	front setback of 51 Pine Street	75l

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

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

Panel Reason:

The Panel agrees with the Assessment Officer's Report and Recommendation subject to the minor amendments of the conditions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Meredith Trevallyn-Jones	Y	
Scott Barwick	Y				
Lisa Trueman	Y				

ITEM 2

DA No:	348/23
ADDRESS:	71 Pine Street, Cammeray
PROPOSAL:	Additions, alterations to first and ground floor levels, refurbishment of existing terrace, and installation of new vergola awning above ground level terrace.
REPORT BY NAME:	Jack Varka, Assessment Officer
APPLICANT:	Joumana Moore

Written Submissions – Nil**Registered to Speak**

Submitter	Applicant/Representative
	Joumana Moore - Interior Designer - House to home finishes

Panel Determination

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

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

Panel Reason:

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

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Meredith Trevallyn-Jones	Y	
Scott Barwick	Y				
Lisa Trueman	Y				

ITEM 3

DA No:	371/23
ADDRESS:	30 Cremorne Road, Cremorne Point
PROPOSAL:	Change of use from residential flat building into attached dual occupancy including alterations and additions and associated landscape works.
REPORT BY NAME:	Andrew Beveridge
APPLICANT:	Stephanie Brancatisano Architect

Written Submission – One**Registered to Speak**

Submitter	Applicant/Representative
	Stephanie Brancatisano – Architect

Panel Determination

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

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 Panel defers the determination of the application subject to the resolution of the following matters:

Potential for overlooking

The Panel was mindful of the potential for the timber batten privacy screens on the first-floor balconies to be operable. Therefore, a condition is to be inserted by Council officers that requires the battens of the screens be fixed and not operable.

Reduction of visual impacts of new roof

The Panel was concerned about the visual impact of the side dormers at the attic level. Therefore, a condition is to be inserted by Council officers that requires the gable ends to be of solid material rather than glazed to be compatible with the new works.

Potential reduction and availability of Affordable Housing

The Panel was concerned that the development would result in the reduction of availability of affordable housing and as such would be inconsistent with clause 47 of *SEPP (Housing) 2021*. The Panel recognises that Condition C19 was proposed to be imposed to mitigate the loss of that housing. However, the Panel considered that further and more detailed review of the Development Application was required pursuant to Section 7.32 of the *Environment Planning and Assessment Act 1979* and Clause 47 of *SEPP (Housing) 2021*.

The Panel therefore requests that the Manager Development Services undertake that more detailed review and seek further advice as to the Local Planning Panels ability to impose Condition C19.

Upon receipt of this information, and the insertion of the amended conditions pertaining to ‘potential for overlooking’ and ‘reduction of visual impacts of new roof’, authority is delegated to the Manager Development Services to determine the application or alternatively, at their discretion to refer the matter back to the Panel to determine by electronic means.

Panel Reason:

The Panel was concerned about minor details relating to the design of the proposed built form, the potential for a reduction in the availability of affordable housing, and the matters raised by the applicant in relation to Condition C19.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Meredith Trevallyn-Jones	Y	
Scott Barwick	Y				
Lisa Trueman	Y				

ITEM 4

DA No:	81/22
ADDRESS:	47 Kareela Road, Cremorne Point
PROPOSAL:	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.
REPORT BY NAME:	Robin Tse
APPLICANT:	Ione Churcher

Written Submission - One**Registered to Speak**

Submitter	Applicant/Representative
Amber Hollenstein - Resident	Suzanne Clarke-Nash - representing owner
Peter Kelly - Resident	

Panel Determination

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

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 with the inclusion of an additional reason for refusal as follows:

Unacceptable Heritage Impacts

The proposed development is unacceptable because of the adverse impacts on the conservation area.

- (i) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) and s.4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979* because the proposed development does not satisfy the aims of *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as listed in Clauses 1.2 (2)(a), (2)(b)(i), and (2)(f) in Part 1 of *NSLEP 2013*.

- (ii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(i) and s.4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979* because 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 adverse impacts of the proposed development on the significance of the conservation area, particularly dot point 3.
- (iii) The application is considered to be unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) and s.4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979* because the proposed development does not satisfy the Area Character Statement for South Cremorne Planning Area in Section 6.0 in Part C of North Sydney DCP 2013 (NSDCP 2013) given that the proposal is inconsistent with the character of the conservation area and has an adverse impact on the significant elements of the conservation area as identified in the Area Character Statement.

Panel Reason:

The Panel agrees with the Assessment Officer’s Report and Recommendation, and also considers the proposal would have an adverse impact on the conservation area.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Meredith Trevallyn-Jones	Y	
Scott Barwick	Y				
Lisa Trueman	Y				

The public meeting concluded at 2:29pm.
 The Panel Determination session commenced at 2:35 pm.
 The Panel Determination session concluded at 3:40 pm.

Endorsed by Vince Hardy
 Chair
 North Sydney Local Planning Panel
4 September 2024