



NORTH SYDNEY COUNCIL

Council Chambers
25 September 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, 2 October 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: 11 Hipwood Street, North Sydney – DA 60/24

Applicant: Brad and Louise Lowe C/- Benn and Penna Architects

Report of Jack Varka, Assessment Officer

This development application seeks consent for alterations and additions to the heritage dwelling at 11 Hipwood Street, North Sydney.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to the partial demolition of a heritage item. In accordance with the Minister's Directions the application must be determined by the Local Planning Panel.

The subject site is legally known as Lot 1 in DP 795137. The site is a heritage item (I0856 'Newton') with local significance however is not located within a heritage conservation area. The dwelling on site is a two storey (with attic rooms) late Victorian Free Classical style house set on a terraced block to the corner of Hipwood Street and Kiara Close. The house is reasonably intact to its original form, layout and detail but has been partly altered and modernised internally at the rear.

Council's Heritage Officer raised no objections to the proposed alterations and additions, subject to conditions. The new works will be acceptably submissive in form, massing, and scale. The front primary rooms will be retained as well as the existing facades.

It is proposed to remove trees T1 & T4. The removal of T1 is supported however, it is proposed to remove T4 and plant an exact replacement (being the replacement of the same size, species, and location) as the proposed stormwater drainage plan proposes a major encroachment into the TPZ. This seems unnecessary and excessive for the purpose of the proposed stormwater drainage. T4 has retention value in that it's a heritage species that provides amenity to the existing private open space to the dwelling, and its location is ideal continue providing enhanced amenity to the proposed private open space. It is therefore conditioned to relocate the stormwater drainage in favour of retaining T4 as existing.

Notification of the proposal has attracted one (1) submission from the neighbouring property at 2 Kiara Close. Concerns were raised regarding the impact on solar access and the creation of excessive bulk close to the rear boundary. An inspection of the neighbouring property was conducted on 31 May 2024. It was clear on inspection that the proposed rear extension of the subject dwelling was very close the rear boundary and would create significant additional bulk and height at the side boundary of 2 Kiara Close. Furthermore, on review of the submitted solar diagrams, it was determined that the proposal would create an unacceptable impact to solar access to the private open space and primary habitable rooms.

The applicant provided additional information which reduced the pitch of the proposed extension roof form. The proposal is, as a result, now compliant with 1.3.7 of the NSDCP 2013 and it is clear from the amended solar diagrams that solar access to the private open space and primary habitable rooms has been

largely retained, whilst also simultaneously reducing excessive bulk at the common boundary between the two properties.

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. 60/2024 for alterations and additions to the existing heritage dwelling on land at 11 Hipwood Street, North Sydney subject to the following site specific and standard conditions:

Heritage Requirements

C19. The following heritage requirements are to be met:

- a) The colour of the new brickwork is to be visually submissive to the exterior paint colour of the original building.
- b) New sandstone where required for repairs is to match the existing sandstone blockwork in dimension, texture and colour.
- c) New windows and doors on the original Victorian dwelling are to be timber framed.
- d) All new external timber work shall have a painted finish not a stained/oiled finish.
- e) The new balustrade to the proposed Juliet balcony on the South-West Elevation shall be a metal palisade balustrade. A glazed or a solid balustrade is not acceptable.
- f) The exterior colour scheme is to match the existing scheme or any new scheme, shall either be a traditional colour scheme appropriate to the Victorian period dwelling or shall use neutral tones.
- g) Any new tessellated tiles in the hallway may be conserved where possible or may be replaced with unglazed tessellated tiles of a similar or matching colour to the existing floor tiles and shall utilise the existing overall pattern and design. (Apply if amended plans are not received.)
- h) No consent is given or implied for the removal of ceilings, ceiling roses, cornices, fireplaces or mantle pieces in the four front rooms and hallway.
- i) Existing joinery is to be retained in the four front rooms and hallway, except where the two new doors are proposed, or where previously replaced. New skirting boards in the four front rooms and hallway shall match the original Victorian profile.

(Reason: To retain the heritage significance of the dwelling)

Tree Protection

C20. To ensure the protection of all trees to be retained, the following measures are to be undertaken:

- a) All documentation for the Construction Certificate application must show the site trees to be retained, and retention of the adjoining trees, with their positions and diameters of trunks and crowns (canopies) to be clearly and accurately shown in relation to all levels of the proposed development.
- b) All plans and correspondences must refer to the required compliance with the approved Tree Protection and Management Plan, and clearly show the assigned number of each tree on site, adjoining and Council land.
- c) A Consulting Arboriculturist (“the project arboriculturist”), who holds a minimum Australian Qualification Framework Level 5 in Arboriculture, is a registered consulting member of a nationally recognised arboricultural organisation or association, and who does not remove or prune trees in the North Sydney local government area, shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
- d) The project arboriculturist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.
- e) The contact details of the project arboriculturist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

(Reason: Tree protection measures)

Project Arborist Engaged

D4. A project arborist to be engaged:

- The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.
- The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.
- The project arboriculturist must contact the tree pruning contractor and Council’s Tree Management Officer (giving at least 2 working days’ notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.
- Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 ‘Pruning of Amenity Trees,’ and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998),

as well as any instructions issued on site by Council, acting reasonably.

- The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

Protection of Public Trees

D5. 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	Protection
T5 (2x) <i>Washingtonia</i> sp. & various underplanting (to 10x4m)	Kerbside bed adjacent to 11 Hipwood Street - Kiara Cl frontage	1.8m high steel mesh tree protection fencing, enclosing bed

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

1.8m high steel mesh tree protection fencing shall be erected such that any unprotected section of council verge within TPZ of protected trees shall be completely enclosed.

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.

(Reason: Protection of existing environmental and community assets)

LPP02: 85 Cremorne Road, Cremorne Point – DA 354/23

Applicant: Test Before You Invest

Report of Robin Tse, Senior Assessment Office

This development application seeks consent for alterations and additions to an existing dual occupancy including demolition of existing garage structure, and the construction of new garage structure with studio above, tree removal/landscape works and installation of lift at Unit 1, 85 Cremorne Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application received more than ten (10) unique submissions in accordance with the direction of the Minister of Planning and Public Spaces.

The owners of the adjoining properties and the Cremorne Point Precinct Committees were notified about the original and amended proposal. In total, forty-three (43) submissions have been received in response, including

numerous submissions from a single household. Concerns raised include excessive built form, bulk and scale, inadequate setbacks, heritage/ character impacts, tree removal/landscaping, amenity impacts (views/overshadowing /privacy) and site coverage.

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

The proposal involves removal of a significant tree within the rear building setback. Tree 9 is identified for removal on the basis that it is “*within the footprint of the proposed garage/studio building*”. The tree is otherwise healthy and provides high landscape amenity and character. Removal of Tree 9 and change of levels within the rear garden are considered unacceptable on the basis that the loss of a substantial tree would impact on the streetscape along Kareela Lane and landscape character of the locality generally. The proposed changes to site topography and fill to the rear garden is also not supported.

The proposed development is contrary to the objective of the R2 (Low Density Residential) zone because the proposal for a new garage and studio building replacing the existing garage of a contributory item would detract from the significance of the subject contributory item and that of the conservation area because of the uncharacteristic built form fronting Kareela Lane.

The proposal fails to comply with Clause 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013 because the proposed demolition of the existing garage and would not be able to meet the requirement for maintaining the existing appearance of the building and the conservation of the building fabric within the existing building.

The bulk and scale of the proposed garage/studio is considered to be excessive. The proposal does not comply with DCP’s site coverage, unbuilt upon area and landscape area requirements.

The application was referred to Council’s Conservation Planner and Landscape Development Officer who considered the proposal unsatisfactory because of the adverse impacts on the significance of subject contributory item, the conservation area and the loss of significant vegetation.

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, resolve to refuse development consent to Development Application D354/23 for alterations and additions to an existing attached dual occupancy at No. 85 Cremorne Road, Cremorne Point for the following reasons:-

1. Unacceptable Heritage Impacts

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

(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 does not satisfy Clause 5.10(1)(a), Clause 5.10(1)(b) and Clause 5.10(4) in Part 5 of NSLEP 2013 due to the detrimental impacts of the proposed development on the subject building and the conservation area, in particular the demolition of the existing garage building.
- (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 proposal 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.
 - (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 adverse impacts of the proposed development on the significance of the conservation area, particularly dot point 3.
 - (iv) 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 proposal for demolition of the existing garage building fails to comply with the provisions as contained in Clause 6.6(2)(b)(i), (ii) and (iii) of North Sydney LEP 2013 requiring the retention of the appearance of the existing building and the conservation of building fabric substantially within the existing building.
 - (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 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 does not promote the character within the conservation area because the design of the proposal fails to reflect and reinforce the characteristic built form as identified in the Area Character Statement.
 - (vi) 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 application fails to satisfy the development controls for the following sections in Part B of the NSDCP 2013 and is therefore considered unacceptable:
 - a. Section B – 13.4 – Development in the Vicinity of Heritage Items
 - b. Section B – 13.6.1 – General Objectives
 - c. Section B – 13.6.2 – Form Massing and Scale
 - d. Section B – 13.6.4 – Additional Storey and levels
 - e. Section B – 13.6.8 – Demolition

- f. Section B – 13.9.4 – Materials
- g. Section B – 13.9.5 – Garages and Carports
- h. Section B – 13.9.7 – Gardens

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

The proposed development is unacceptable because of the proposed works will result in an inappropriate built form along Kareela Lane.

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 large and tall building along the laneway with uncharacteristic building elements which 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 Sections 1.4.4 and 1.4.5 in Part B of NSDCP 2013 because the uncharacteristic design of the proposed development along Kareela Lane, the siting of a building that provides three (3) car accommodation under one building and the loss of a significant native tree within the rear building setback.
- (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 Sections 1.3.7 in Part B of NSDCP 2013 because the uncharacteristic design of the proposed development will increase overshadowing of the communal area of the adjoining property to the south.
- (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 1.4.6 in Part B of NSDCP 2013 because the setbacks of the proposal do not comply with the side and rear building setback requirements.
- (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 proposed development is contrary to Section 1.4.7 and 1.4.8 in Part B of NSDCP 2013 because the proposed garage/studio building will increase the bulk and scale of the building with an uncharacteristic built form.
- (vi) 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 Sections 1.4.10 and 1.4.11 in Part B of NSDCP 2013 because of the inappropriate roof design and materials for the proposed

garage/studio building.

3. Overdevelopment

The proposed development is an overdevelopment of the subject site because of the non-compliance with site coverage, unbuilt upon area and landscaped area requirements.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and S4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development is an overdevelopment of the subject site and is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as sections 1.5.5 and 1.5.6 in Part B of NSDCP 2013.
- (ii) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and s4.15(1)(a)(iii) 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 with a non-complying site coverage and the reduction in landscaped area 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 1.5.5 in Part B of NSDCP 2013 because the proposal is not consistent with the objectives of site coverage and does not comply with the maximum site coverage requirements.
- (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 1.5.6 in Part B of North Sydney DCP 2013 because the proposal is not consistent with the objectives of landscaped area and does not comply with the minimum landscaped area and maximum unbuilt upon area requirements.

4. Landscaping

The proposed development is unacceptable because the proposal is unsatisfactory due to the proposed removal of Tree 9 *Glochidion ferdinandi* (Cheese Tree) that has been identified with high retention value and in good health condition as well as its positive contribution to the amenity and streetscape along Kareela Lane.

Particulars

- (i) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(a)(i) and s.4.15(1)(a)(iii) 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.
- (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 tree removal and the lack of detail information on landscape treatments do 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 with the removal of an existing established native tree 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 particularly the retention of native plant species.

5. Public Interest

The approval of the proposed development is not in public interest because of the adverse impacts on the significance of the subject building and the conservation area, the landscaping quality of the subject site and the locality and the adverse impacts on the residential amenity of the locality.

LPP03: 18 Grasmere Road, Cremorne – DA 330/23

Applicant: A Ingleton Design Corp Architects

Report of Jim Davies, Executive Assessment Planner

This development application seeks approval to demolish a dwelling house and replace it with an attached dual occupancy of 2-3 storeys, with parking for four cars, one in a garage for each dwelling and the others on the driveway.

The application is reported to the North Sydney Local Planning Panel for determination as notification attracted more than 10 objections.

The application had been notified twice and at the time of writing this report 15 submissions had been received, including one from the body corporate of home units at 29 Grasmere Road. Key issues of concern are:

- Amenity impacts,
- Height and setbacks,
- Local character,
- Landscape architecture, and
- Adequacy of drainage infrastructure.

At the time of writing a third notification period was underway, between 13 September 2024 and 27 September 2024, because neighbouring properties adjacent to the site had not previously been notified in writing, due to an administrative oversight. Advice of submitters and copies of submissions (if any) were to be forwarded to the Panel on 30 October 2024, to enable the Panel's consideration of any additional submissions in their determination of the application.

Otherwise, the report has considered community concerns in an appraisal of the application having regard to relevant State and Council planning requirements.

Overall, this assessment concludes the application is satisfactory, having been amended to conform with applicable statutory requirements and objectives of the local planning framework.

Accordingly, granting consent 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, grant consent to Development Application No. 330/23 for demolition of the existing dwelling house and associated works and construction and strata subdivision of an attached dual occupancy, landscaping and associated works, on land at 18 Grasmere Road Cremorne, subject to the conditions attached to this report.

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