

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 2 OCTOBER 2024, AT 2.00PM.

PRESENT IN THE SUPPER ROOM

Chair:

Alison McCabe

Panel Members:

Ros Read (Panel Member)

Mike Ryan (Panel Member)

Ken Robinson (Community Representative)

Staff:

Stephen Beattie Manager Development Services

Isobella Lucic , Team Leader Assessments

David Hoy, 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: | 60/24 |
| ADDRESS: | 11 Hipwood Street, North Sydney |
| PROPOSAL: | Alterations and additions to the heritage dwelling, including partial demolition of the rear section of the dwelling and construction of rear extension. |
| REPORT BY NAME: | Jack Varka, Assessment Officer |
| APPLICANT: | Brad and Louise Lowe, C/- Benn and Penna Architects |

No Written Submissions

Registered speakers

| Submitter | Applicant/Representative |
|------------------|---|
| | Andrew Benn - Architect - Benn and Penna Architects |

Panel Determination

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

The Panel in their deliberation reviewed the conditions and added a condition requiring clarification of the location of existing stairs to the lower storage level and external awnings on plans, and made some minor amendments to other conditions to correct plan references to ensure consistency.

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

1. Addition of the following condition prior to the release of a construction certificate.

Amendments to the Architectural Plans

C21. The architectural plans must be amended as follows to provide the appropriate missing details:

- The proposed Ground Floor Plan, drawing no. 2311-P-02 rev B, dated 8 July 2024, is to be updated to correctly reflect the existing location of the lower ground level access stairs located at the south-western side setback in the proposed outdoor living area. This will require amendment to the entry terrace to the family room.
- Details of the new awning in the outdoor living area and the pergola above the entry terrace to the family room are to be provided and include dimensions, materials and finishes and shown on the proposed Ground and First Floor Plans and elevations and Material Finishes schedule.

2. Amendments to the following conditions A1, A4, C2, C17, C19 and D4 to read as follows:

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

| Plan No. | Rev | Description | Prepared by | Dated |
|-----------|-----|------------------------|----------------|----------|
| 2311-P-00 | B | Site Plan | Benn and Penna | 08/07/24 |
| 2311-P-01 | B | Lower Ground Plan | | 08/07/24 |
| 2311-P-02 | B | Ground Floor Plan | | 08/07/24 |
| 2311-P-03 | B | First Floor Plan | | 08/07/24 |
| 2311-P-04 | B | Roof Plan | | 08/07/24 |
| 2311-P-05 | B | Section A | | 08/07/24 |
| 2311-P-06 | B | Section B | | 08/07/24 |
| 2311-P-07 | B | North Elevation | | 08/07/24 |
| 2311-P-08 | B | South Elevation | | 08/07/24 |
| 2311-P-09 | B | East Elevation | | 08/07/24 |
| 2311-P-09 | B | West Elevation | | 08/07/24 |
| 2311-X-00 | B | Landscape Concept Plan | | 08/07/24 |
| 2311-X-01 | B | Materials Finishes | | 08/07/24 |

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule, prepared by Benn & Penna on the drawing numbered 2311-X-01, Revision B, dated 8 July 2024, unless otherwise modified by Council in writing, or by or by these conditions of consent.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Colours, Finishes and Materials (Heritage Items)

- C2. A traditional palette of finishes, materials and colour schemes must be selected for the new building works appropriate to the architectural style of the original building, consistent with the schedule approved in condition A4 and with other conditions of this consent including condition C19, and submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To ensure that exterior colours, finishes and materials are sympathetic to the significance of the heritage item.)

Amendments to the Landscape Plan

C17. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- The landscape plan must illustrate the retention of T4 *Plumeria sp.* within the north-eastern setback.
- Stormwater Plan shall be amended such that pipework is rerouted outside the SRZ of T4 *Plumeria sp.* (6x5m) and other protected trees, or surface mounted (strapped to side of building) should gradient allow.

An amended landscape plan complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier 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)

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) Any external windows and doors on the original ground floor four front rooms and hallway 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) Tessellated tiles in the hallway must 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.
- 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)

Project Arborist Engaged

D4. A project arborist is 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.)

Panel Reasons:

1. The proposed development is a sympathetic addition to the heritage item.
2. The impact of the development can be appropriately managed and mitigated.
3. The proposed development responds appropriately to the site’s context.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Alison McCabe | Y | | Ken Robinson | Y | |
| Ros Read | Y | | | | |
| Mike Ryan | Y | | | | |

ITEM 2

| | |
|------------------------|--|
| DA No: | 354/23 |
| ADDRESS: | 85 Cremorne Road, Cremorne Point |
| PROPOSAL: | Alterations and additions to an attached dual occupancy including demolition of existing garage structure, and the construction of new garage structure with studio above, landscape works and installation of lift. |
| REPORT BY NAME: | Robin Tse, Senior Assessment Officer |
| APPLICANT: | Test Before You Invest |

2 Written Submissions**Registered to Speak**

| Submitter | Applicant/Representative |
|---------------------------------------|--|
| Mike Burnett - Neighbouring property | Dianne Quitter - Owner |
| Graham Brookes - GBA Heritage | Graham Costello - Owner |
| Adrian Maroya - Neighbouring property | Bradly Widders - Architect - Test before you invest |
| | Tegan Flannery - Town Planner - Test before you invest |

Panel Determination

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

The Panel understands the applicant's objective to improve their property for the purposes of ageing in place. However, the current proposal results in the loss of heritage and landscape elements, and impacts on adjoining properties and therefore is unable to be supported. The Cheese tree is an important landscape element and the proposed studio results in an over scaled element to the lane.

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

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Alison McCabe | Y | | Ken Robinson | Y | |
| Ros Read | Y | | | | |
| Mike Ryan | Y | | | | |

ITEM 3

| | |
|------------------------|--|
| DA No: | 330/23 |
| ADDRESS: | 18 Grasmere Road, Cremorne |
| PROPOSAL: | Demolition of existing dwelling and construction and strata subdivision of an attached dual occupancy, landscaping and associated works. |
| REPORT BY NAME: | Jim Davies, Executive Assessment Planner |
| APPLICANT: | Design Corp Architects |

3 Written Submission**Registered to Speak**

| Submitter | Applicant/Representative |
|---|--|
| Dr Barbara Briggs - Neighbouring property | Shibani Metha and Peter Fiedler - Owners |
| Gary Yeung - Neighbouring property | Andrew Murphy - Design Corp Architects |
| Stephen Cua - Neighbouring property | |

Panel Determination

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

The Panel notes that the Council Officer's Report recommended approval for the application subject to conditions. The Panel is supportive of the redevelopment of the site for the purpose of the dual occupancy.

The Panel in their consideration of the matter is not satisfied that the building's siting in relation to the rear setback is appropriate, as it does not comply with council's 10 metre DCP requirement, as balconies and external walls protrude into this setback.

The building scale and form at the proposed rear alignment results in unacceptable impacts to the immediately adjoining neighbours, in terms of bulk, scale and overlooking. The proposed development requires amendments to mitigate impacts on the adjoining properties such that the outside edge of any balcony at the basement and ground floor level is setback a minimum of 10 metres from the rear boundary, and the first floor level is setback a minimum of 13.2 metres from the rear boundary.

The 13.2m setback at the first floor level will result in a smaller balcony and no change to the glass line of bedroom 1.

These amendments should include the following:

1. The basement and ground floor levels being setback from the rear boundary by a minimum of 10 metres, measured from the northern most point of the building, including balconies, projecting wall fins and the like.

2. The first floor level being setback a minimum of 13.2 metres from the rear boundary, measured from the northern most point of the building, including balconies, projecting wall fins and the like.
3. Any balcony from the first floor bedrooms being reduced to a maximum of 500 mm in depth.
4. All balconies on the basement and ground level are to have solid full height side walls on their eastern and western elevations.
5. An amended landscape plan that provides for the planting of endemic species in lieu of the Bangalow Palms, and ensures a minimum 3 metre high Lilli Pilli hedge along the rear boundary where practicable and possible. The plan should include a large endemic species of tree with a mature height of at least 6m, located in the site’s north eastern corner. No trees or other vegetation taller than the proposed building are to be planted east of the driveway in the front yard.

With these amendments the Panel is of the view that the proposed development is appropriate for the site, and consistent with Council’s policy framework in the area.

Authority is delegated to the Manager Development Services to determine the application following the submission of additional information, specified above. This information should be submitted to Council **no later than 28 days** after the date of the advice to the applicant of the Panel’s decision. Should the amended plans not be submitted within this period or are not to the satisfaction of the Manager Development Services, the Panel is of the view the application warrants refusal.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------|-----|----|--------------------------|-----|----|
| Alison McCabe | Y | | Ken Robinson | Y | |
| Ros Read | Y | | | | |
| Mike Ryan | Y | | | | |

The public meeting concluded at 3.20pm.
 The Panel Determination session commenced at 3.23pm.
 The Panel Determination session concluded at 4.40pm.



Endorsed by Alison McCabe
 Chair
 North Sydney Local Planning Panel
2 October 2024