



NORTH SYDNEY COUNCIL

Council Chambers
30 October 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 Wednesday 6 November 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: 34-36 Cammeray Road, Cammeray - DA 93/24

Applicant: Max Chipchase

Report of Jack Varka, Acting Senior Assessment Officer

This development application seeks consent for two lot Torrens Title subdivision, change of use, demolition of existing dual occupancy, and the construction of two semi-detached dwellings and associated works, at 34-36 Cammeray Road, 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 19 in Deposited Plan 15073, is generally rectilinear in shape has an area of 566.2m². The site slopes towards the front of the site fairly gradually, however, a steep natural sandstone outcrop intersects the north western portion of the site at the rear. An existing dual occupancy with two separate lower ground garages and ground level residences occupies the site. The two dwellings of the dual occupancy building have a generally mirrored internal layout.

The existing dual occupancy is in use as a single dwelling, as determined through onsite inspection by the responsible Council Officer, with various works undertaken to effect this change permanently including new openings created through the central dividing wall. Further clarification from the applicant was sought with regard to these works, but it is noted that the use of the existing building as a single dwelling is unapproved. However, this status is rendered moot by the proposal which, if approved, would demolish the existing building.

It is proposed to partially demolish the fractured/splintered outcrop of the sandstone rock face at the rear of the site, as recommended in the Geotechnical Report submitted with the development application. This is due to safety and stability concerns and the Aboriginal Heritage Officer raised no objections in this regard.

The subject site has a minimum permitted lot size of 450m² pursuant to sub-clause 4.1(2) in *NSLEP 2013*. The existing lot has an area of 566.2m² which is compliant with the minimum lot size standard. As a result of the proposed two lot Torrens Title subdivision, the lot size for proposed Lot 1 is 293m², and 273m² for Lot 2. The proposal results in a variation to both Lots 1 and 2 of 35% and 39% respectively.

A number of lots within the immediate context of the subject site, which contain semi-detached dwellings, have lot sizes below that of the standard (approximately 260m² on average). The proposed subdivision would be consistent with this identified subdivision and would reinforce the existing development pattern on the subject site. The proposed subdivision would retain the existing number of dwellings on the site whilst allowing separate ownership which would contribute to the provision of housing stock within the locality.

It should also be noted that the proposal is seeking an exact variation to the standard as was previously approved under DA299/21 by the North Sydney Planning Local Panel on 1 December 2021.

On balance, with regards to neighbouring amenity, and residential density 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.

LPP02: 246-254 Military Road, Neutral Bay - DA 282/23

Applicant: Mod Urban Pty Ltd

Report of Damon Kenny, Executive Assessment Planner

This development application seeks consent for the demolition of existing structures and the construction of a six-storey mixed-use development comprising a retail/commercial use at basement/ground floor and boarding house accommodation, with roof-top communal living spaces, and associated works at 246 Military Road, Neutral Bay.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal seeks a contravention to a development standard by more than 10%.

The proposed building results in a non-compliance with the height of buildings development standard in clause 4.3 of the *North Sydney Local Environmental Plan (NSLEP) 2013*. The maximum height standard is 16m while the proposal demonstrates a maximum building height of 20.56m. A written request has been submitted pursuant to Clause 4.6 in *NSLEP 2013* however, it fails to demonstrate that compliance with Clause 4.3 would be both unreasonable and unnecessary in the given circumstances and that there are sufficient environmental planning grounds to justify the variation. Further the proposal does not comply with clause 4.4A Non-residential floor space ratios of *NSLEP 2013*, a clause 4.6 has not been submitted to support the contravention.

The development application has been assessed against the *NSLEP 2013*, North Sydney Development Control Plan (NSDCP) 2013 and the relevant State Planning Policies and found to be unsatisfactory.

The proposed development is also inconsistent and unsatisfactory with its attempts to adhere to the building separation objectives of the Apartment Design Guide.

The proposed development is considered to be uncharacteristic when compared to the established and desired built form and character of the locality. As a result, the proposal would have adverse impacts on the established streetscape and would not guarantee that the amenity levels of neighbouring dwellings would be maintained.

The notification period of the proposal commenced on 20 October 2023 and concluded on 3 November 2023. During that period, the proposal attracted eight (8) unique submissions raising particular concerns regarding the proposed height, existing easements, invasion of privacy and uncharacteristic aesthetics. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **refusal** for the reasons as set out in this report

LPP03: 32 Milson Rd, Cremorne Point - DA 87/24

Applicant: Peter Hosking, Quattro Architecture

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for alterations and additions to a dwelling house including a two-storey pavilion style addition, a spa pool, car parking and landscaping at No. 32 Milson Road, Cremorne Point.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to some demolition works to be carried out within a heritage listed item and a variation to the LEP maximum building height development standard by more than 10%. Therefore, the application is referred to the Local Planning Panel for determination in accordance with the Ministers Direction.

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

The proposed alterations and additions to an existing heritage listed dwelling that is a permissible form of development in an R2 Low Density Residential Zone.

This report has considered a written request submitted by the applicant seeking a variation to Clause 4.3 in North Sydney LEP concerned with the height of buildings height pursuant to Clause 4.6 of the LEP.

The variation to the building height development standard is justifiable because the building elements above the LEP maximum building height are unlikely to have an adverse impact on the character of the locality and would not cause material amenity impacts for the adjoining properties in terms of view loss, overshadowing and loss of privacy subject to the imposition of appropriate conditions.

The variation to DCP's site coverage is acceptable because the proposed site coverage would be consistent with the site coverage of existing single dwellings nearby along the western side of Milson Road.

Council's Conservation Planner has raised no objection to the proposal subject to the imposition appropriate conditions of consent.

The southern-western corner of the proposed rear addition is likely to affect the tree protection zone (TPZ) of a turpentine tree (*Syncarpia glomulifera*). A deferred commencement condition is recommended requiring the design of the rear addition be modified to minimise the encroachment onto the TPZ of T2 (Turpentine) (**Condition AA1**).

Having regard to the provisions of Section 4.15(1) of the EP&A Act 1979 the application is considered to be satisfactory and therefore can be approved subject to the imposition of deferred commencement and other appropriate conditions.