

NORTH SYDNEY LOCAL PLANNING PANEL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 6 NOVEMBER 2024, AT 2.00PM.

PRESENT IN THE SUPPER ROOM

Chair:

Alison McCabe

Panel Members:

John McFadden (Panel Member)

Vanessa Holtham (Panel Member)

Karla Castellanos (Community Representative)

Staff:

Isobella Lucic, Team Leader Assessments

Administrative Support:

Miranda Shoppe, Meeting Administration Coordinator (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:	93/24
ADDRESS:	34-36 Cammeray Road, Cammeray
PROPOSAL:	Demolition of existing structures, Torrens Title subdivision and construction of two x semi-detached dwellings and associated works.
REPORT BY NAME:	Jack Varka, Assessment Officer
APPLICANT:	Max Chipchase

Written Submissions - Nil**Registered to Speak**

Submitter	Applicant/Representative
	Max Chipchase - Applicant Chipchase Planning
	Robert Salerno - Owner

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 recommends approval for the application subject to conditions. The Panel is supportive of the redevelopment of the site for the purpose of a pair of semi-detached dwellings and Torrens title subdivision of the site into two lots.

However, the Panel requires additional information regarding the extent of the rock outcrop to be removed, boundary fencing details, and landscaping of the site. The Panel also notes that the Clause 4.6 Exception to development standards contains references to repealed provisions and outdated guidelines and needs to be amended to address the current provisions of clause 4.6 of the *North Sydney LEP 2013*.

The Panel is also concerned with the basement extending beyond the rear building line and is of the view that the basement should be contained within the building footprint. To this end, the applicant is required to provide amended plans and additional information addressing the following:

1. Further survey of the rock outcrop, prepared by a registered surveyor to determine the levels and exactly how much is to be removed. This is to be limited to the portion of fractured/splintered outcrop of sandstone recommended in the Geotechnical Report.
2. A revised landscape plan that details appropriate screen landscaping along the northeastern and southwestern boundaries to ensure privacy between adjoining properties.
3. Boundary fence details on elevation and plans.
4. A revised Clause 4.6 Exception to development standards that references current clause 4.6 provisions.

5. Amended plans and section showing both basements contained wholly below the building footprints, and any required amendments arising from the above points 1-3.

With this further information the Panel is of the view that the proposed development could be appropriate for the site, and potentially consistent with Council’s policy framework in the area.

The Panel notes that, given the amount of excavation proposed that a dilapidation report Damage to Neighbouring Properties, should be considered for inclusion in any determination.

Authority is delegated to the Manager Development Services to determine the application following the submission of additional information, specified above. This information is to be submitted to Council **no later than 14 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		Karla Castellanos	Y	
John McFadden	Y				
Vanessa Holtham	Y				

ITEM 2

DA No:	282/23
ADDRESS:	246-254 Military Road, Neutral Bay
PROPOSAL:	The demolition of existing structures and 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.
REPORT BY NAME:	Damon Kenny, Executive
APPLICANT:	Matthew O'Donnel, Mod Urban Pty Ltd

Written Submission – NIL**Registered to Speak**

Submitter	Applicant/Representative
David Saba - representing 3-5 Waters Road, Neutral Bay	Nil

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the submissions. The Panel heard from those submitters who wished to address the Panel.

The Council Officer's report outlines a number of inadequacies with the application. The Panel agrees with the assessment and conclusions within the Council report. The Panel is also of the view that the application warrants refusal for additional reasons relating to:

1. Site isolation
2. Evidence that the boarding house will be managed in perpetuity by a registered community housing provider and used for affordable housing.
3. Structural engineering details regarding the structural integrity of the neighbouring buildings.
4. Amenity of the units

The Panel adopts the recommendation in the Council report for refusal, subject to reason 9 being amended to read as follows, and additional reason 11:

9. Insufficient information

Insufficient information has been provided to allow for the robust and thorough assessment of the application in accordance with Section 4.15 of the *EP&A Act, 1979*, as follows:

- a. No survey Plan has been provided.
- b. A plan of management for the bar and laundromat has not been provided.
- c. Details on exhaust or ventilation for café have not been provided.
- d. Fully dimensioned plans have not been provided

- e. Site context and analysis plan showing setback of the northern adjoining property has not been provided.
- f. Plans and details showing the easement and compliance with the terms and restrictions has not been provided.
- g. A structural engineer’s report demonstrating the structural independence of the proposed development and the neighbouring eastern wall has not been provided.
- h. No information has been provided having regard to the NSW LEC Planning Principal - Redevelopment (Isolation of site by redevelopment of adjacent site) for No’s. 256 and 258 Military Road, Neutral Bay.
- i. No information has been provided verifying the boarding house will be managed by a registered community housing provider.
- j. Insufficient clarity with respect to the categorisation of the development given the references to “proposed short stay accommodation” on the architectural package.

11. Amenity

The proposed development does not demonstrate adequate amenity for the future residents.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Alison McCabe	Y		Karla Castellanos	Y	
John McFadden	Y				
Vanessa Holtham	Y				

ITEM 3

DA No:	87/24
ADDRESS:	32 Milson Road, Cremorne Point
PROPOSAL:	Alterations and additions to a dwelling house including a two-storey pavilion style addition, a spa pool, car parking and landscaping.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Peter Hosking, Quattro Architecture

1 Written Submission**Registered to Speak**

Submitter	Applicant/Representative
Jennifer Lane – neighbouring property	Peter Hosking - Quattro Architecture

Panel Determination

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

The Panel queries whether a clause 4.6 Exception to development standard is required as it is unclear whether there was any further breach to the height of building development standard arising from the works to the heritage item. The Panel notes that the rear pavilion adjacent to Milson Road complies with the height of building development standard. In the event that a clause 4.6 Exception to development standard is required, the current 4.6 needs to be amended as it addresses the repealed provisions of clause 4.6 and needs to address the current provision of the North Sydney LEP 2013.

The Panel is not satisfied with the extent of information regarding the works to the heritage item and is unclear as to what is being proposed given the lack of details, including repair and conservation works. As an example, the plans seem to indicate a new concrete slab extending into the heritage item which would be unacceptable. For the Panel to be satisfied about the siting of the rear pavilion, root mapping of the adjoining tree (T2) is required to be undertaken. Detailed sections and surveyed levels showing the landscaped area and pavilion at the Milson Road frontage in relation to both the heritage item and adjoining lands needs to be provided. The Panel cannot be satisfied regarding the landscape outcomes to the Milson Road frontage, or the broader heritage curtilage.

The application is therefore refused for the following reasons:

- 1. Insufficient and inadequate plans and supporting information;**
 - a) The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979* in that the proposed development fails to meet the requirements outlined in Clause 24 and 36 of the *Environmental Planning and Assessment Regulation 2021*. This includes the necessary additional information to properly

consider the development application:

- i) The plans and submitted documentation fail to sufficiently detail the extent of the existing rocky outcrop in the western garden, and the extent of any works to it.
- ii) Insufficient information in relation to root mapping of tree T2 (*Syncarpia glomulifera*) on the adjoining property. This is required to ensure that the works have been appropriately designed to retain this tree.
- iii) The submitted plans and documentation have not comprehensively detailed all of the likely and proposed heritage conservation works to the original dwelling, including changes to fabric and general repairs/conservation works, both internally and externally. A comprehensive schedule of maintenance works, including marked up images, addressing both interior and exterior original fabric, including but not limited to ceilings, fireplaces/mantlepieces, joinery, staircases, leadlights, exterior shingles, balustrades, chimney, brickwork, sandstone, that is documented to be retained, is considered necessary to be provided to ensure clarity on any required changes to original fabric and to ensure that the panel can be satisfied that the heritage significance of the heritage item is retained.
- iv) The submitted landscape plans do not sufficiently address the public domain presentation of the site from the Cremorne Reserve, specifically any works to the landscaping facing the reserve. Any landscaping works to this area are to be sympathetic to the heritage significance of the original dwelling and its curtilage, the Cremorne Reserve, and the broader conservation area.
- v) The landscaping outcome to the Milson Road frontage of the site is insufficiently detailed, including existing/proposed levels to demonstrate sufficient soil depths to enable tree planting, indicating the presence or removal of any concrete slabs that are likely to restrict the growth of trees/planting. A permanent physical barrier (such as a low stone wall) that will physically prevent the south-eastern corner section from being used for the purpose of car parking has not been detailed or included.
- vi) The clause 4.6 Exception to development standard requires amendment as it currently addresses the repealed provisions and outdated guidelines of clause 4.6 and needs to address the current provision of the *North Sydney LEP 2013*.

2. The proposal would adversely impact the heritage significance, curtilage and setting of 32 Milson Road, Cremorne Point, which is listed as a local heritage item in schedule 5 of NSLEP 2013.

- a) 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 aims of *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as listed in Clause 1.2 (2)(f), in Part 1 of *NSLEP 2013*, and Clauses 5.10(1)(a), (1)(b), (4), and (5), in Part 5 of *NSLEP 2013*, in that it is unclear as to if the works will adversely affect the

significance of the existing heritage item, given the submitted plans do not adequately assess the level of works to the existing heritage item.

- b) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development would adversely impact upon the built environment by adversely affecting the significance of a heritage item within the Cremorne Point Conservation Area.
- 3. The proposed development is inappropriate to its context and is incompatible with the built form character of the Cremorne Point Conservation Area within the South Cremorne Planning Area;**

The proposed development is not appropriate to its context or compatible with the character of the Cremorne Conservation Area within the South Cremorne Planning Area by virtue of its adverse impact upon the setting and original fabric on the primary façade of the heritage item, and its failure to respond to the landscaped and topographical context of the site and adjoining properties.

- a) 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 aims of *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as listed in Clauses 1.2 (2)(a), (2)(f) in Part 1 of *NSLEP 2013*, and the Objectives of the R2 Low Density Residential zone, to ensure developments are appropriate and compatible to the character of an area and that development does not adversely affect the cultural heritage of the area.
- b) The application is considered to be unacceptable pursuant to the provisions of s. 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in that the proposed development would have an adverse impact upon surrounding properties, the streetscape presentation of the site, and is unsympathetic to the character of the conservation area, as there is insufficient detail provided regarding landscaping on the Cremorne Reserve frontage of the site, and landscaping on the Milson Road frontage of the site (Southeastern corner).
- c) The application is considered 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 would have an unacceptable impact upon the landscaped context of the site that is located within a bushland buffer zone, including potential adverse impacts upon natural sandstone outcrops, and significant impacts arising from excavation and construction upon significant trees.

4. The development is not in the public interest given the above likely impacts.

- a) The application is considered unacceptable pursuant to the provisions of s.4.15(1)(d) & (e) of the *Environmental Planning and Assessment Act 1979* in that the proposal is not considered to have adequately demonstrated that the heritage significance of the dwelling will be retained, and that the works will be sympathetic to the surrounding area. The proposal is, therefore, not considered to be in the public interest or suitable for the site.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Alison McCabe	Y		Karla Castellanos	Y	
John McFadden	Y				
Vanessa Holtham	Y				

The public meeting concluded at 3.19pm.

The Panel Determination session commenced at 3.20pm.

The Panel Determination session concluded at 5:05pm.

Endorsed by Alison McCabe

Chair

North Sydney Local Planning Panel

6 November 2024