

## NORTH SYDNEY LOCAL PLANNING PANEL

### DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE SUPPER ROOM, NORTH SYDNEY, ON WEDNESDAY 4 DECEMBER 2024, AT 2.00PM.

#### PRESENT IN THE SUPPER ROOM

##### Chair:

Rob Stokes

##### Panel Members:

Kara Krason (Panel Member)

Greg Woodhams (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

##### Staff:

Isobella Lucic A/Manager Development Services

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. The Chair further noted that the proceedings were being recorded, and reminded speakers that neither the Panel nor the Council assumed liability for any statements made by speakers.

##### Apologies:

Nil.

#### 1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 6 November 2024 were confirmed following that meeting.

#### 2. Declarations of Interest

Nil.

#### 3. 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**

<b>DA No:</b>	60/22/2
<b>ADDRESS:</b>	58 Cowdroy Avenue, Cammeray
<b>PROPOSAL:</b>	To modify a consent for demolition of existing dwelling and ancillary structures and construction of a dwelling house and associated works including a swimming pool.
<b>REPORT BY NAME:</b>	Isobella Lucic, A/Manager Development Services
<b>APPLICANT:</b>	P. Etherington, C/- COSO Architecture

**2 Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Raymond Ng - Play Co Architect - representing 2 Folly Point	Anthony Solomon - Applicant
Tim Keith - neighbour at 56 Cowdroy Avenue	Paul Etherington – Owner

**Panel Determination**

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

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

**To insert condition A3**

**The proposed pergola to the northern elevation of the Upper Floor Level and the proposed enclosure of the garage is not supported on the basis that:**

- A3.** a. **Pergola:** The proposed pergola breaches the maximum height of building standard, projects well beyond the prevailing rear building line and would result in unreasonable view impacts and unreasonable bulk and scale impacts.
- b. **Garage:** The proposed garage would reduce the visual permeability of the carport structure, would prevent views through the structure towards prominent local vegetation and would result in excessive and unreasonable impacts on bulk, form and character of the structure to this part of Cowdroy Avenue.

(Reason: To minimise bulk and scale, and view impacts)

**Amend condition C1 as follows:****Design Changes**

- C1. The following design changes are to be included in plans approved with the Construction Certificate to the satisfaction of the Principal Certifier:

- a) A louvred/slatted privacy screen a minimum 1.6m high from finished floor level shall be affixed to the eastern edge of the balcony to the Upper Level (Level 03) adjacent to the open plan living room to obscure direct lines of sight between the balcony and the neighbouring property **east of the site, and the balustrade on northern and western sides of the balcony being finished in clear, unframed glass;**
- b) A fixed privacy screen shall be affixed to the eastern side of the outdoor kitchen space at the Lower Level (Level 01) to obscure direct lines of sight between the outdoor kitchen space and the neighbouring property at No.2 Folly Point;
- c) The schedule of external materials, colours and finishes shall be amended to replace the zinc roof with a roofing material that is non-reflective and is a colour and tone which matches or complements the natural features of the environment to ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development;
- d) The schedule of external materials, colours and finishes shall be amended to change the colour of the render from off-white to a colour and tone which is non-reflective and which matches or complement the tones of the natural environment to ensure a high quality finish to the development in a visually prominent location;
- e) The balustrade to the northern edge of the steps and retaining walls below the foreshore building line shall be open in form to reduce the visual impact of built structures in the foreshore area;
- f) The landscaping area immediately north of the swimming pool and patio area at approximately RL 9.8 is to include planting of cascading plants along the northern edge to screen the outer face (waterway side) of the retaining wall and reduce the visual impact of built structures in the foreshore area;
- g) All retaining walls including ancillary drainage management and footings are to be contained entirely within the site boundaries to protect the integrity of adjoining sites;
- h) One (1) additional canopy tree suitable to reach a mature height of 4 to 5m is to be planted within the foreshore area level (RL4.2 to RL4.8) to improve the quality and diversity of vegetation within the foreshore area and to visually offset the bulk and scale of built structures as viewed from the waterway. The location and species are to be nominated in the amended Landscape Plan to the satisfaction of the PCA prior to the issue of the Construction Certificate;

The understorey to the 3 x *Corymbia maculata* (100l) shall be densely planted with suitable species of low maintenance native shrubs in addition to the 3 x *Cyathea australis* to optimize the variety of planting in the deep soil area to compensate for the removal of the variety of existing vegetation. Additional plantings shall be included in the amended Landscape Plan to the satisfaction of the PCA prior to the issue of a Construction Certificate;

- j) The pathway from the front boundary with Cowdroy Avenue to the front entry door within the tree root zone of the new *Angophora costata* is to be decking or pervious paving to optimize soil depth and infiltration for future growth of the tree. Details of the pathway construction are to be specified in the construction and landscape plans submitted with the Construction Certificate;

- k) The swimming pool must remain as approved under DA60/22 and the plans endorsed on 14 November 2023, being no higher than RL10.10 and the proposed western wall to the pool must remain as approved under DA60/22.
- l) The awning proposed over the lower level terrace shall be no deeper than 900mm measured outwards from the floor slab to which it will be affixed, as shown on drawing 4.55 107, Revision B, 24 10 2024.
- m) The open parking area must remain as approved under DA60/22 and the plans endorsed on 14 November 2023, the garage as shown in submitted plans, referred to in the amended condition A1, is not approved.
- n) A louvred/slatted privacy screen a minimum 1.6m high from finished floor level shall be affixed to the eastern edge of the lower terrace (mid level floor plan) to obscure direct lines of sight between the terrace and the neighbouring property east of the site.
- o) The proposed operable metal pergola over the upper level paved terrace is to be deleted.

(Reason: To minimise bulk and scale, view impacts, and provide appropriate landscape treatment)

**Panel Reason:**

The Panel considers that the proposed change to the pool level, the proposed upper level pergola and proposed garage are unreasonable. The applicant seeks further increases in bulk and scale to increase site coverage and decrease landscaped area and significantly reduce unbuilt upon area, and results in unreasonable impacts.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

**ITEM 2**

<b>DA No:</b>	39/24
<b>ADDRESS:</b>	182-188 Falcon Street, North Sydney
<b>PROPOSAL:</b>	Alterations and additions to a 'private' boarding house.
<b>REPORT BY NAME:</b>	Jim Davies, Executive Planner
<b>APPLICANT:</b>	Ryan Gill, Balance Planning

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Ryan Gill - Town Planner/Applicant
	John Scicluna - Owner's representative
	Penny Murr - Solicitor- Addisons
	Tom West - Social planner - Don Fox Planning
	James McNally - Architect - McNally Architects
	Michael Vance - Project Manager- 10238849ance Consulting

**Panel Determination**

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

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

- Deletion of Conditions AA1(a) to be relocated prior to Construction Certificate including Condition AA1 (b) are to be deleted.
- Condition AA2 to be relocated prior to the Construction Certificate including an additional requirement for an updated detailed window and door schedule ensuring adequate access to natural light and ventilation.  
Conditions D1(a) and D1(b) are to be deleted.

**Panel Reason:**

The Panel made the above amendments based on consideration of the applicant's advice dated 2nd December 2024.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

**ITEM 3**

<b>DA No:</b>	106/24
<b>ADDRESS:</b>	1 Ben Boyd Road, Neutral Bay
<b>PROPOSAL:</b>	Alterations and additions to an existing commercial building. Internal and external refurbishment, including the provision of a new passenger lift and entry foyer building.
<b>REPORT BY NAME:</b>	Andrew Beveridge, A/Team Leader Assessments
<b>APPLICANT:</b>	Emma Mason, DeWitt Consulting

**4 Written Submissions****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Alastair Metcalf - representing 2/1-5 Manns Ave	Katrina Leech - Department of Finance - Applicant
David Hall - Resident	

**Panel Determination**

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to an additional condition.

**Panel Reason:**

The Panel is disappointed that the applicant was not able to come up with a better design outcome that sufficiently ameliorated the concerns of the community. However, the impacts on views were not significant enough to justify a redesign. To address concerns around bulk, the Panel adds the following conditions:

**Design Amendments**

C1. Details demonstrating compliance with the following are to be submitted with the construction certificate:

- (a) The proposed eastern and western walls of the covered area located to the north of the security air lock of the new lift shaft are to be deleted and replaced with appropriately designed balustrades that meets the Australian Standard.

The certifying authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To minimise the bulk and scale of the approved structures as viewed from adjoining sites.

**Heritage Requirements**

C18.

(e) The applicant/owner of the site is to liaise with the Council Historian on the location, design, wording, and content of an appropriately placed plaque on the history and significance of the site, installed at the expense of the applicant.

(Reason: To be sympathetic to the character of the conservation area)

The Panel agrees with the Assessment Officer’s Report and Recommendation subject to the above.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

**ITEM 4**

<b>DA No:</b>	430/21/3
<b>ADDRESS:</b>	9 Undercliff Street, Neutral Bay
<b>PROPOSAL:</b>	Section 4.55(2) modifications to DA 430/21 for various changes to an approved apartment development.
<b>REPORT BY NAME:</b>	Robin Tse, Senior Assessment Officer
<b>APPLICANT:</b>	Corben Architects

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Brian Adams - neighbouring property	Andrew Vingilis - Corben Architects

**Panel Determination**

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel subject to amending Condition C40 to include a requirement for the retention of the existing sandstone and sandstone retaining walls along the north-western property boundary.

**Panel Reason:**

The Panel agrees with the Assessment Officer's Report and Recommendation and based on the site inspection which underscored the value of preserving the existing sandstone elements along the north-western boundary.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				



**ITEM 5**

<b>DA No:</b>	Review of Determination 10/24 (DA 302/23)
<b>ADDRESS:</b>	42 and 42A Milson Road, Cremorne Point
<b>PROPOSAL:</b>	S8.2 Review of Determination of DA 302/23 seeking approval for alterations and additions to lower ground, ground level and first floor additions and demolition of garage and replacement with a two (2) car garage with green roof.
<b>REPORT BY NAME:</b>	Michael Hornery, Executive Planner
<b>APPLICANT:</b>	Michael Briscas, CMS Pty Ltd

**Written Submission - Nil****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
	Peter Hosking - Architect - Quattro Architecture
	Dr Amrit Singh - Owner
	Lance Doyle - Town planner
	Samantha Polkinghorne - Heritage

**Panel Determination**

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

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 Council Officer’s Report, Recommendation and conditions are endorsed by the Panel.

**Panel Reason:**

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

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevellayn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

**ITEM 6**

<b>DA No:</b>	85/24
<b>ADDRESS:</b>	1 Warung Street, McMahons Point
<b>PROPOSAL:</b>	Demolition of existing structures and erection of a new residential flat building and ancillary works.
<b>REPORT BY NAME:</b>	Thomas Holman, Senior Assessment Officer
<b>APPLICANT:</b>	Theo Paradisis

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Tony Moody – Representing 3 Warung Street	Joe Vescio - Planning Consultant
David Uther - Resident at 3 Warung Street	Vince Squillace - Architect
Jo Gilmour- neighbour at 42 Blues Point	

**Panel Determination**

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

The Council Officer's Report and Recommendations have been noted by the Panel, however the Panel considered that the applicant could be provided further opportunity to address the reasons for refusal.

**Panel Reason:**

The Panel considers that the application should be deferred to allow the applicant the opportunity to submit amended plans and additional information addressing the following matters:

1. **Building Design and Privacy:** The splayed balcony and living room on levels 1, 2 and 3 are to be realigned to the eastern wall of the northern portion of the residential flat building and whilst maintaining the recessed wall displayed on the current plan in order to achieve a rectilinear form. The balcony is not to project further toward Henry Lawson Avenue than the furthest point shown in the current design.
2. **Site Coverage and Landscaping:** The basement footprint is to be setback an additional 1 metre from the western boundary and the basement footprint is to be setback an additional 1 metre from the eastern boundary. There should be no further increase in the basement footprint to compensate the 1 metre offset from both the eastern and western boundaries.
3. **Updated Geotechnical report:** Provision of an updated geotechnical report based on the plans as revised, these should include but not be limited to, a more detailed response to the matters raised in Council's assessment report.

That plans and information addressing the above be submitted to Council within 30 days from date of publication of the Meeting minutes. A supplementary report is to be prepared by Council addressing the above changes and providing draft conditions of consent facilitating approval of the development.

The matter is to be returned to the panel for determination by electronic means.

Should amended plans not be provided addressing the above, the recommendation for Refusal is to be confirmed.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

**ITEM 7**

<b>DA No:</b>	138/24
<b>ADDRESS:</b>	Unit 301, 182 Kurraba Road, Kurraba Point
<b>PROPOSAL:</b>	Installation of a Vergola on the Rear Balcony
<b>REPORT BY NAME:</b>	Christopher Ross, Consultant Planner
<b>APPLICANT:</b>	Brad Delapierre, Think Planners

**1 Written Submission****Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
MaryAnn Beregi - Resident	Brad Delapierre - think planners - Town Planner
	John Diddams- Owner

**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.

**Panel Reason:**

On the basis that the framing is displayed on the approved plans of DA No. 333/19/2 and DA 333/19/4, and has gone through subsequent post consent approval processes, and further noting that the proposed vergola has negligible impacts on the amenity of surrounding properties, the Panel agrees with the Consultant Planner’s Report and Recommendation.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Rob Stokes	Y		Meredith Trevallyn-Jones	Y	
Kara Krason	Y				
Greg Woodhams	Y				

The public meeting concluded at 4.00pm.

The Panel Determination session commenced at 4.10pm.

The Panel Determination session concluded at 7.21pm.

Endorsed by Rob Stokes

Chair

North Sydney Local Planning Panel

**4 December 2024**