



**NORTH SYDNEY COUNCIL**

Council Chambers  
29 January 2025

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, 5 February 2025.

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: 47 Union Street, McMahons Point - DA 253/24**

Applicant: Contour Landscape Architecture

Report of Thomas Holman, Senior Assessment Officer

This development application seeks consent for alterations and additions including a first floor addition and a new dormer addition to the rear of the attached dwelling at 47 Union Street, McMahons Point.

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 Ministers Directions the application must be determined by the Local Planning Panel.

The subject application was notified to adjoining properties and the Euroka Precinct inviting comment between 25 October and 8 November 2024. There were no submissions received in response to notification.

The property is identified as a contributory item within the Union, Bank and Thomas Street conservation area (no. CA15) and the application has been referred to Council's Conservation Planner for comment.

The first-floor rear/side addition to the rear wing is supported noting it is characteristic for properties including the existing property to have limited setbacks. The addition does not exacerbate bulk and scale and maintains the amenity of adjoining properties. A condition of consent is recommended for the proposed relocated air conditioner units to the side of the addition requiring the air conditioner units to be sited wholly within the boundaries of the site.

The proposed rear dormer addition is not supported on the basis that the dormer would not be secondary in scale to the main roof, would compromise the character of the existing rear roof form and appearance shared between 47 – 51 Union Street and on the basis that the dormer addition would be visible from the street and surrounding conservation area.

On this basis; the proposed rear dormer would have a detrimental impact upon the significance of the heritage conservation area and is not supported.

The dormer has a height of 10.2m which exceeds the maximum 8.5m height of building having an exceedance of 1.7m or 20%. A written request has been submitted which does not adequately provide sufficient environmental planning grounds for variation of the development standard. The dormer will not be compatible with its surrounds and will have an adverse impact on the heritage significance of the Union, Bank, Thomas Street Conservation Area. The dormer addition is recommended to be deleted subject to condition of consent.

Following this assessment, the development application is considered partially supportable and approval is recommended subject to conditions of consent requiring deletion of the rear dormer and relocation of the air conditioner units wholly within the boundaries of the site.

### **RECOMMENDATION**

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. 253/2024 for alterations and additions on land at 47 Union Street, McMahons Point. However, the rear dormer addition that invokes the provisions of Clause 4.6 in NSLEP 2013 with regards to the non-compliance with Clause 4.3 is not supported and it is recommended to be deleted subject to a site specific condition of consent.

**LPP02: 34 Euroka Street, Waverton 2060 (E) - 288/24**

Applicant: Sandbox Studio Pty Ltd

Report of Rachel Wu, Assessment Officer

This development application seeks approval for alterations and additions to a local heritage listed dwelling 'House' (I1063) and is reported to North Sydney Local Planning Panel for determination as a sensitive development involving the partial demolition of a local heritage item in accordance with Minister's Direction.

The subject site is located within the Union, Bank and Thomas Streets Conservation Area (CA15) and within the row of heritage items No.26 - 44 Euroka Street as well as No.21 Clifton Street at the rear. The State Heritage Inventory data describes the subject local heritage item as:

*"Two storey brick and stone house with gabled corrugated-iron roof and single storey hipped gable roofed section to the street frontage which is of brick with stone quoins and contains a side entry door. Rear sections of building extensively modernised."*

The Statement of Significance as taken from the State Heritage Inventory states:

*"A richly varied collection of mid to late nineteenth and early twentieth century residential buildings, with free-standing cottages predominant. Remarkably intact nineteenth century collection of streetscapes, with particular importance as an area of working-class residences from that period. Relic of the mid-nineteenth century industrial character of Berry's Bay area, a character now virtually absent from the municipality."*

The site has an area of 108.2m<sup>2</sup> and currently contains a modest sized 2-storey dwelling house with an attached rear elevated deck. The site contains a fall of more than 2m to Euroka Street.

Notification of the proposal has attracted two (2) unique submissions inclusive of one (1) Precinct Committee submission. The submissions raised particular concerns about adverse impact to heritage significance of the dwelling and other heritage items on Euroka Street; side setback non-compliance; bulk, massing and scale; view loss to district views and noise impact. The assessment has considered these concerns as well as the performance of the application against Council's planning requirements.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

**RECOMMENDATION**

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.288/24 for alterations and additions to a detached dwelling house on land at 34 Euroka Street, Waverton subject to the following site specific and attached standard conditions:-

**Protection of Existing Fireplace and Chimney**

A5. The existing fireplace and chimney are to be protected and retained in situ. 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: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

**Conservation and Maintenance Works**

A6. The conservation and maintenance works relating the heritage cottage be carried out to ensure the ongoing longevity and interpretation of the heritage item.

(Reason: Protection of significant heritage fabric of a heritage listed item within the Union, Bank and Thomas Conservation Area)

**External Wall Cladding**

A7. The external wall cladding of the proposed additions including the stairwell structure are to be comprised of weatherboard, composite weatherboard, face brick or rendered masonry only.

Details of the above are to be provided to Council's Manager Development Services for approval prior to the issue of a Construction Certificate.

(Reason: To ensure the completed colours, finishes and materials are compatible with the heritage item and conservation area)

**LPP03: 16 Illiliwa Street, Cremorne - DA75/24**

Applicant: ABC Planning Pty Ltd

Report of Robin Tse, Senior Assessment Officer

This development application seeks consent for demolition of the existing dual occupancy and the construction of a new dual occupancy at No. 16 Illiliwa Street, Cremorne.

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% and attracted more than 10 submissions by way of objection. A public determination meeting is required in accordance with the Ministers Direction.

Development for the purpose of an attached dual occupancy is permitted within the R2 (Low Density Residential) zone.

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 work for a new dual occupancy (attached) is a permissible form of development within 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 detailed in the report.

A total of twenty one (21) unique submissions were received raising objections regarding issues including building height, bulk and scale, setbacks, compliance with the LEP/DCP controls, built form, streetscape impacts, privacy impacts, non-complying site coverage/landscaped area, excavation works and traffic issues. These matters have been addressed in the report including the imposition of conditions requiring various design changes.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **deferred commencement approval** subject to conditions.

#### **RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel, assume the concurrence of the Secretary of Planning, Industry and Environment, invoke the provisions of Clause 4.6 with regard to the exception to the development standard for maximum building height and grant deferred commencement consent to Development Application No. 75/24 for demolition of the existing attached dual occupancy and construction of a new dual occupancy (attached) on land at No. 16 Illiliwa Street, Cremorne, subject to the following deferred commencement conditions, site specific conditions and the attached conditions:-

#### **AA. Deferred Commencement Condition**

This consent shall not operate until the following deferred commencement condition(s) has/have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

**Deferred Commencement Matters****AA1. Deferred Commencement Matters**

Amended plans, containing the following design modifications/ requirements, must be submitted for the written approval of Council's Manager Development Services:

**(a) Modifications to the western garage to Illiliwa Street**

The design of the proposed double garage for the western dwelling must be modified to provide a single garage on the eastern side and a dwelling entrance facing Illiliwa Street on the western side of the area allocated for the western double garage.

The paving in the front yard area shall be reduced to facilitate access to the amended garage and front entry door with a maximum of the front yard area amended to provide soft landscaping.

The dwelling entrance must be easily identified as seen from the street with the use of appropriate external materials/colours to provide a building design with the appearance similar to a single dwelling that is more complementary to the streetscape.

**(b) Deletion of the elevated dwelling entrance walkway on the western elevation**

The elevated walkway and associated pathway providing access to the proposed western dwelling shall be deleted to minimise bulk and scale of the western elevation of the proposed development and to provide additional areas for landscaping.

Soft landscaping shall be provided on the ground along the alignment of the deleted elevated walkway within the western building setback and the associated pathway within the front building setback.

**(c) Location of the driveway crossing and driveway**

The existing driveway crossing off Illiliwa Street shall be maintained to minimise impacts on an existing street tree (T1).

The design and alignment of the driveway within the front setback shall be modified and reduced in area in response to the existing driveway crossing location and the single garage as required under item (a).

Additional soft landscaping shall be provided within the front building setback not used by the new driveway and the pedestrian pathways in order to increase the area of soft landscaping within the front building setback and to complement the streetscape.

**(d) Landscape plan**

The applicant must prepare a landscape plan detailing the landscape treatments of the front and western building setback areas as amended by Condition AA1(a) to (c) to ensure suitable landscaping for the area affected by the design modifications.

**(e) Revised stormwater management plan**

The applicant must prepare a revised stormwater management

plan, based on the submitted stormwater management plan prepared by JCO consultants Pty Ltd dated 30 August 2024, incorporating an amended stormwater discharge line away from the Tree Protection Zone of the existing street tree (T1).

(Reason: To ensure that the development complements the locality in terms of streetscape, landscape quality, tree protection and the amenity of the surrounding properties)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition have been satisfied.

- B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following site specific conditions:

**Privacy Protection**

- C1. The design of the proposed development shall be modified as follows to ensure privacy protection for the adjoining properties:

- (a) First Floor Planters - A planter bed with soft landscaping shall be provided on the roof space between the southern building line and the balustrade line of the first floor bedroom balcony on the southern (rear) elevation to minimise visual privacy impacts on surrounding properties. The planter bed shall be raised to a minimum height of 500mm from the finished floor level and shall be non-trafficable.
- (b) Windows W20 and W31 - Frosted glazing shall be applied to the lower two panes of the first floor bedroom windows (W20 and W31) to minimise visual privacy impacts on the adjoining properties at Nos 14 and 18 Illiliwa Street.

Architectural plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To protect the amenity of surrounding properties.)

**Revised Landscape Plan**

- C2. The applicant shall prepare a revised landscape plan, based on the submitted landscape plans, prepared by Ground Link dated 4 September 2024, incorporating the following amendments:

- (a) The changes to landscaping treatments within the front and side building setbacks as required by Conditions AA1 (a) to (c) and (e);
- (b) Replacement of *Syzigium* on the ground level along the eastern & western boundaries adjacent to the elevated entrance walkways with *Bambusa textilis* var. 'Gracilis' (a non-invasive bamboo), planted at 1m centres;

- (c) Planting of 1 x *Ceratopetalum apetalum* (75l) to be planted in the eastern rear setback of the subject site; and
- (d) 2 x *Elaeocarpus reticulatus* (100l) shown to be planted within the front setback shall be *E. reticulatus* straight species (white flowering) to enhance landscaping outcomes.

Revised landscape plans demonstrating compliance with the requirements of this condition shall be submitted for the written approval of Council's Team Leader Assessments.

The Principal Certifier must ensure that the building plans, the written approval from Council and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.

(Reason: To ensure landscaping quality of the subject site and locality)

**LPP04: 55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay (Lot 4 DP 580525) - 261/23**

Applicant: D Ciccio, Archer Design

Report of Jim Davies, Executive Planner

This development application seeks approval for alterations and additions to a dwelling house and associated works. The site is in the Cremorne Heritage Conservation Area of the North Sydney Local Environmental Plan 2013 and is next to a heritage item known as San Michele, a residence at 60A Shellcove Road (Item I0698, Schedule 5 of the aforementioned LEP).

Proposed works are comprehensive, in that alterations are proposed to every façade, principally replacing windows. The main extensions involve removing the rear, west-facing wing and elevated deck, and replacing them with an addition of similar footprint and increased height from one to two storeys, with a third west-facing dormer, being for a new stairwell to the existing attic space in the roof.

Part of the site is presently used and has been so used for almost 50 years by neighbours and previous owners and occupants of the site for vehicular access to their respective parking spaces on the two neighbouring properties. This access, effectively a private lane, and appurtenant manoeuvring space, is afforded partly by a right of way that burdens 57 Wycombe Road and 55A Wycombe Road in favour of 55 Wycombe Road. As far as can be ascertained from information submitted with the application (attached, a letter to Council from Keighran Legal & Advisory, 27 May 2023, on the applicant's behalf) and later advice from the applicant, there are no reciprocal rights of way or other access-related dealings that burden the site to benefit the other parties (i.e. occupants of land neighbouring the site).

Regardless, these parties have used the 'private lane' from Wycombe Road to 6 parking spaces, being three spaces at No 57, two at No 55A and one at No 55. This arrangement is understood to have been perpetuated under a 'handshake agreement', since the mid to late 1970s.



More recently, steps have been taken by the owner of the subject land to prevent access over their land, restricting use of the private lane by owners and occupants to access their parking spaces, at 55A and 57 Wycombe Road. Occupants of the subject dwelling have enjoyed the benefits of these access arrangements as have the neighbours. The subject application seeks approval to now remove these benefits, to increase landscape area and reduce site coverage of the proposed development, removing the originally proposed new carport and replacing them with a gate and fence, footpath, a bin enclosure and landscaping.

As originally submitted, the application proposed to retain vehicular and pedestrian access via the lane between the site and Wycombe Road, as the only other access to the house is via a stairway from the garage facing Shellcove Road, a climb of about 12m from the garage to the house.

Amended plans have removed the carport, and replaced it with a footpath, bin storage and landscaping. A large alfresco dining/BBQ area has also been removed, that was first proposed in the location of the extant carport, adjacent to habitable rooms and outdoor leisure area at 53 Wycombe Road.

The originally submitted application and the amendments would physically prevent neighbours using the previously unrestricted area to gain access to parking spaces on their own property, under the benefit provided by the informal agreement detailed above.

A tenet of any environmental assessment is to ensure both physical and lawful means of access are or can be made available to land the subject of, or impacted by, a development application.

In the circumstances described, the current proposal fails to satisfy this test because it prevents the practical form of access available to the neighbours and the applicant, who have relied on this access for almost half a century.

Regarding the other aspect of the access question, it is beyond Council's (and the Panel's) power in the assessment and determination of a development application to resolve the matter of lawful means of access, in the absence of an application to subdivide land and the application being duly authorised by all owners of the land thus affected by such an application.

Power to enforce a legal remedy and to ensure all parties have both practical and legal access to their properties from this shared lane, being 55, 55A, 57 Wycombe Road and 60A (proprietors have taken legal steps to obtain a right of footway over the site and 57 Wycombe Road) is not available to Council.

However, parties may be able to reach a suitable civil agreement and/or a boundary realignment or consolidation of land to facilitate lawful access and maintenance-sharing arrangements for all parties. Failing that, a legally enforceable remedy is available via s88K of the Conveyancing Act 1919, to obtain a NSW Supreme Court order for a suitable right of way to burden land as necessary, to provide all parties legal and physical, practical access between Wycombe Road and their respective properties.

The access issue raised by the application has been the subject of submissions by way of objection from affected parties. Submissions have also objected to

the application's approval for other reasons, summarized below and addressed in this report:

- Reduction of neighbourhood amenity, including loss of aural and visual privacy, harbour views, skylight and airflow.
- Potential impacts of excavation and removal of retaining/structural walls on boundaries.
- The proposed third dormer is uncharacteristic with other development in the locality, being a conservation area. It is not recessive, rather it is bulky and the window causes loss of privacy.
- Maximum height and site coverage requirements are breached.

Although amended plans did address some of these concerns, in these circumstances, refusal of the application is recommended.

#### **RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**THAT** the North Sydney Local Planning Panel, exercising the functions of the consent authority, refuse to grant consent to Development Application No. 261/23 for alterations and additions to a dwelling house and associated works on land at 55 Wycombe Road (aka 60 Shellcove Road) Neutral Bay, for the following reasons:

1. The proposed development is inconsistent with the Objects of the Environmental Planning & Assessment Act 1979, section 1.3, paragraphs (a), (c) and (g).
2. The development application is unsatisfactory, having considered relevant matters prescribed for evaluation of development, by section 4.15 (1) the Environmental Planning & Assessment Act 1979:
  - a) Paragraph (a) (i) – the proposal does not comply with applicable provisions of an environmental planning instrument, per reasons 3, 4 and 5,
  - b) Paragraph(a) (iii) – the proposal is inconsistent with applicable provisions of a development control plan, per reason 6,
  - c) Paragraph (b) – the likely impacts of the development, including on the built environment and likely social and economic impacts in the locality,
  - d) Paragraph (c) – the suitability of the site for the development,
  - e) Paragraph (e) – the public interest.
3. The proposed development is not consistent with an objective of the R3 Medium Density Residential zone of the North Sydney Local Environmental Plan 2013, “to ensure a high level of amenity is achieved and maintained.”
4. The proposed development breaches the maximum height development standard prescribed by clause 4.3 (2) North Sydney Local Environmental Plan 2013.
5. The written request to contravene the maximum building height development standard does not adequately demonstrate that the contravention is unnecessary or unreasonable, and that there are

- sufficient environmental planning grounds to justify contravening the standard, as required by clause 4.6 (3) North Sydney Local Environmental Plan 2013.
6. The proposed development is inconsistent with the following provisions of the North Sydney Development Control Plan 2013, Part B- :
- a) 1.3.10 – Visual Privacy,
  - b) 1.4.1 – Context,
  - c) 1.4.6 - Form Mass and Scale,
  - d) 1.5.4 – Vehicle Access and Parking,
  - e) 1.5.7 – Landscaping,
  - f) 1.5.12 - Garbage Storage, and
  - g) 1.6.2 – Passive Solar Design

**LPP05: 36 Cremorne Road, Cremorne Point - DA 122/24 (PAN-441014)**

Applicant: Natalie Anderson

Report of Jack Varka, Assessment Officer

This development application seeks consent for alterations and additions to the detached dwelling at 36 Cremorne Road, Cremorne Point.

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 application was notified to adjoining properties and the Cremorne Point Precinct Committee inviting comment between 2 August and 16 August 2024. There were no submissions received in response to notification.

The site is occupied by a two storey, brick and clad semi-detached dwelling, with a tile and metal roof, a detached clad garage with a metal roof, a timber pergola, stone walls, paving and landscaping. The 1907 Federation Arts and Crafts style dwelling is a Contributory item located within the Cremorne Point Conservation Area. The site is located within the Conservation Area. Council's Heritage Officer has considered the application and has requested amendments to the proposal including deletion of the originally proposed front dormer additions and to window changes. These changes have been addressed in amended plans provided to Council on 26 September 2024. The amended proposal is now acceptable on heritage grounds subject to conditions.

No significant trees or vegetation are proposed to be removed as a result of the proposed alterations and additions. Standard conditions have been recommended by Council's Landscape Team and have been imposed in the determination of the application.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 10.2m. Whilst the proposal does not change the existing maximum height of the dwelling, the construction of a new rear dormer is located above the maximum building height of 8.5m. The

proposal also creates new habitable living space within the attic level above the maximum building height.

The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing maximum building height or alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. The proposal will create only minor increases in shadow impacts to 34 Cremorne Road to the rear private open space, however these new overshadowed areas will fall within existing shadows cast by the dwelling at 34 Cremorne Road. The appearance of the proposed alterations and additions remain consistent with the existing dwelling and adjoining semi. The bulk and scale of the additions is appropriate to the public domain, and is compatible with other dwellings in the locality. Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

#### **RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979* (AS AMENDED)

**THAT** the North Sydney Local Planning Panel exercise the functions of Council assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 – maximum building height grant consent to Development Application No. 122/2024 proposing alterations and additions to the existing dwelling and associated works upon land at No. 36 Cremorne Road, Cremorne Point, subject to the following conditions:

#### **Heritage Requirements**

A5. The following heritage requirements are to be met:

- a) The triangular glazing in the gable end on the North Elevation is to be screened with painted timber louvres.

The Certifying Authority must also ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To retain the heritage significance of the dwelling and character of the conservation area)

#### **LPP06: 34-36 Whaling Road, North Sydney - DA 289/2024 (PAN-479550)**

Applicant: Paul Cechellero

Report of Luka Abramovic, Graduate Assessment Officer

This development application seeks consent for a Torrens title subdivision of a dual occupancy (attached) from one lot into two and subsequent change of use to two semi-detached dwellings at 34-36 Whaling Road, North Sydney.

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%.

The subject site, legally described as Lot 1, DP 6328 is known as 34-36 Whaling Road, North Sydney and is currently occupied by a single storey dual occupancy. The site is a corner allotment, with a 14.6m primary frontage along Whaling Road, and a northern boundary along Margaret Street of 51.39m. The southern boundary which adjoins 38 Whaling Road is measured to be 50.35m, and the rear boundary along The Avenue is 12.32m. The site is a parallelogram in shape and has an area of 565m<sup>2</sup>, and the topography of the site is generally flat.

The proposal seeks the legal Torrens subdivision of 34-36 Whaling Road, North Sydney into two separate lots, with no physical works proposed. As a result of the subdivision, the land use would change to that of a pair of semidetached dwellings based on the definition in the standard instrument. The development is permitted within the R2 Low Density Residential zone.

The proposed building results in a non-compliance with the minimum subdivision lot size development standard in Clause 4.1 of the *North Sydney Local Environmental Plan 2013*. The existing lot has an area of 565m<sup>2</sup> and the resultant lot size for proposed Lot 1 is 283.3m<sup>2</sup>, and 281.6m<sup>2</sup> for Lot 2. The proposal results in a variation to both Lots 1 and 2 of 45.46% and 46.03% respectively.

A written request has been submitted pursuant to clause 4.6 in *NSLEP 2013* which demonstrates that compliance with the development standard is unreasonable and unnecessary as the objectives of the standard are achieved notwithstanding the variation, and that there are sufficient environmental planning grounds to justify the variation in the circumstances of the case.

Notification of the proposal attracted no submissions during the period between 03 – 17 December 2024.

As the proposal does not include any physical works to the dwelling, there would be no significant impact on the existing amenity levels of neighboring dwellings in terms of overshadowing, view loss and acoustic and visual privacy. Moreover, the proposal would be consistent with the subdivision pattern of the street. This is discussed further herein.

Following this assessment the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

#### **RECOMMENDATION**

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, assume the concurrence of the Secretary of The Department of Planning, Industry, and Environment and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.1 and grant consent to Development Application No. 289/2024 for the Torrens title subdivision of a dual occupancy (attached) from one lot into two and

subsequent change of use to a pair of semi-detached dwellings to on land at 34-36 Whaling Road, North Sydney subject to the following site specific and the attached standard conditions:

**Housing and Productivity Contribution**

J1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance as shown under item (i) of this condition, is required to be made:

<b>Housing and productivity contribution</b>	<b>Amount</b>
Housing and productivity contribution (base component)	\$12,000.00
Transport project component	\$0
<b>Total housing and productivity contribution</b>	<b>\$12,000.00</b>

The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

**highest PPI number**  
**consent PPI number**

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

The HPC must be paid before the issue of any Subdivision Certificate.

The HPC must be paid using the NSW Planning Portal (<https://pp.planningportal.nsw.gov.au/>).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with item (i) in this condition at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with item (i) in this condition at the time its payment.

Despite the requirement of this condition, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

(Reason: To provide contribution as required by the *Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023*)

#### **LPP07: 42 Jeffreys Street, Kirribilli - DA 233/2024**

Applicant: Sandbox Studio

Report of Jack Varka, Assessment Officer

This development application seeks consent for alterations and additions to an existing dwelling at 42 Jeffreys Street, Kirribilli.

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 application was notified to adjoining properties and the Cremorne Point Precinct Committee inviting comment between 10 October and 25 October 2024. There were no submissions received in response to notification. Development for the purpose of alterations and additions to an existing dwelling is permitted within the R3 Medium Density zone.

The site is occupied by a terrace dwelling attached on both sides, and is a heritage item that was constructed in the 1890s, previously known as 'Rathluba'. The property is an example of a Victorian Free Classical style architecture and is part of a series of five dwellings along Jeffreys Street. The site is also located within the Jeffreys Street Heritage Conservation Area. Council's Heritage Officer has considered the application and has requested amendments to the proposal including the retention of the internal and original period features. Some of these changes were addressed in amended plans provided to Council on 21 November 2024. The amended proposal is now acceptable on heritage grounds subject to conditions.

No significant trees or vegetation are located on site and therefore no vegetation is proposed for removal as a result of the proposed alterations and additions.

The subject site has a maximum permitted building height of 8.5m pursuant to sub-clause 4.3(2) in *NSLEP 2013*. The existing building exceeds the building height standard, with a maximum height of 11.76m. The degree of non-compliance will be increased to a maximum height of 12.1m at the rear edge of the proposed dormer. Whilst this point is located at a lower RL than the roof ridgeline, the sloping topography of the site and additional of rear dormer create a greater exceedance in building height.

The development proposes alterations and additions to an existing dwelling house and the works will not alter the existing highest point of the dwelling, being the primary roof ridgeline or alter the existing natural landform. Privacy will be retained for neighbours with no direct overlooking into any key living areas. The proposal will create only minor increases in shadow which are cast onto the roof of the dwelling and neighbouring dwelling at 40 Jeffreys Street. The appearance of the proposed alterations and additions remain consistent with the existing dwelling and adjoining semi. The bulk and scale of the additions is appropriate to the public domain, and is compatible with other dwellings in the locality.

Following this assessment, the development application is considered to be reasonable in the circumstances and is recommended for **approval** subject to conditions.

#### **RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

**THAT** the North Sydney Local Planning Panel exercise the functions of Council assume the concurrence of the Secretary of The Department of Planning, Housing and Infrastructure and invoke the provisions of Clause 4.6 in *NSLEP 2013* with regards to the non-compliance with Clause 4.3 – maximum building height grant consent to Development Application No. 233/2024 proposing alterations and additions to the existing dwelling and associated works upon land at No. 42 Jeffreys Street, Kirribilli, subject to the following conditions:

#### **Heritage Requirements**

A4. The following heritage requirements are to be met:

- A condition survey of the timber joinery relating to all windows, doors, especially the French doors in the first floor level, architraves, skirtings, picture rails, wooden floors etc. be carried out by a suitably qualified heritage architect to ascertain where conservation works need to be carried out. Where it is deemed the work need to be reconstructed, it will be on a like-for-like basis. [ref: NSW Heritage Asset Action Plans for guidance].
- Ensure the retention of the existing staircases and made good as appropriate.
- At the ground floor -
  - Retain sufficient nib walls to the kitchen areas and ensure the opening is to the height of the existing door opening to maintain an overall subservient relationship
- *At the first floor level:*
  - Retain the existing door to the second bedroom from the landing within the principle dwelling in situ. It is to be boarded up within the proposed bathroom to enable the works to be reversible. The fireplace in this room is to remain in situ.
  - Consider the use of the existing ensuite to the master bedroom for use as the shower recess to minimize impact on fabric
  - Retain the existing door to the ensuite from the main bedroom



- All bathroom and kitchen utility fittings are to be carried out below the floorboards plumbing and utilities are to use existing openings and pathways to minimize impact on fabric etc.
- The existing staircases are to remain in situ

(Reason: To protect the significance of the attached pair of heritage items and the character and significance of the Union, Bank, Thomas Street Conservation Area by utilising traditional and sympathetic characteristic to the heritage item and the conservation area)

## 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**