

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD ONLINE AT 10:30AM FRIDAY 21 FEBRUARY 2025****PRESENT****Chair:**

Dr Robert Stokes

Panel Members:

Kara Krason (Panel Member)

Greg Woodhams (Panel Member)

Meredith Trevallyn-Jones (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Thomas Holman, Senior Assessment Officer

Administrative Support:

Miranda Shoppee, Team Meeting Administrator (Minutes)

This meeting was conducted by remote (MS 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 4 December 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

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

Registered speakers

Submitter	Applicant/Representative
David Uther (local resident)	Joe Vescio – JV Urban - Planner
Tony Moody (representing local resident)	Vince Squillace – Architect

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submissions and the oral representations of the applicant at 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, subject to following amendments to the draft conditions:

1. Condition Nos C10, C12, and C42 attached to the report are to be deleted.
2. Condition C41 is to be modified to read as follows:

Privacy

C41. The following privacy amendments are to be provided:

- a) The windows on the eastern elevation that serve Level 2 living room clouded in red on Dwg No. DA-102 Issue E and DA-206 Issue E must have attached bronze fixed vertical louvres or the windows be amended to have a minimum sill height of 1.6m above the Level 2 finished floor level.

- b) A continuous fixed planter box with a minimum width of 1 metre and minimum height of 1 metre above finished floor level, with screen planting, is to be sited on the eastern and southern sides of the Level 3 balcony. The location of the fixed planter box is shown is clouded in red on the Level 3 Floor Plan, DA-103 Issue E.

Screen planting must consist of suitable screening species capable of attaining an overall height of 1.5 metres (inclusive of the planter box) above finished floor levels. Details of the screen planting required by this condition must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure an adequate level of privacy is provided to adjoining property located at 3 Warung Street)

3. Condition G18 is to be modified read as follows:

Damage to Adjoining Properties

- G18. On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a report is to be prepared by an appropriately qualified consultant and is to be provided to the Principal Certifier (and a copy to Council if it is not the Principal Certifier) certifying:
- a) whether any damage to adjoining properties has occurred as a result of the development;
 - b) the nature and extent of any damage caused to the adjoining property as a result of the development;
 - c) the nature and extent of works required to rectify any damage caused to the adjoining property as a result of the proposed development; and
 - d) DELETED
 - e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property as a result of the development.

The report and certification must reference the dilapidation survey and reports required to be provided to the Principal Certifier in accordance with this consent.

A copy of the report and certification required by this condition must be submitted to Council with the Final Occupation Certificate and a copy provided to the adjoining property owner. All costs incurred in achieving compliance with this condition shall be borne by the developer.

(Reason: To record the condition of adjoining properties prior to completion of the development and to facilitate claims against damage)

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report, having had careful regard to the privacy and geotechnical concerns raised by the adjoining owner.

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				

The public meeting concluded at 11.55am.

The Panel Determination session commenced at 12:00pm.

The Panel Determination session concluded at 1.00pm.

Endorsed by Dr Robert Stokes, Chair

North Sydney Local Planning Panel

21 February 2025