

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL
MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 5 MARCH 2025, AT 2.00PM.****PRESENT IN SUPPER ROOM****Chair:**

Vince Hardy

Panel Members:

Annelise Tuor (Panel Member)

John McFadden (Panel Member)

John Bohane (Community Representative)

Staff:

Stephen Beattie Manager Development Services

Isobella Lucic, Team Leader Assessments

Administrative Support:

Peita Rose, Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Zoom) means.

The Chair acknowledged the Cammeraygal people being the traditional owners of the land on which this meeting is held.

Apologies:

Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday 5 February 2025 were confirmed following that meeting.

2. Declarations of Interest

John McFadden raised a possible conflict of interest regarding Item 5, 184 Kurraba Road, Kurraba Point, as he had acted as town planning expert for Council during the NSWLEC appeal for the adjoining property at 182 Kurraba Road, Kurraba Point where the applicant was an objector.

The Chair ruled that this was not sufficient to cause Mr McFadden to exclude himself from the determination of that matter.

It should be noted that Council planners were not present for either the site inspection, or the determination of 184 Kurraba Road, Kurraba Point.

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:	163/24
ADDRESS:	5 Wallaringa Avenue, Kurraba Point
PROPOSAL:	Development for alterations and additions to heritage item to facilitate reconfiguration of tea room, ablution facilities, accessibility changes, a new lift and display space.
REPORT BY NAME:	Annelize Kaalsen of AK Planning
APPLICANT:	Sean Johnson from Lucas Stapleton Johnson Architects

One Written Submission

Registered to speak

Submitter	Applicant/Representative
Anne and Gerald Fletcher - Residents	Sean Johnson from Lucas Stapleton Johnson Architects
Grant McMillan - Resident	

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the written submission, and the oral representations at the meeting.

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

Hours of Operation – Café Shop (tea room)

13. The hours of operation for the café Shop (tea room) are restricted to 11.00am and 3.00pm Wednesday to Sunday.

Upon expiry of the permitted hours:

- a) all café shop (tea room) service must immediately cease;
- b) no person shall be permitted entry; and
- c) all customers on the premises must be required to leave within the following half hour.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report together with an inspection of the subject site and the objector's dwelling.

The Panel considered the views of the objectors and those who made submissions at the panel meeting and accepted that there may be some amenity impacts on those adjoining owners, but the panel were not satisfied that they would be unreasonable impacts. Particularly, as the panel has imposed a condition in relation to hours of operation.

The Panel raised concerns over ambiguities regarding existing event operations of the entire site noting that no restrictions appeared to apply in previous consents related to the site. If the café shop (tea room) is proposed to be used outside the conditioned hours in association with functions at the site, then this will require modification to this development consent and will need to be supported by appropriate documentation including an updated noise report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		John Bohane	Y	
Annelise Tuor	Y				
John McFadden	Y				

ITEM 2

DA No:	177/24
ADDRESS:	26 Milson Road, Cremorne Point
PROPOSAL:	Alterations and additions for change of use from a dual occupancy to a detached dwelling including internal and external re-configuration, installation of lift and associated site works.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
APPLICANT:	Vigor Master Pty Ltd

No persons elected to speak on this item.

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 not 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. The Panel was not satisfied that the written request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case or that the written request identified sufficient environmental planning grounds to justify the contravention. The Panel considered that approval of the development would not be inconsistent with the provisions and objectives of the standard and the zone objectives.

The Council Officer’s Report and Recommendations are endorsed by the Panel with the deletion of reason of refusal 1(iv).

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel also noted that the public interest test for a Clause 4.6 assessment does not apply to this specific Development Application, due to recent amendments to the template standard instrument and therefore has deleted that reason for refusal.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		John Bohane	Y	
Annelise Tuor	Y				
John McFadden	Y				

ITEM 3

DA No:	370/24
ADDRESS:	4 Alfred Street South, Milsons Point
PROPOSAL:	Fit Out works associated with Level 3 Kiosk space
REPORT BY NAME:	Jeremy Swan, Consultant Town Planner
APPLICANT:	North Sydney Council

No persons elected to speak on this item.

Panel Determination

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		John Bohane	Y	
Annelise Tuor	Y				
John McFadden	Y				

ITEM 4

DA No:	328/24
ADDRESS:	4 Alfred Street South, Milsons Point
PROPOSAL:	Alterations and additions to existing restaurant premises including demolition of existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday consistent with previous operation.
REPORT BY NAME:	Jeremy Swan, Consultant Town Planner
APPLICANT:	BJB Architects Pty Ltd

No persons elected to speak on this item.

Panel Determination

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

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel.

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		John Bohane	Y	
Annelise Tuor	Y				
John McFadden	Y				

ITEM 5

DA No:	266/23/3
ADDRESS:	184 Kurraba Road, Kurraba Point
PROPOSAL:	Section 4.55(2) modification to amend DA 266/23 for alterations and additions to an existing dwelling house, including part demolition/excavation works, an additional level, landscaping, tree removal and associated works.
REPORT BY NAME:	Jeremy Swan, Consultant Town Planner
APPLICANT:	MaryAnn Beregi

Registered to Speak

Submitter	Applicant/Representative
	MaryAnn and Thomas Beregi - Owner/Applicant

Council Officer's left the room for the determination of this item.

Panel Determination

The Panel members have undertaken a site inspection prior to the meeting and considered the oral representations of the applicants at the meeting.

The Council Officer's Report, Recommendation and Conditions are endorsed by the Panel, subject to the retention of Condition C12(b).

Panel Reason:

The Panel based its decision on the reasons outlined in the Assessment Report.

The Panel retained condition C12(b) to ensure that the plans and documents that form part of condition A1 that require the proposed works to the driveway and turning bay are deleted.

Annelise Tuor supported approval of the modification application with the exception of the new second floor bathroom. In her opinion this addition would result in the reduction of water views when viewed from the public domain in Kurraba Road; additional bulk to the dwelling when viewed from the water; and poorly resolved addition to the design of the dwelling.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		John Bohane	Y	
Annelise Tuor	Y				
John McFadden	Y				

The public meeting concluded at 2.20pm.

The Panel Determination session commenced at 2.22pm.

The Panel Determination session concluded at 3.41pm.

Endorsed by Vince Hardy

Chair

North Sydney Local Planning Panel

5 March 2025